



CITY COMMISSION
WEDNESDAY, JANUARY 8, 2025 AT 11:00 AM
CITY COMMISSION CHAMBER

ORDER OF BUSINESS

CALL MEETING TO ORDER Mayor Erren Harter

MEMBERS PRESENT

Vice-Mayor Susan Brinkman
Commissioner Tyler Curtis
Commissioner Becky Smith
Commissioner Jamie Sauder

PROCLAMATIONS

PUBLIC FORUM

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.

NEW BUSINESS

1) Appoint Members to the Emporia Planning Commission/Board of Zoning Appeals

Presented by: Erren Harter, Mayor & Jamie Sauder, City Commissioner

Recommended Action: Approve the Appointment of Tammi Ogle, Kenton Thomas, and Joe Reed to the Emporia Planning Commission/Board of Zoning Appeals

2) Appoint Members to the Natural Resources Advisory Board

Presented by: Becky Smith, City Commissioner & Jamie Sauder, City Commissioner

Recommended Action: Approve the appointment of Harrison Edwards & Brenda Young to the Natural Resources Advisory Board

3) Public Hearing Authorizing Resolution No. 3754 Granting Tax Abatement for Capital Holdings LLC

Presented by: Tayler Wash, Assistant City Manager

Recommended Action: Conduct Public Hearing and authorize Resolution No. 3754 Granting Tax Abatement for Capital Holdings LLC

4) Ordinance No. 25-02 Creating the Public Building Commission

Presented by: Mark Detter, Deputy City Manager

Recommended Action: Approve Ordinance No. 25-02 of the City of Emporia, Kansas creating the Public Building Commission and establishing the purpose composition, power, functions, and duties thereof

5) Charter Ordinance No. 46 Pertaining to Filling Governing Body Vacancies

Presented by: Christina Montgomery, City Attorney

Recommended Action: Approve Charter Ordinance No. 46 Pertaining to Filling Governing Body Vacancies

6) **Ordinance 25-01 Establishing Procedure for Filling Governing Body Vacancies**

Presented by: Christina Montgomery, City Attorney

Recommended Action: Approve Ordinance 25-01 Establishing Procedure for Filling Governing Body Vacancies

7) **KDOT TA Project No. 056 TE-0516-01 Project No. SK2201 2023 Sidewalks Improvements Project City Cost Share Commitment to KDOT**

Presented by: Jim Ubert, City Engineer

Recommended Action: Approve the City Commitment of Funds and Authorize the Mayor to sign the KDOT Authority to Award Contract DOT Form 1309.

8) **Supplemental Agreement No. 1 with KDOT for Project No. KA-5281-01**

Presented by: Jim Ubert, City Engineer

Recommended Action: Approve Supplemental Agreement No. 1 with KDOT and authorize the Mayor to sign

9) **Purchase of Two Animal Control Pickup Trucks and Authorization of Lease Purchase Agreement**

Presented by: Trey Cocking, City Manager

Recommended Action: Approve the purchase of two (2) Nissan Frontier pickup trucks from John North Nissan for \$66,000 total and authorize a 5-year Lease Purchase with ESB Financial at 5.51%, and authorize the City Manager to sign all related documents

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Commission Meeting Minutes for December 18, 2024
- 2) Resolution No. 3753 for Solid Waste Management Plan Annual Review

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Informational Items

GOVERNING BODY COMMENTS

Mayor Erren Harter

Vice-Mayor Susan Brinkman

Commissioner Tyler Curtis

Commissioner Becky Smith

Commissioner Jamie Sauder

STATE OF THE CITY SPEECH

ADJOURN SINE DIE

BUSINESS MEETING

- 1)
 - Elect Mayor and Vice-Mayor
 - Approve Surety Bonds
 - Designate the Official Newspaper

- Designate Financial Institutions

EXECUTIVE SESSION

- 1) Executive Session for 30 minutes inviting pertinent city staff to discuss confidential data of a third party relating to economic development. The justification for the executive session is provided by K.S.A. 75-4319(b)(4) to protect financial affairs and trade secrets of third parties. The open meeting will resume in this room at approximately __:____ a.m./p.m.

RECESS

Recess to Conference Room 1AB for Study Session

STUDY SESSION AGENDA ITEMS

- 1) Discuss Legislative Policy Statement
- 2) Appoint Commission Members to RDA, JEDAC, Recreation Commission, Transient Guest Tax Advisory Board, Emporia, Enterprises, WAW Community Partnership, Emporia Main Street, Emporia Public Library Board, and Recreation Commission Steering Committee.
- 3) Meetings in Topeka
- 4) Discuss Q & A Session

ADJOURNMENT



Commission Action Report

Appoint Members to Emporia Planning Commission/BZA

Title: Appoint Members to Emporia Planning Commission/Board of Zoning Appeals

Agenda Date: January 8, 2025

Presented By: Mayor Erren Harter and Commissioner Jamie Sauder

Background:

The Emporia Planning Commission / Board of Zoning Appeals has two open positions and one commissioner who has fulfilled the unexpired portion of a term that they were appointed to. Commissioners on the joint board may serve two consecutive 3-year terms and any portion of an unexpired term.

Commissioner Bill Barnes chose not to fulfill another term with his expiring on December 31, 2024. Commissioner Ken Weaver resigned earlier this year creating a vacancy that remains unfilled until now. That term also expired in 2024.

Discussion:

Commissioners Sauder and Harter and the Planning & Zoning Administrator have met with the nominees and have recommended their appointment. The nominees are as follows:

- Tammi Ogle – reappointment after serving an unexpired term – 3-year term to December 31, 2027
- Kenton Thomas – appointment to a 3-year term to expire December 31, 2027
- Joe Reed – appointment to a 3-year term to expire December 31, 2027.

Recommended action:

Approve the Appointment of Tammi Ogle, Kenton Thomas, and Joe Reed to the Emporia Planning Commission/Board of Zoning Appeals

Online Form Submittal: Board Application Form

From noreply@civicplus.com <noreply@civicplus.com>

Date Mon 11/11/2024 9:01 AM

To Sue Bryson <sbryson@emporiaks.gov>; Emporia Info <emporiainfo@emporiaks.gov>

Board Application Form

Select Board, Commission, or Committee to apply. Emporia-Lyon County Metropolitan Area Planning Commission / Board of Zoning Appeals

Personal Information

First Name Tamara

Last Name Ogle

Address1 2037 WS 15th Avenue

Address2 *Field not completed.*

City Emporia

State Kansas

Zip 66801

Home Phone Number 6203430882

Business Address 2037 W 15th Ave

Business Phone Number 6203430882

Occupation Registered Nurse

Email Address toglern@gmail.com

Residency Information

Length of Residency in Emporia 16 years

Are you a registered voter Yes

Education and Hobbies

High School Chase County High School

College KSU and ESU

Trade or Business School	<i>Field not completed.</i>
Hobbies	<i>Field not completed.</i>
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	Board of Zoning Appeals and Planning Commission
Please, list organization memberships and positions held.	North Lyon County Youth Association-Secretary ERSU/NDN Alumni Board-Secretary Lyon County Farm Bureau Association- several positions NLC Booster Club-several positions
Please, list areas of special interest.	<i>Field not completed.</i>
Please, enter basic resume information below.	KSU graduated 1993 Bachelor's Degree Human Development and Family Studies ESU graduated 2008 Bachelor's of Science-Registered Nurse Teacher-Emporia School District 1994-2004 Newman Regional Health RN-surgery-July 2008 through July 2017 Gainwell Technologies July 2017-currently-RN Prior Authorization Review-Medical Management
Please, enter why you would like to be a member of this board or commission.	I am currently serving on this board and would like the opportunity to continue my service. Emporia is facing numerous housing and growth challenges and opportunities, and this board is a way for me to contribute to the betterment of Emporia.

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Online Form Submittal: Board Application Form

From noreply@civicplus.com <noreply@civicplus.com>

Date Fri 11/8/2024 2:30 PM

To Sue Bryson <sbryson@emporiaks.gov>; Emporia Info <emporiainfo@emporiaks.gov>

Board Application Form

Select Board, Commission, or Committee to apply. Emporia-Lyon County Metropolitan Area Planning Commission / Board of Zoning Appeals

Personal Information

First Name Kenton

Last Name Thomas

Address1 924 Weaver Street

Address2 *Field not completed.*

City Emporia

State KS

Zip 66801

Home Phone Number 6207571184

Business Address Roberts-Blue-Barnett Funeral Home

Business Phone Number 620-342-2134

Occupation Funeral Director/Embalmer

Email Address kenton_thomas@hotmail.com

Residency Information

Length of Residency in Emporia Born here

Are you a registered voter Yes

Education and Hobbies

High School Emporia High School '73

College Emporia State University (3 years)

Trade or Business School	Dallas Institute of Mortuary Science, Dallas, Texas, playing with our dogs
Hobbies	RV Travel, camping, fishing
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	Emporia/Lyon County Metropolitan Planning & Zoning Cimmission AND Board of Zoning Appeals
Please, list organization memberships and positions held.	Kansas Funeral Directors Assn/ National Funeral Directors Assn/ Santa Fe Trail Assn./ Native Sons & Daughters of Kansas
Please, list areas of special interest.	Community Development, People, Funeral Pre-arrangement, Travel
Please, enter basic resume information below.	Born and raised in Emporia, as were my parents, Began Working at Roberts-Blue-Barnett Funeral Home as a senior at Emporia High School, worked through ESU then attended mortuary school ('76-77') returned to Roberts-Blue-Barnett and have been here since. I work as a Funeral Director and Embalmer and am NFDA certifiored as a Pre-arrangement Counselor.
Please, enter why you would like to be a member of this board or commission.	I am interested in the community and feel this is a way to give back through service. PLEASE NOTE- Due to a house fire (11-1-24), we cannot occupy our home for 4 to 6 months. Our planned temporary address is 517 Wilson Street, though we have not signed a lease (week of 11/11/24 probably) as of this time.

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Online Form Submittal: Board Application Form

From noreply@civicplus.com <noreply@civicplus.com>

Date Tue 11/12/2024 9:17 AM

To Sue Bryson <sbryson@emporiaks.gov>; Emporia Info <emporiainfo@emporiaks.gov>

Board Application Form

Select Board, Commission, or Committee to apply. Emporia-Lyon County Metropolitan Area Planning Commission / Board of Zoning Appeals

Personal Information

First Name Joe

Last Name Reed

Address1 811 Sheridan Ct.

Address2 *Field not completed.*

City Emporia

State KS

Zip 66801

Home Phone Number 620.340.3572

Business Address 1519 Merchant St., Emporia, KS

Business Phone Number 620.343.2211

Occupation Housing Services Manager, Crosswinds Counseling and Wellness

Email Address jreed@crosswindssks.org

Residency Information

Length of Residency in Emporia 26 years

Are you a registered voter Yes

Education and Hobbies

High School Mission Valley High School, Eskridge, KS

College	University of Maryland, BS General Sciences
Trade or Business School	CCAF, Associate of Applied Science Electronic Systems Technology
Hobbies	Gravel cycling, hunting, camping, & fishing. Attending downtown events & festivities
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	Community Liaison Emporia Homeless Advisory Board
Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	Tree Advisory Board
Please, list organization memberships and positions held.	ESPI-past president. DK planning board. Member Emporia Main Street. SOS Ambassador. Kansas Free for Arts. American Legion. VFW
Please, list areas of special interest.	Economic growth in Emporia. Increased housing (all levels). Community health
Please, enter basic resume information below.	U.S. Air Force - 1990-1998. Reed Electronics (owner) 1998-2004. Stutler Technologies (engineer) 2004-2006. CIC (manager field engineers) 2007-2013. t3 Broadband (RF engineer) 2013-2023. Crosswinds Counseling & Wellness (housing services manager) 2023-present
Please, enter why you would like to be a member of this board or commission.	Emporia is my home. My wife and I are deeply embedded into this community and want to see it continue to thrive and grow. Serving on the planning and zoning committee will allow me to use my experience and skills to serve Emporia as it moves forward.

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Commission Action Report

Appoint Member(s) to the name of the board.

Title: Appoint Member(s) to the Natural Resources Advisory Board

Agenda Date: January 8, 2025

Presented By: Commissioner Becky Smith & Commissioner Jamie Sauder

Background:

The Natural Resources Advisory Board requests that the City Commission fill board openings with qualified candidates.

Discussion:

Applications were received, and interviews were conducted by Commissioners Becky Smith and Jamie Sauder.

Interviewing Commissioners recommend the appointment of Harrison Edwards & Brenda Young for a Three (3) year term beginning on January 1, 2025, and ending on December 31, 2028.

Recommended action:

Approve the appointment of Harrison Edwards & Brenda Young to the Natural Resources Advisory Board.

Online Form Submittal: Board Application Form

From noreply@civicplus.com <noreply@civicplus.com>

Date Tue 10/8/2024 2:04 AM

To Sue Bryson <sbryson@emporiaks.gov>; Emporia Info <emporiainfo@emporiaks.gov>

Board Application Form

Select Board, Commission, or Committee to apply. Natural Resources Advisory Board

Personal Information

First Name	Harrison
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Last Name	Edwards
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Address1	1709 RD 175
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Address2	<i>Field not completed.</i>
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City	Emporia
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State	Kansas
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Zip	66801
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Home Phone Number	6204127951
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Business Address	527 Constitution
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Business Phone Number	6204127951
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Occupation	Team Member
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Email Address	hbedwards89@gmail.com
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Residency Information

Length of Residency in Emporia	4 years
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Are you a registered voter	Yes
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Education and Hobbies

High School	Hartford High School
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College	<i>Field not completed.</i>
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Trade or Business School	Air Force Technical Training
Hobbies	Family First, Rockhounding, Working, Thrift Stores, Estate Sales, Nature/Outdoors, Gardening, Conversation, Community Cleanup, Meals On Wheels, House Remodeling,
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	No
If yes, which	<i>Field not completed.</i>
Please, list organization memberships and positions held.	<i>Field not completed.</i>
Please, list areas of special interest.	To offer my strength, knowledge, and ideas to help clean up the community.
Please, enter basic resume information below.	Currently employed at The Salvation Army's Thrift Store in Emporia.
Please, enter why you would like to be a member of this board or commission.	Brandi said that she would love to have me on board so here I am!

Email not displaying correctly? [View it in your browser.](#)

Online Form Submittal: Board Application Form

From noreply@civicplus.com <noreply@civicplus.com>

Date Wed 11/13/2024 2:51 PM

To Sue Bryson <sbryson@emporiaks.gov>; Emporia Info <emporiainfo@emporiaks.gov>

Board Application Form

Select Board, Commission, or Committee to apply. Natural Resources Advisory Board

Personal Information

First Name	Brenda
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Last Name	Young
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Address1	108 Cypress Dr
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Address2	<i>Field not completed.</i>
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City	Emporia
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State	KS
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Zip	66801
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Home Phone Number	7744518773
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Business Address	75 Sodens Rd Emporia, KS 66801
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Business Phone Number	6203414368
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Occupation	Executive Zoo Director
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Email Address	byoung@emporiaks.gov
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Residency Information

Length of Residency in Emporia	2 Months
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Are you a registered voter	Yes
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Education and Hobbies

High School	Middleboro High School
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College	Bridgewater State College, Santa Fe Community College, FL, Oklahoma University
Trade or Business School	<i>Field not completed.</i>
Hobbies	<i>Field not completed.</i>
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	No
If yes, which	<i>Field not completed.</i>
Please, list organization memberships and positions held.	Professional Development Committee-AZA-Member
Please, list areas of special interest.	Diversity, Conservation (wildlife, environmental)
Please, enter basic resume information below.	24 years working in Zoological setting
Please, enter why you would like to be a member of this board or commission.	I would like to expand my knowledge of the conservation efforts within Emporia and contribute to their continued expansion and success

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Commission Action Report

Public Hearing Authorizing Resolution No. 3754
Granting Tax Abatement for Capital Holdings LLC

Title: Public Hearing Authorizing Resolution No. 3754 Granting Tax Abatement for Capital Holdings LLC

Agenda Date: January 8th, 2025

Presented By: Tayler Wash, Assistant City Manager

Background:

Representatives of Capital Holdings LLC are working on the purchase, acquisition, construction, furnishing, and equipping of 16 residential duplexes, which will contain 32 apartments. These duplexes are located at the following addresses in Emporia, KS: 1128 Union, 412 E. 12th Avenue, 1110 Mechanic, and 1025 Merchant.

Resolution No. 3685, which established the intent to issue the Industrial Revenue Bond (IRB) for this project, was approved on December 7, 2022. Resolution No. 3690, approved on January 18, 2023, amended the original resolution to include an additional four duplexes, bringing the total number of duplexes to 16. This amendment also increased the value of the IRB from \$3,500,000 to \$4,650,000.

A notice of this public hearing was published in the official newspaper and mailed to relevant taxing entities on December 31, 2024

Discussion:

The City Commission will need to conduct a Public Hearing on this exemption and approve Resolution No. 3754 authorizing a ten-year real property tax exemption.

Financial Considerations:

No city funds are required.

Recommended Action:

Conduct Public Hearing and authorize Resolution No. 3754 Granting Tax Abatement for Capital Holdings LLC.

Attachments:

Notices of Public Hearing
Resolution No. 3754
Cost Benefit Analysis

RESOLUTION NO. 3754

OF THE

GOVERNING BODY

OF THE

CITY OF EMPORIA, KANSAS

RELATING TO AD VALOREM PROPERTY TAX ABATEMENT
IN CONNECTION WITH NOT TO EXCEED
\$4,650,000
TAXABLE INDUSTRIAL REVENUE BONDS
(CAPITAL HOLDINGS, LLC)

RESOLUTION NO. 3754

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, APPROVING AN AD VALOREM PROPERTY TAX EXEMPTION FOR PROPERTY ACQUIRED WITH THE PROCEEDS OF CERTAIN INDUSTRIAL REVENUE BONDS.

WHEREAS, the governing body of the City of Emporia, Kansas (the “City”), desires to promote, stimulate and develop the general economic welfare and prosperity of the City, and to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1740 *et seq.*, as amended and supplemented (the “Act”), the City is authorized to issue revenue bonds of the City; and

WHEREAS, pursuant to the Act and Resolution No. 3685, as amended by Resolution No. 3690, the City indicated its preliminary intent to issue industrial revenue bonds in an aggregate principal amount of not to exceed \$4,650,000 (herein the “Bonds”) to pay costs incurred in connection with purchasing, acquiring, constructing, furnishing, and equipping 16 residential duplexes, containing 32 apartments, located at 1128 Union, 412 East 12th Ave., 1110 Mechanic, and 1025 Merchant in Emporia, Kansas (the “Project”), to be owned or leased by the City and leased to Capital Holdings, LLC, a Kansas limited liability company (the “Tenant”) ; and

WHEREAS, the City as caused a notice of its consideration of the issuance of the Bonds and the accompanying ad valorem property tax abatement on the Project to be published in the official newspaper of the City at least seven days prior to the date hereof and has notified Lyon County, Kansas and Unified School District No. 253 of the hearing, all as provided in the Act; and

WHEREAS, the City has caused a cost benefit analysis to be prepared in connection with its consideration of ad valorem property tax abatement on the Project, and the cost benefit analysis includes an analysis of the effect on state revenues; and

WHEREAS, the City has conducted a public hearing on the issuance and delivery of the Bonds, and the accompanying ad valorem property tax exemption, and all persons present to speak on the matter were given the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

SECTION 1. Tax Exemption. Subject to Kansas law and the conditions set forth herein, the City intends that the Project acquired with the proceeds of the Bonds be 100% exempted from ad valorem property taxation (except any ad valorem property tax levied by a school district pursuant to the provisions of K.S.A. 72-53,113) for a ten-year period commencing the calendar year after the year in which the Bonds are issued.

SECTION 2. Special Assessments. Any special assessment levied against the real property portion of the Project, if any, shall not abate and shall continue to be the obligation of the Tenant, payable in the manner provided by law.

SECTION 3. Approval of Exemption. This Resolution is conditioned on the Tenant making proper application for and the issuance by the Board of Tax Appeals of the State of Kansas of an order exempting the Project from *ad valorem* taxation in accordance with Kansas law, including particularly K.S.A. 79-201a *Second* and/or K.S.A. 79-201a *Twenty-Fourth*.

SECTION 4. Other Actions Required. The Mayor and City Clerk are authorized and directed to take all other actions consistent with this Resolution as may be appropriate or desirable to accomplish the purposes stated herein.

SECTION 5. Effective Date. This Resolution shall become effective upon its approval and passage by the governing body of the City.

[Remainder of Page Intentionally Left Blank]

PASSED, ADOPTED AND APPROVED by the governing body of the City of Emporia,
Kansas on January 8, 2025.

CITY OF EMPORIA, KANSAS

[seal]

By _____
Erren Harter, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Emporia, Kansas met in regular session, at the usual meeting place in the City on January 8, 2025, at 11:00 a.m., with Mayor Erren Harter presiding, and the following members of the governing body present:

and the following members absent:

Among other business, as provided in a notice published on December 31, 2024 in *The Emporia Gazette*, and a notice to the Board of County Commissioners of Lyon County, Kansas and the Board of Education of Unified School District No. 253 mailed via certified mail, return receipt requested on December 31, 2024, a public hearing was convened by the governing body relating to granting a tax exemption for property financed by and relating to the issuance by the City of Emporia, Kansas of its Taxable Industrial Revenue Bonds in the principal amount of not to exceed \$4,650,000 (the “Bonds”) for the purpose of financing the costs of purchasing, acquiring, constructing, furnishing, and equipping 16 residential duplexes, containing 32 apartments, located 1128 Union, 412 East 12th Ave., 1110 Mechanic, and 1025 Merchant to be located in the City (the “Project”).

All interested persons present were given the opportunity to present their views on the granting of the tax exemption for the Project.

After hearing all interested persons and presentation of the Cost Benefit Analysis dated December 16, 2024, which Cost Benefit Analysis included an analysis of the proposed effect on state revenues with respect to the granting of an ad valorem property tax exemption for the Project, the public hearing was closed.

Thereupon, among other business, there came on for consideration and discussion the following:

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, APPROVING AN AD VALOREM PROPERTY TAX EXEMPTION FOR PROPERTY ACQUIRED WITH THE PROCEEDS OF CERTAIN INDUSTRIAL REVENUE BONDS.

The Resolution was considered and discussed, and on motion of _____, seconded by _____, the Resolution was adopted by vote of the majority of all members present.

The Resolution was assigned No. 3754.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the January 8, 2025 meeting of the governing body of the City of Emporia, Kansas.

[seal]

Kerry Sull, City Clerk

CEDBR-FISCAL IMPACT MODEL - FIRM DATA SHEET

COMPANY INFORMATION

VERSION OF ANALYSIS **V1**

Company name or project name	Capital Holdings
Contact name	Cory Haag
Contact telephone number	(620) 341-9400
Contact e-mail address	coryhaag@yahoo.com
Company NAICS Code - <i>Please select a NAICS code from the list provided. Model parameters are set based on the NAICS selected.</i>	531000 Real estate
Substitution Override	100.00%
Year of application	2024

SITE LOCATION

Street Address	
City	Emporia
County	Lyon
School District	253 Emporia
Special District	Select

If incentives are being requested for more than one physical location, and these locations are in different taxing jurisdictions, then a separate firm data sheet must be filled out for each location. If the property is located in a special taxing district or industrial zone, please contact CEDBR.

REAL PROPERTY CONSTRUCTION AND IMPROVEMENTS - *If construction is expected to significantly exceed 12-months allocate expenditures to multiple expansions.*

Expansion:	#1	#2	#3	#4	#5	Building: Annualized appreciation / depreciation rate:
Year of expansion	2024					
<i>Market value of firm's initial NEW OR ADDITIONAL investment in:</i>						
Land	\$312,500					0%
Building and improvements	\$3,920,580					
Furniture, fixtures and equipment (including machinery)	\$416,920					
Initial construction or expansion:						Automated Assumption (On/Off)
Cost of construction at the firm's new or expanded facility	\$3,920,580	\$0	\$0	\$0	\$0	
Share of materials	63%	50%	0%	0%	0%	Off
Share of salaries	37%	50%	0%	0%	0%	Off
<i>Amount of taxable construction materials purchased in:</i>						
City	\$0	\$0	\$0	\$0	\$0	On
County (should include city amount)	\$0	\$0	\$0	\$0	\$0	On
State (should include city and county amounts)	\$2,469,965	\$0	\$0	\$0	\$0	On
<i>Amount of taxable furniture, fixtures and equipment purchased in:</i>						
City	\$0	\$0	\$0	\$0	\$0	On
County (should include city amount)	\$0	\$0	\$0	\$0	\$0	On
State (should include city and county amounts)	\$416,920	\$0	\$0	\$0	\$0	On

OPERATIONS

First Year of Full Operations As a Result of This Project	2024	
New or additional :	<i>Sales</i>	<i>Purchases</i>
Year 1	\$392,400	\$38,250
Year 2	\$455,479	\$39,015
Year 3	\$519,820	\$39,795
Year 4	\$585,447	\$40,591
Year 5	\$652,387	\$41,403
Year 6	\$720,666	\$42,231
Year 7	\$790,310	\$43,076
Year 8	\$861,348	\$43,937
Year 9	\$933,806	\$44,816
Year 10	\$1,007,713	\$45,712
Year 11	\$1,027,867	\$46,627
Year 12	\$1,048,424	\$47,559
Year 13	\$1,069,393	\$48,510
Year 14	\$1,090,781	\$49,480
Year 15	\$1,112,596	\$50,470
Year 16	\$1,134,848	\$51,479
Year 17	\$1,157,545	\$52,509
Year 18	\$1,180,696	\$53,559
Year 19	\$1,204,310	\$54,630
Year 20	\$1,228,396	\$55,723
Automated Assumption (On/Off)	On	On
Percent of these sales subject to sales taxes in the:	<i>Sales</i>	<i>Purchases</i>
City	0.0%	100.0%
County	0.0%	100.0%
State	0.0%	100.0%
Annual net taxable income, as a percent of sales, on which state corporate income taxes will be computed:	0.0%	

EMPLOYMENT

Number of NEW employees to be hired each year as a result of this project	Kansas Total (Net new each year)	#Out-of-State	#Out-of-county (From KS)	Remote Worker (out-of-state)	Weighted AVG Annual Salary	Weighted AVG Bonus & Overtime
Year 1	1	0	0	0	\$44,500	\$0
Year 2	1	0	0	0	\$45,835	\$0
Year 3	1	0	0	0	\$47,210	\$0
Year 4	1	0	0	0	\$48,626	\$0
Year 5	1	0	0	0	\$50,085	\$0
Year 6	1	0	0	0	\$51,588	\$0
Year 7	1	0	0	0	\$53,135	\$0
Year 8	1	0	0	0	\$54,729	\$0
Year 9	1	0	0	0	\$56,371	\$0
Year 10	1	0	0	0	\$58,062	\$0
Year 11		0	0	0	\$59,804	\$0
Year 12		0	0	0	\$61,598	\$0
Year 13		0	0	0	\$63,446	\$0
Year 14		0	0	0	\$65,350	\$0
Year 15		0	0	0	\$67,310	\$0
Year 16		0	0	0	\$69,330	\$0
Year 17		0	0	0	\$71,409	\$0
Year 18		0	0	0	\$73,552	\$0
Year 19		0	0	0	\$75,758	\$0
Year 20		0	0	0	\$78,031	\$0
Automated Assumption (On/Off)		On	On		On	On
Notes	FTE: 40-hours=1; 20-hours=0.5	The assumption will be based on county specific labor slack and historic migration trends.		Only include workers related to this project.	Include future raises (Nominal values)	Include future increases (Nominal values)

VISITORS - Include customers, vendors and company employees from other locations in the count of visitors

Number of ADDITIONAL visitors expected as a result of this project	Out-of-county	In county		Out-of-county	In county
Year 1	400	-	Number of days	2.0	0.0
Year 2	400	-	Number of nights	2.0	0.0
Year 3	400	-			
Year 4	400	-	Percent of visitors traveling:		
Year 5	400	-	on business	0%	
Year 6	400	-	for leisure	100%	
Year 7	400	-			
Year 8	400	-	Percentage of visitor's expenditures spent in:		
Year 9	400	-	Out-of-county		
Year 10	400	-	the same city	100%	0%
Year 11	400	-	the same county	100%	0%
Year 12	400	-	in Kansas	100%	0%
Year 13	400	-			
Year 14	400	-	Net fiscal impact:		
Year 15	400	-		No	
Year 16	400	-			
Year 17	400	-			
Year 18	400	-			
Year 19	400	-			
Year 20	400	-			

PAYMENT BY THE COMPANY TO TAXING JURISDICTIONS - Such as payments in lieu of taxes

Firm payments to the:	City	County	State	School District
Year 1				
Year 2				
Year 3				
Year 4				
Year 5				
Year 6				
Year 7				
Year 8				
Year 9				
Year 10				
Year 11				
Year 12				
Year 13				
Year 14				
Year 15				
Year 16				
Year 17				
Year 18				
Year 19				
Year 20				

CEDBR-FISCAL IMPACT MODEL - INCENTIVE INFORMATION**CONTACT INFORMATION FOR CEDBR REGARDING INCENTIVE AMOUNTS**

Contact name	
Contact telephone number	
Contact e-mail address	

SALES TAX EXEMPTION ON CONSTRUCTION MATERIALS

	Yes/No	% funded by IRB
EXPANSION #1	no	0.0%
EXPANSION #2	no	0.0%
EXPANSION #3	no	0.0%
EXPANSION #4	no	0.0%
EXPANSION #5	no	0.0%

SALES TAX EXEMPTION FOR OPERATIONS

Value of sales tax exemption for OPERATIONS:	City	County	State
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			
Year 11			
Year 12			
Year 13			
Year 14			
Year 15			
Year 16			
Year 17			
Year 18			
Year 19			
Year 20			

PROPERTY TAX ABATEMENT

Property tax abatement - Real property land and buildings	
Number of Years	10
Percentage	100.0%
Property tax abatement - Machinery and equipment	
Number of Years	10
Percentage	100.0%

FORGIVABLE LOANS - Cash value			
Forgivable loans (cash value):	CITY	COUNTY	STATE
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			
Year 11			
Year 12			
Year 13			
Year 14			
Year 15			
Year 16			
Year 17			
Year 18			
Year 19			
Year 20			
INFRASTRUCTURE IMPROVEMENTS - Cash value			
	CITY	COUNTY	STATE
Year 1			
Year 2			
Year 3			
Year 4			
Year 5			
Year 6			
Year 7			
Year 8			
Year 9			
Year 10			
Year 11			
Year 12			
Year 13			
Year 14			
Year 15			
Year 16			
Year 17			
Year 18			
Year 19			
Year 20			

OTHER INCENTIVES - Cash value				
	CITY	COUNTY	STATE	
Year 1				
Year 2				
Year 3				
Year 4				
Year 5				
Year 6				
Year 7				
Year 8				
Year 9				
Year 10				
Year 11				
Year 12				
Year 13				
Year 14				
Year 15				
Year 16				
Year 17				
Year 18				
Year 19				
Year 20				
STATE PROGRAMS - Cash value				
	HPIP	PEAK	TRAINING	OTHER
Year 1				
Year 2				
Year 3				
Year 4				
Year 5				
Year 6				
Year 7				
Year 8				
Year 9				
Year 10				
Year 11				
Year 12				
Year 13				
Year 14				
Year 15				
Year 16				
Year 17				
Year 18				
Year 19				
Year 20				

CEDBR-FISCAL IMPACT MODEL - RESULTS



1845 Fairmount St.
Wichita, Kansas 67260-0121
(316) 978-3225

DATE OF ANALYSIS 12/16/2024
TIME OF ANALYSIS 4:46 PM



FIRM IMPACT

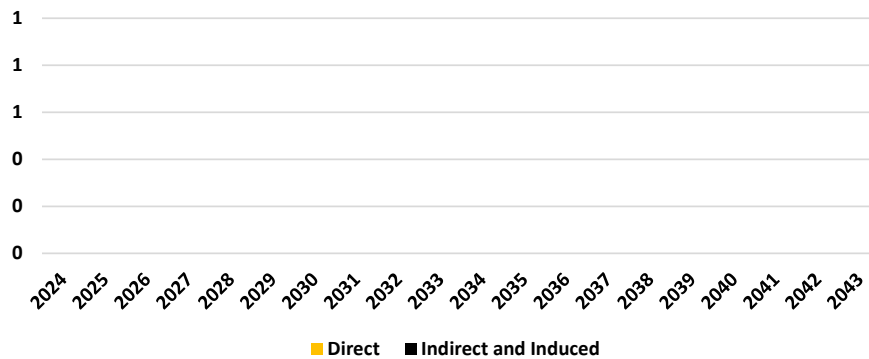
VERSION OF ANALYSIS V1

FIRM SUMMARY		
Company Name	Capital Holdings	
	10-year period	20-year period
Number of new jobs	10	10
Amount of payroll	\$2,930,005	\$9,785,896
Amount of capital investment	\$4,650,000	\$4,650,000
Land	\$312,500	\$312,500
Buildings	\$3,920,580	\$3,920,580
Machinery and Equipment	\$416,920	\$416,920
Substitution percentage	100.0%	OVERIDDEN

Firm NAICS code	531000 Real estate
-----------------	--------------------

IMPACT SUMMARY			
	Construction	Firm	
	Total	10-year period	20-year period
Jobs			
Direct	24	-	0
Total	43	-	0
Payroll earnings			
Direct	\$1,450,615	\$0	\$ -
Total	\$2,379,443	\$0	\$ -
Multiplier			
Jobs	1.81	1.51	
Earnings	1.64	2.00	

Total Employment Impact



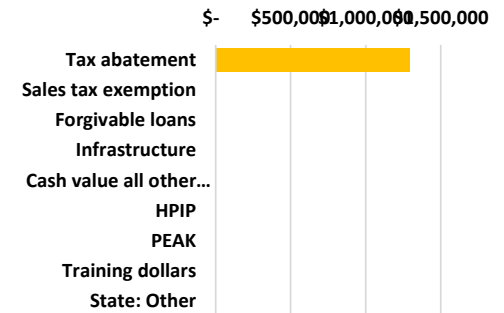
Total Impact by Industry



FISCAL IMPACT

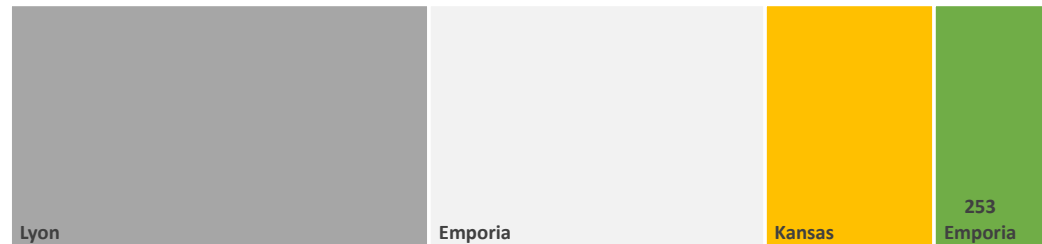
INCENTIVE SUMMARY					
	City	County	State	School District	Special District
	Emporia	Lyon	Kansas	253 Emporia	Select
Tax abatement	\$ 419,502	\$ 522,231	\$ 210,731	\$ 140,033	\$ -
Sales tax exemption	\$ -	\$ -	\$ -		
Forgivable loans	\$ -	\$ -	\$ -		
Infrastructure	\$ -	\$ -	\$ -		
Cash value all other incentives	\$ -	\$ -	\$ -		
HPIP			\$ -		
PEAK			\$ -		
Training dollars			\$ -		
State: Other			\$ -		
Total	\$ 419,502	\$ 522,231	\$ 210,731	\$ 140,033	\$ -

Share by Type



TAX ABATEMENT PARAMETERS	
<i>Real Property</i>	
Number of years	10
Percentage	100.0%
<i>Personal Property</i>	
Number of years	10
Percentage	100.0%

Share of Incentives - by Government Entity



	City		County		State	
	Emporia		Lyon		Kansas	
	10-year period	20-year period	10-year period	20-year period	10-year period	20-year period
Present value of net benefits	\$69,258	\$363,994	\$9,213	\$324,583	\$420,385	\$584,405
<i>Rate of Return on Investment</i>						
Net public benefits	\$69,258	\$363,994	\$9,213	\$324,583	\$420,385	\$584,405
Public costs	\$348,883	\$348,883	\$434,319	\$434,319	\$182,212	\$191,665
ROI	19.9%	104.3%	2.1%	74.7%	230.7%	304.9%
<i>Benefit-Cost Ratio</i>						
Public benefits	\$418,141	\$712,877	\$443,532	\$758,902	\$602,598	\$776,070
Public costs	\$348,883	\$348,883	\$434,319	\$434,319	\$182,212	\$191,665
Benefit-Cost Ratio	1.20	2.04	1.02	1.75	3.31	4.05

A 10-year period accounts for a business or economic cycle. Estimates beyond that period of time include increased risk and decreased accuracy due to market volatility and changes in public policy.

A benefit-cost ratio over 1 equates to public benefits being greater than public costs during the period.

	School District		Special District	
	253 Emporia		Select	
	10-year period	20-year period	10-year period	20-year period
Present value of net benefits	\$64,124	\$192,978	\$0	\$ -
<i>Rate of Return on Investment</i>				
Net public benefits	\$64,124	\$192,978	\$0	\$0
Public costs	\$134,722	\$159,539	\$0	\$0
ROI	47.6%	121.0%	NA	NA
<i>Benefit-Cost Ratio</i>				
Public benefits	\$198,847	\$352,517	\$0	\$0
Public costs	\$134,722	\$159,539	\$0	\$0
Benefit-Cost Ratio	1.48	2.21	NA	NA

In the preparation of this report, the Center for Economic Development and Business Research assumed that all information and data provided by the applicant or others is accurate and reliable. CEDBR did not take extraordinary steps to verify or audit such information, but relied on such information and data as provided for purposes of the project.

This analysis requires CEDBR to make predictive forecasts, estimates and/or projections (hereinafter collectively referred to as "FORWARD-LOOKING STATEMENTS"). These FORWARD-LOOKING STATEMENTS are based on information and data provided by others and involve risks, uncertainties and assumptions that are difficult to predict. The FORWARD-LOOKING STATEMENTS should not be considered as guarantees or assurances that a certain level of performance will be achieved or that certain events will occur. While CEDBR believes that all FORWARD-LOOKING STATEMENTS it provides are reasonable based on the information and data available at the time of writing, actual outcomes and results are dependent on a variety of factors and may differ materially from what is expressed or forecast. CEDBR does not assume any responsibility for any and all decisions made or actions taken based upon the FORWARD-LOOKING STATEMENTS provided by CEDBR.

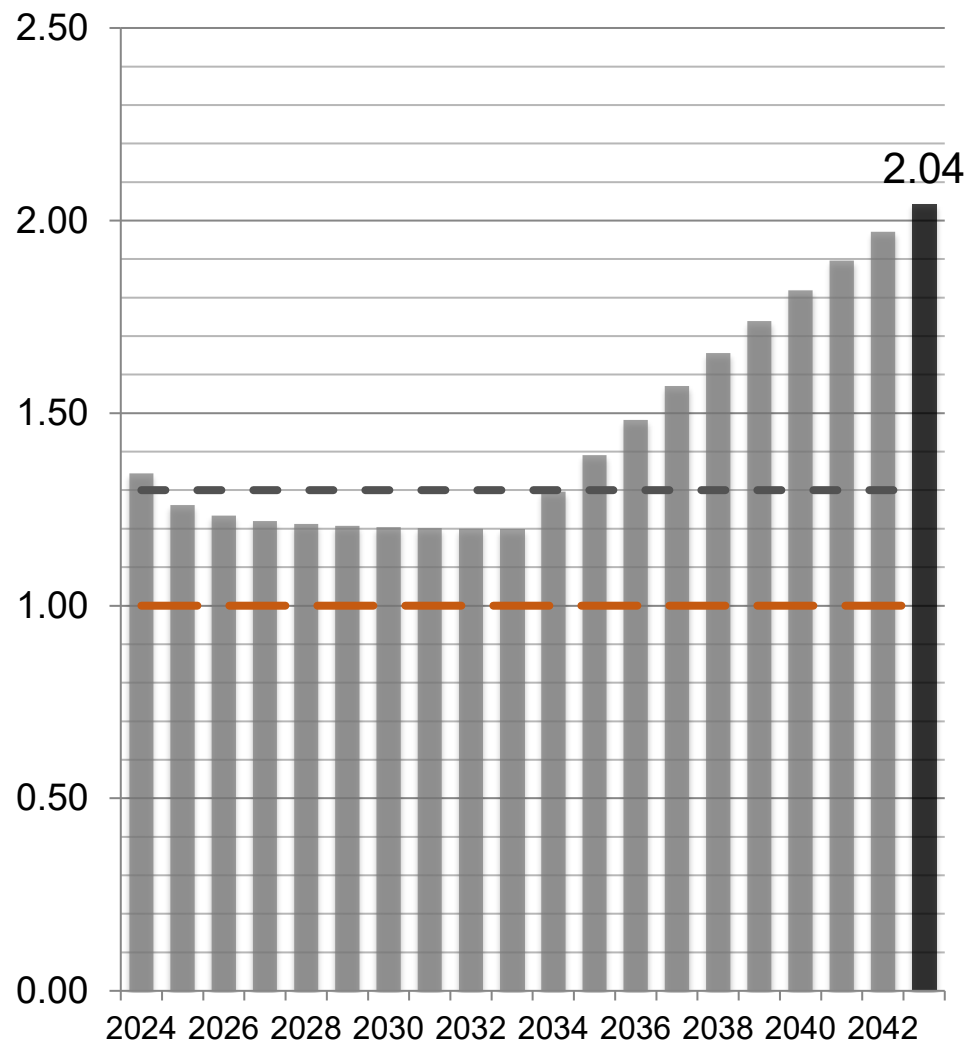


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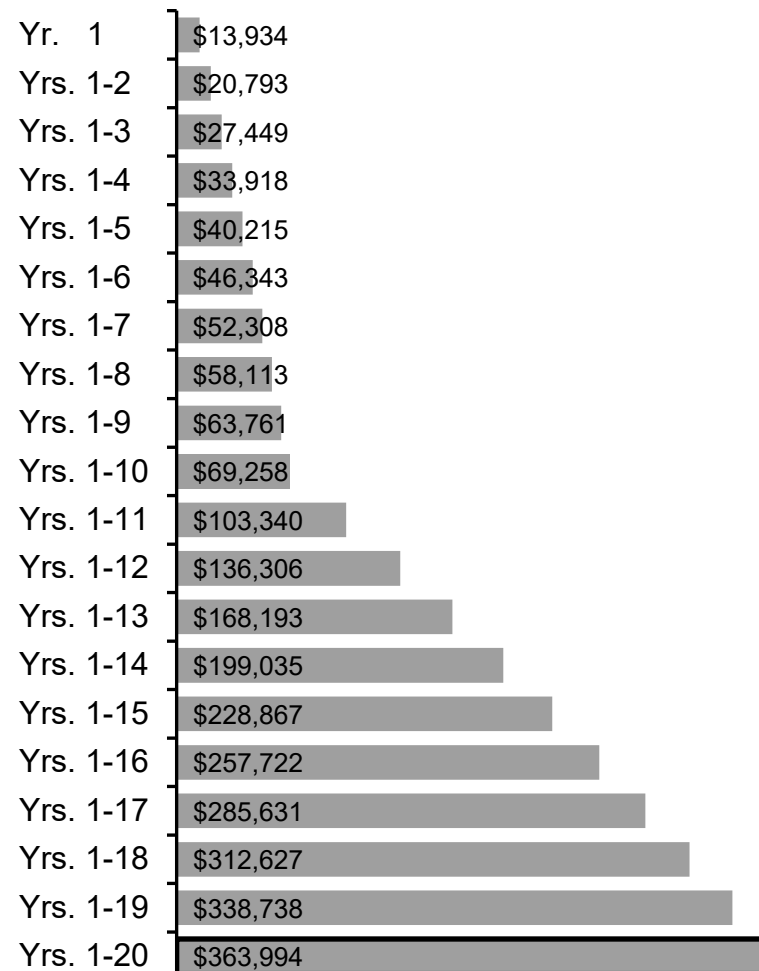
Project or Company Name: Capital Holdings
12/16/2024

Emporia - Total

Benefit-Cost Ratio



Present Value of Net Benefits



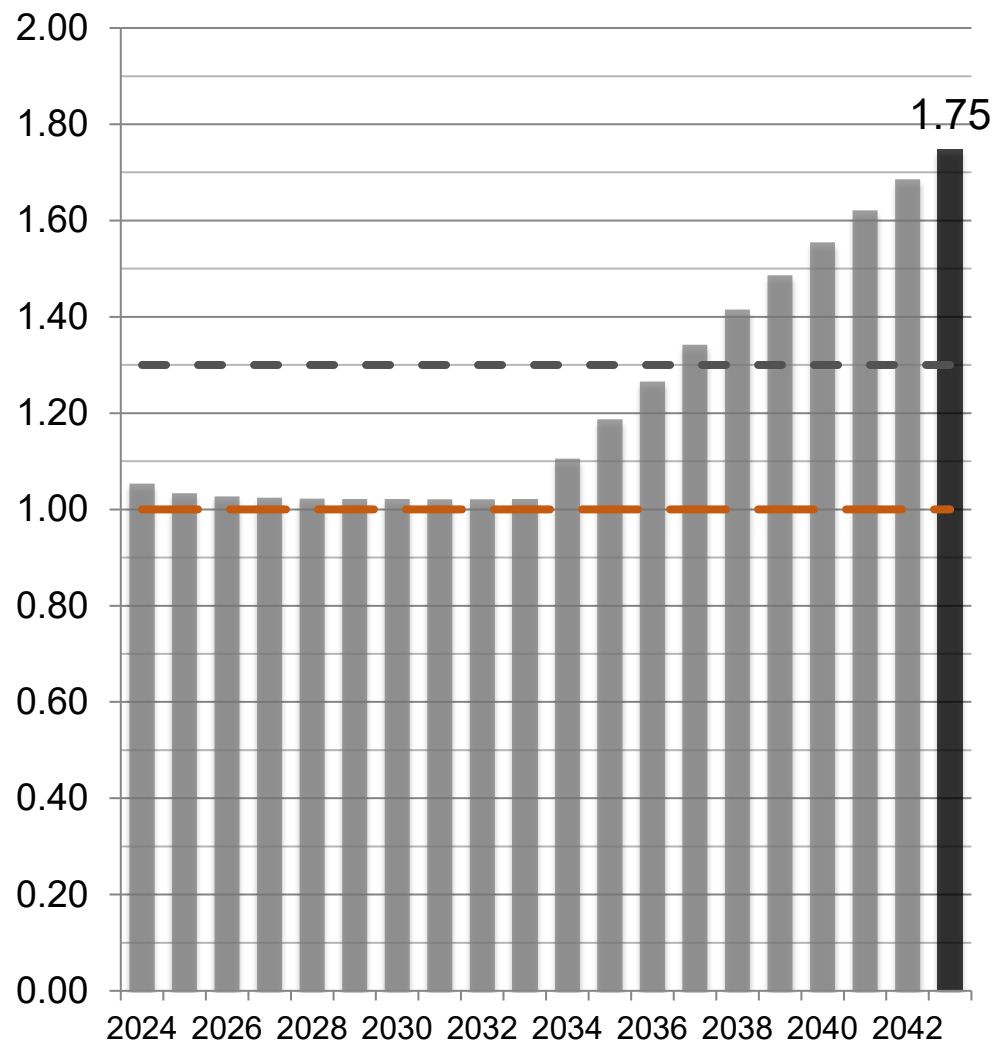


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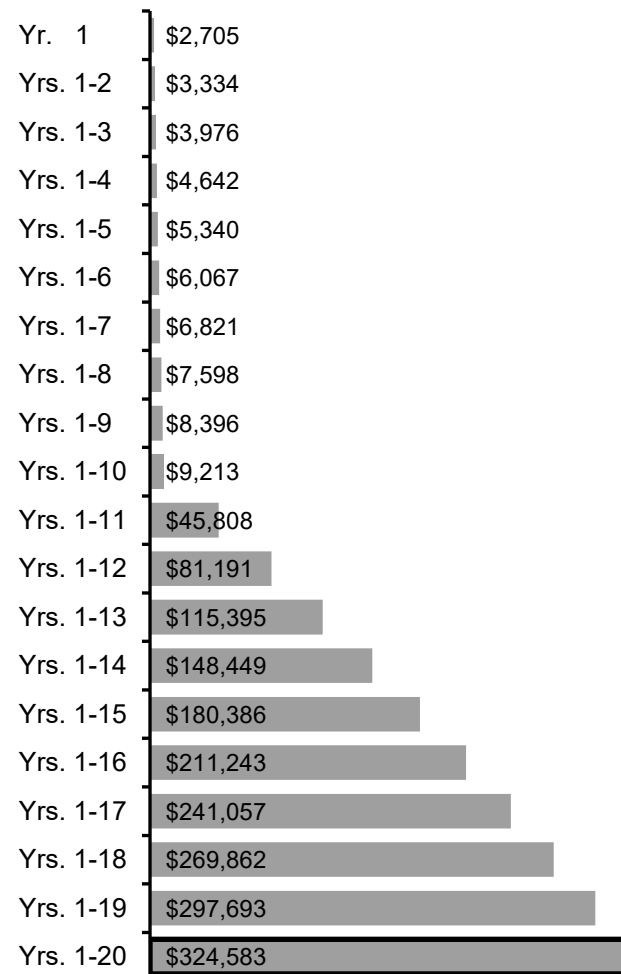
Project or Company Name: Capital Holdings
12/16/2024

Lyon

Benefit-Cost Ratio



Present Value of Net Benefits





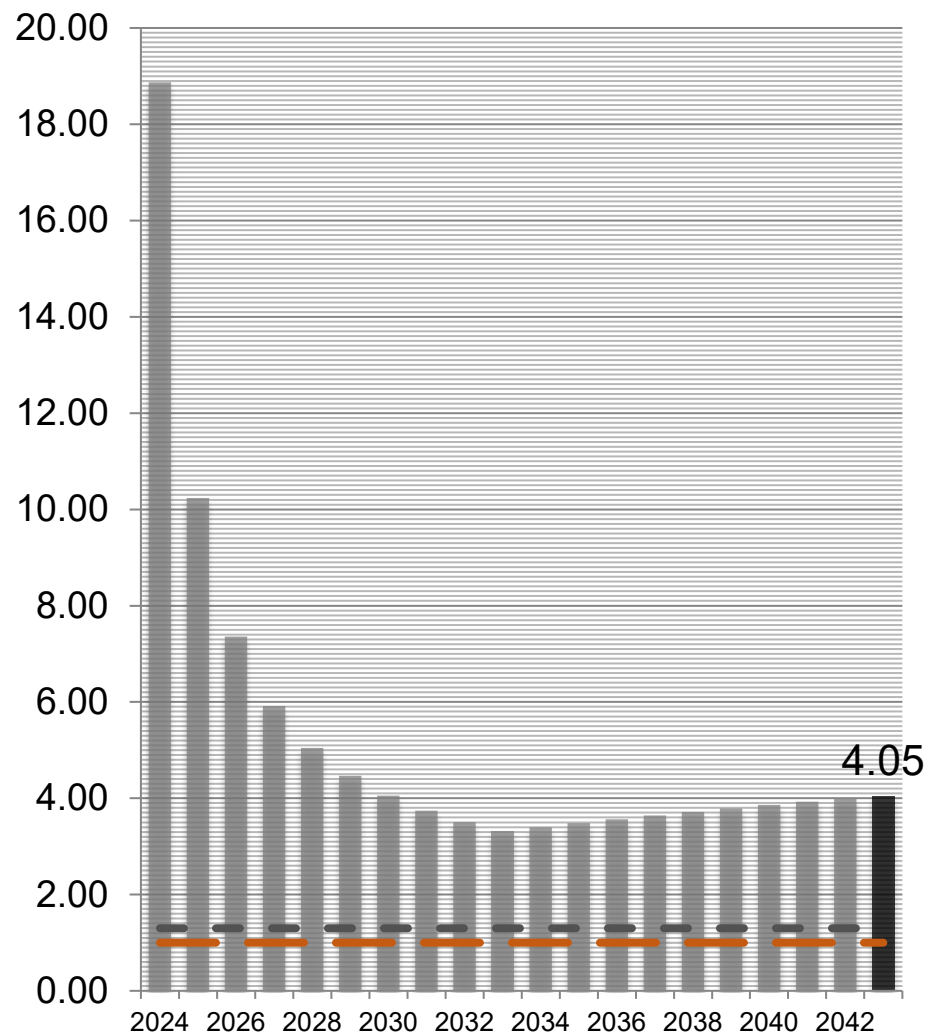
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Project or Company Name: Capital Holdings
12/16/2024

Kansas

Benefit-Cost Ratio

Present Value of Net Benefits



Yr. 1	\$366,636
Yrs. 1-2	\$373,968
Yrs. 1-3	\$380,918
Yrs. 1-4	\$387,507
Yrs. 1-5	\$393,754
Yrs. 1-6	\$399,675
Yrs. 1-7	\$405,285
Yrs. 1-8	\$410,597
Yrs. 1-9	\$415,626
Yrs. 1-10	\$420,385
Yrs. 1-11	\$439,428
Yrs. 1-12	\$457,834
Yrs. 1-13	\$475,622
Yrs. 1-14	\$492,811
Yrs. 1-15	\$509,419
Yrs. 1-16	\$525,466
Yrs. 1-17	\$540,970
Yrs. 1-18	\$555,949
Yrs. 1-19	\$570,422
Yrs. 1-20	\$584,405

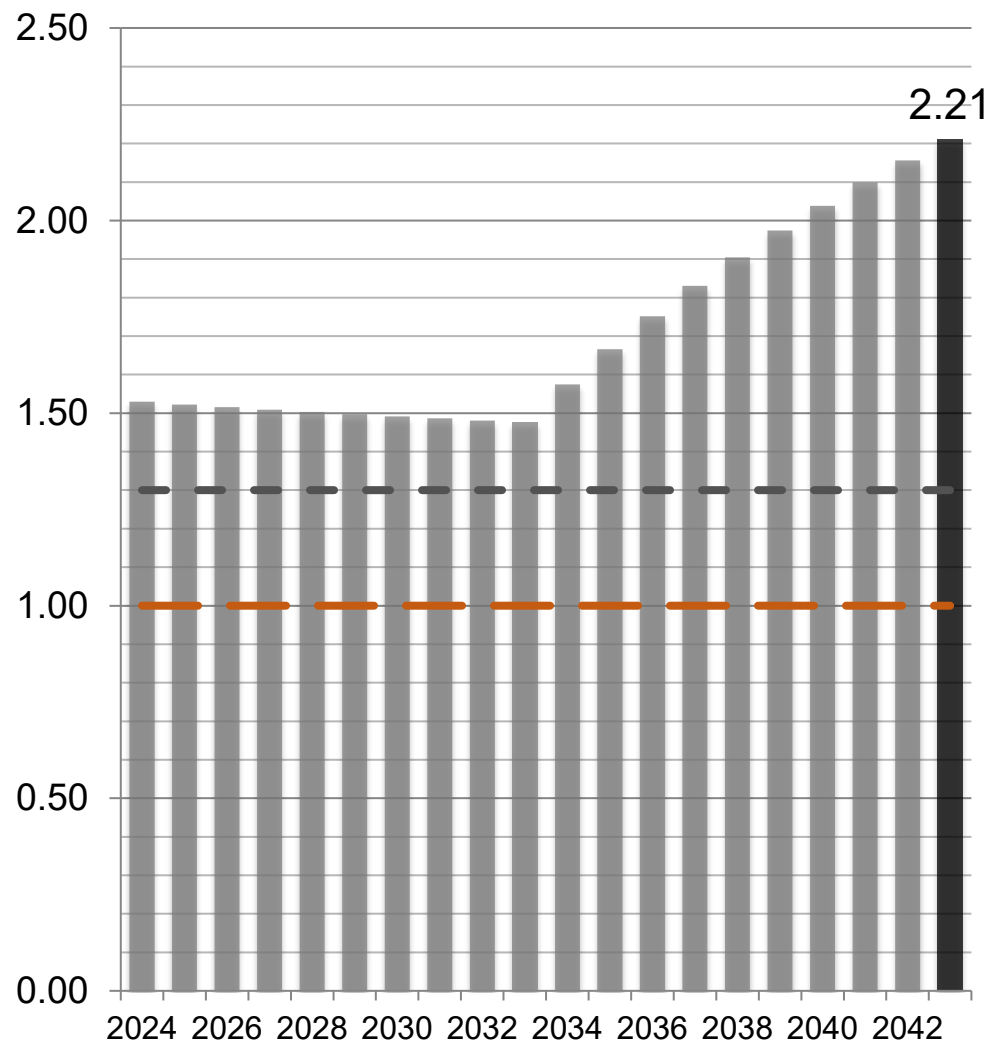


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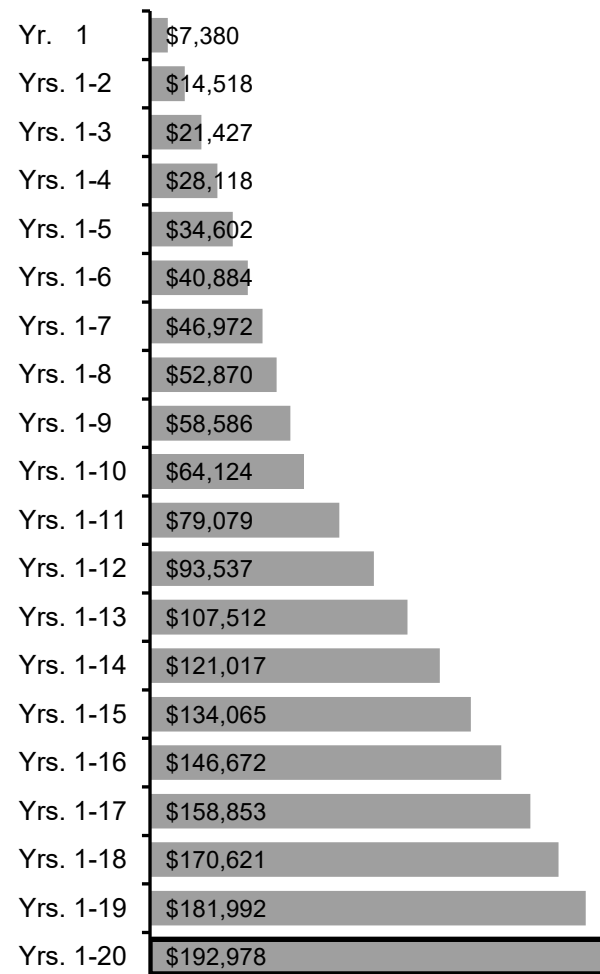
Project or Company Name: Capital Holdings
12/16/2024

253 Emporia

Benefit-Cost Ratio



Present Value of Net Benefits





Commission Action Report

Ordinance No. 25-02 Creating the Public Building Commission

Title: Ordinance No. 25-02 Creating the Public Building Commission

Date: January 8, 2025

Presented By: Mark Detter, Deputy City Manager

Background:

The Public Building Commission is a component unit of the City of Emporia that can issue debt, for the purpose of building new structures and improvements to existing structures of the City or other non-profits.

Discussion:

The Emporia Public Building Commission will issue debt for public or non-profit organizations within the City. The debt issued by the PBC will not be subject to the statutory debt limit.

Financial Considerations:

Debt issued by the Public Building Commission will involve a lease with the City of Emporia and potentially a sub-lease with a third party. For instance, for a potential new recreation center, the PBC would lease the building to the City and the City would sub-lease to the Recreation Commission. Upon maturity of all the bonds, the City would outright own the building and then lease it to the Recreation Commission. Importantly, all bond payments should be offset by lease payments from the City and the Recreation Commission.

Other Considerations:

In 2025 the Public Building Commission will issue approximately \$16,000,000 in revenue bonds for Fire Station # 1 and Fire Station #2.

Recommended Action:

Approve Ordinance No. 25-02 of the City of Emporia, Kansas creating the Public Building Commission and establishing the purpose composition, power, functions, and duties thereof.

Attachments:

Ordinance No. 25-02

ORDINANCE NO. 25-02

AN ORDINANCE CREATING THE CITY OF EMPORIA, KANSAS PUBLIC BUILDING COMMISSION AND ESTABLISHING THE PURPOSE, COMPOSITION, POWERS, FUNCTIONS AND DUTIES THEREOF.

WHEREAS, the City of Emporia, Kansas (the “City”), has heretofore adopted Charter Ordinance No. 45 on September 18, 2024 (the “Charter Ordinance”) pursuant to the provisions of Article 12, Section 5 of the Kansas Constitution, which Charter Ordinance exempted the City from the provisions of K.S.A. 12-1758 and K.S.A. 12-1767 and provided substitute and additional provisions therefore in order to provide an additional and alternative method for financing certain public buildings and facilities of governmental entities; and

WHEREAS, the City is a “city” within the meaning of K.S.A. 12-1757 *et seq.*, as modified by the provisions of the Charter Ordinance (collectively the “Act”); and

WHEREAS, the Act authorizes the City to create a public building commission under the conditions set forth in the Act; and

WHEREAS, the governing body of the City hereby finds it advisable and necessary to formally create a public building commission and to establish the purpose, composition, powers, functions and duties of such public building commission all pursuant to the Act, as modified herein.

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

Section 1. Creation. There is hereby created under the authority of the Act, a municipal corporation to be known as the City of Emporia, Kansas Public Building Commission (the “PBC”).

Section 2. Composition. The PBC shall be composed of 5 members (the “Members”). The Mayor and each Commissioner shall appoint one Member to the PBC; such Members shall serve at the pleasure of and only during the term of the person that appoints such Member. In the event that the PBC provides buildings or structures that are leased to governmental entities other than the City, the composition of the PBC shall be modified by subsequent ordinance of the City to conform to the requirements of the Act.

Section 3. Purpose, Powers and Functions. The PBC is created for the purposes of, and shall have the powers and shall perform the functions set forth in, the Act; provided that the PBC shall not enter into any leases for PBC property to entities other than the City without the prior approval of the governing body of the City. The City, by ordinance or charter ordinance hereafter taking effect, shall have the authority to further limit or expand the purposes, powers and/or functions of the PBC.

Section 4. Support Services. Unless otherwise approved by the governing body, the City Manager and City Clerk shall provide administrative services to the PBC and the City's bond counsel and City Attorney shall provide legal services to the PBC.

Section 5. Further Action. The PBC shall have the authority to adopt bylaws, resolutions or other official actions authorized by the Act and not inconsistent with the provisions of this Ordinance to govern its actions.

Section 6. Severability. If any provision of this Ordinance is deemed or ruled unconstitutional or otherwise illegal or invalid by any court of competent jurisdiction, such illegality or invalidation shall not affect any other provision of this Ordinance. This Ordinance shall be enforced and construed as if such illegal or invalid provision had not been contained herein.

Section 7. Effective Date. This Ordinance shall be in force and take effect from and after its passage, approval, and publication once in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

PASSED by the governing body of the City on January 8, 2025, and **SIGNED** by the Mayor.

(SEAL)

Erren Harter, Mayor

ATTEST:

Kerry Sull, Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on January 8, 2025; that the record of the final vote on its passage is found on page ____ of journal ____; and that it was published in ***The Emporia Gazette*** on January ____, 2025.

DATED: January ____, 2025.

Kerry Sull, Clerk

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**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EMPORIA, KANSAS
HELD ON JANUARY 8, 2025**

The governing body met in regular session at the usual meeting place in the City, at the usual meeting place in the City, at 11:00 a.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

There was presented an Ordinance entitled:

**AN ORDINANCE CREATING THE CITY OF EMPORIA, KANSAS PUBLIC
BUILDING COMMISSION AND ESTABLISHING THE PURPOSE,
COMPOSITION, POWERS, FUNCTIONS AND DUTIES THEREOF.**

Commissioner _____ moved that the Ordinance be passed. The motion was seconded by Commissioner _____. The Ordinance was duly read and considered, and upon being put, the motion for the passage of the Ordinance was carried by the vote of the governing body as follows:

Yea: _____.

Nay: _____.

The Ordinance having received a majority vote of the members-elect of the governing body, the Mayor declared the Ordinance duly adopted, and it was numbered Ordinance No. 25-02 and signed by the Mayor and attested by the Clerk. The Clerk was further directed to cause the publication of the Ordinance or a summary thereof one time in the official City newspaper as required by law.

There was presented the matter of appointing the members to the City of Emporia, Kansas Public Building Commission as set forth in Ordinance No. 25-02 of the City. The Mayor and each Commissioner presented the following persons and their prospective terms of office:

Mayor/Councilmember	PBC Member
Mayor Harter	Erren Harter
Commissioner Brinkman	Susan Brinkman
Commissioner Smith	Becky Smith
Commissioner Sauder	Jamie Sauder
Commissioner Curtis	Tyler Curtis

Commissioner _____ moved that said appointments be approved. The motion was seconded by Commissioner _____. The motion was duly considered, and upon being put, the motion for approval was carried by the vote of the governing body as follows:

Yea: _____.

Nay: _____.

* * * * *

(Other Proceedings)

[BALANCE OF PAGE INTENTIONALLY LEFT BLANK]

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Emporia, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Clerk



Commission Action Report

Charter Ordinance No. 46 Pertaining to Filling Governing Body Vacancies

Title: Charter Ordinance No. 46 Pertaining to Filling Governing Body Vacancies

Agenda Date: January 8, 2025

Presented By: Christina Montgomery, City Attorney

Background:

K.S.A. 12-104a establishes provisions for filling governing body vacancies but does not apply uniformly to all cities in Kansas. Therefore, the City may utilize its Home Rule authority under Article XII, Section 5, of the Constitution of the State of Kansas to exempt itself from said provisions.

The City of Emporia previously exempted itself from the provisions of K.S.A. 12-104a in Charter Ordinance No. 36, repealed by Charter Ordinance No. 38.

Discussion:

Charter Ordinance No. 46 exempts the City from statutory provisions relating to filling governing body vacancies, and repeals Charter Ordinance No. 38 concerning the same. Charter Ordinance No. 46 specifies that a vacancy in the office of the city commission shall be filled by an appointment of a qualified elector by a majority vote of the remaining members of the governing body, and specifies that currently serving city commissioners are not eligible to fill a vacancy. Additional procedures may be established by ordinary ordinance.

Approval of a Charter ordinance requires a 2/3 majority vote of the City Commission, publication in the official city newspaper for two consecutive weeks, and a sixty-day protest petition window following publication.

Financial considerations:

The city will pay the cost of publication in the official city newspaper.

Recommended action:

Approve Charter Ordinance No. 46 Pertaining to Filling Governing Body Vacancies

Attachments:

Charter Ordinance No. 46 Pertaining to Filling Governing Body Vacancies

CHARTER ORDINANCE NO. 46

A CHARTER ORDINANCE EXEMPTING THE CITY OF EMPORIA, KANSAS FROM THE PROVISIONS OF K.S.A. 12-104a, RELATING TO THE FILLING OF GOVERNING BODY VACANCIES; AND REPEALING CHARTER ORDINANCE NO. 38 CONCERNING THE SAME.

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the “Act”) empowers cities to determine their local affairs and government and provides that such power and authority granted thereby to cities shall be liberally construed for the purpose of giving to cities the largest measure of self-government, including passing charter ordinances which exempt such cities from non-uniform statutes and acts of the Kansas Legislature; and

WHEREAS, the City of Emporia, Kansas (the “City”) is a Municipality, as defined in the Act, duly created and organized, under the laws of the State of Kansas; and

WHEREAS, K.S.A. 12-104a is part of an enactment of the Kansas Legislature relating to procedure for filling vacancies in the governing body of a municipality, which enactment is applicable to the City, but is not uniformly applicable to all cities within the State of Kansas; and

WHEREAS, the governing body of the City has heretofore passed Charter Ordinance No. 38 which exempts the City from the provisions of K.S.A. 12-104a, and provides substitute and additional provisions therefor; and

WHEREAS, the governing body of the City desires, by charter ordinance, to exempt the City from the provisions of K.S.A. 12-104a, and to provide substitute and additional provisions therefor, and when effective, repeal the provisions of Charter Ordinance No. 38.

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

Section 1. The City of Emporia, by virtue of the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects and does exempt itself and make inapplicable to it K.S.A. 2015 Supp. 12-104a, relating to the filling of governing body vacancies, which enactment applies to this city, but does not apply uniformly to all cities, and does hereby provide the following substitute and additional provisions as hereinafter set forth.

Section 2. Filling of Governing Body Vacancies.

- (a) The office of a city commissioner shall become vacant upon death, resignation, recall, removal from office in any manner authorized by law, or by forfeiture of office pursuant to K.S.A. 60-1205.
- (b) A vacancy in the office of a city commissioner shall be filled by an appointment of an elector qualified to fill the unexpired term of the vacant position by a majority vote of the remaining members of the governing body. Incumbent city commission officeholders shall not be eligible to fill a vacancy.

(c) Additional procedure for the filling of a vacancy in the office of a city commissioner may be established by ordinary ordinances.

Section 3. Charter Ordinance No. 38 of the City of Emporia, Kansas relating to Filling Vacancies on the City Commission is hereby repealed.

Section 4. This charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

Section 5. This charter ordinance shall take effect 61 days after final publication unless a sufficient petition for a referendum is filed and a referendum held on the ordinance as provided in Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case the ordinance shall become effective if approved by the majority of the electors thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds (2/3) of the members-elect voting in favor thereof, this 8th day of January 2025

Attest: _____
Kerry Sull, City Clerk

Erren Harter, Mayor



Commission Action Report

Ordinance 25-01 Establishing Procedure for Filling Governing Body Vacancies

Title: Ordinance 25-01 Establishing Procedure for Filling Governing Body Vacancies

Agenda Date: January 8, 2025

Presented By: Christina Montgomery, City Attorney

Background:

Ordinance No. 25-01 will establish a new procedure for filling vacancies in the city commission. The previous procedure was specified in Charter Ordinance No. 38 which will be repealed upon the effective date of Charter Ordinance No. 46.

Discussion:

Ordinance 25-01 establishes the procedure for filling future governing body vacancies. The procedure will include the announcement of a vacancy, acceptance of applications, interview of qualified electors, and vote by the remaining members of the city commission to fill the vacancy. The newly appointed city commissioner will serve the remainder of the unexpired term.

This ordinance will go into effect after publication in the official city newspaper and upon the effective date of Charter Ordinance No. 46.

Financial considerations:

The City will pay the cost of publication in the official city newspaper.

Recommended action:

Approve Ordinance 25-01 Establishing Procedure for Filling Governing Body Vacancies

Attachments:

Ordinance 25-01 Establishing Procedure for Filling Governing Body Vacancies

ORDINANCE NO. 25-01

AN ORDINANCE AMENDING THE CODE OF THE CITY OF EMPORIA, KANSAS BY ENACTING A NEW SECTION 2-33 RELATING TO THE PROCEDURE FOR FILLING GOVERNING BODY VACANCIES.

WHEREAS, the Governing Body of the City has exempted itself from the provisions of K.S.A. 12-104a relating to filling vacancies on the City Commission through Charter Ordinance No. 46 and desires to provide substitute and additional provisions.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

SECTION 1. That Section 2-33 of the Code of the City of Emporia, Kansas is hereby enacted to read as follows:

“Section 2-33. Procedure for Filling Governing Body Vacancies. Subject to the provisions of Charter Ordinance No. 46, the following process shall be followed when filling vacancies in the city commission.

- a) Any vacancy in the city commission shall be announced at the next regular city commission meeting or special meeting called for that purpose.
- b) Within one week of the announcement of a vacancy, the city clerk shall cause to be published in the official city newspaper a notice that applications are being sought for the filling the unexpired term of the vacant position.
- c) Applications shall be accepted for a period of no less than 7 days and no more than 30 days. The deadline for applications shall be at 5:00 p.m. on a date specified in the notice. Applications shall be submitted to the office of the city clerk.
- d) Applications shall include the following:
 - 1) Identifying information sufficient to verify qualified elector status.
 - 2) A statement of qualifications and personal background.
 - 3) A statement addressing why the applicant wishes to serve in the office of city commissioner.
 - 4) A \$20 filing fee or nominating petition signed by twenty qualified electors in the City of Emporia.
- e) The city clerk will submit a list of qualified applicants to the city commission for consideration.
- f) The city commission shall interview each applicant at the next regular city commission meeting or at a special meeting called for that purpose.
- g) At least one day prior to the interview date, the city manager shall compile a list of questions to be asked of all candidates during the interviews.
- h) Interviews shall be conducted in alphabetical order by last name. Interviews shall consist of an opening statement by applicants and the asking and answering of the list of prepared questions.

- i) At the conclusion of the interviews, the city commission may ask additional questions of the candidates, engage in discussion, or vote to fill the vacant position subject to the following provisions:
 - 1) The vote shall be conducted in an open meeting of the city commission.
 - 2) The city commission may confer before or after any vote in any manner consistent with the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.*
 - 3) The vote may be deferred or continued to a subsequent regular or special meeting. In no event shall the vote be deferred later than the next regular city commission meeting.
 - 4) Each remaining member of the city commission shall vote for one applicant.
 - 5) Any candidate receiving a majority of votes shall be the successful candidate appointed to fill the vacancy in the city commission.
 - 6) If no applicant receives a majority vote, additional votes shall be taken until one of the applicants receives a majority vote or the matter is deferred until a date certain, which shall not be later than the next regular city commission meeting.
 - 7) If the City Commission is unable to reach a majority consensus, the Commission may take other appropriate action including, but not limited to, accepting additional applications, conducting further evaluation, or establishing a resolution calling for a special election.
- j) Any person appointed to fill an unexpired city commission term may take the oath of office during the meeting in which they receive a majority vote, or at the next regular city commission meeting.”

SECTION 2. Effective Date. This ordinance shall take effect after its publication in the official City newspaper and upon the effective date of Charter Ordinance No. 46.

SECTION 3. Incorporation into the Code of the City of Emporia, Kansas. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, Kansas as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 8th day of January 2025.

Erren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Commitment of City Funds, KDOT TA Sidewalk Project No. SK2201

Title: Commitment of City Funds, KDOT TA Sidewalk Project No. SK2201, KDOT 056 TE-0516-01

Agenda Date: January 8, 2025

Presented By: James Ubert, City Engineer

Background:

City Engineering developed the concept and applied for KDOT TA project in 2022. The City was awarded project 056 TE-0516-01 by KDOT for sidewalk and hike & bike path improvements along 24th Avenue (Prairie Street to Lincoln Street) and along 12th Avenue (Dillons to Burlingame Road) & Burlingame Road (12th Avenue to Riley Avenue). The City Commission approved the Resolution of Support for this project on May 4, 2022, and approved the original project agreement with KDOT on December 20, 2023.

Discussion:

Supplemental Agreement No. 1 was approved on November 6, 2024, and adjusted our agreement with KDOT in which the funding cap was removed. KDOT is administering this project and has asked that the City commit our funding and pay our project share by February 6, 2025.

Financial considerations:

KDOT will participate at 80% of the total actual participating Costs of Construction & Construction Engineering (CE). The City will be responsible for the remaining 20% of total participating costs, 100% of the Preliminary Engineering (PE) which was completed by City Engineering, Right of Way and Utility Relocation Costs, and 100% of Non-Participating Costs. The project was estimated to be \$950,000 with KDOT's cost share being \$760,000 and the City paying \$190,000. The project bid through KDOT on December 18, 2024, and they plan to award the contract to MultiCon Inc. from Park City, KS. Based upon the bid to be awarded and the Construction Engineering estimate Emporia is being asked to commit \$144,000 of City funds to the project (bid prices came in lower than estimated).

Recommended action:

Approve the City Commitment of Funds and Authorize the Mayor to sign the KDOT Authority to Award Contract DOT Form 1309.

Attachments:

KDOT Letter and Form 1309

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745



Phone: 785-296-3861
Fax: 785-296-6946
kdot#publicinfo@ks.gov
http://www.ksdot.gov

Calvin E. Reed, P.E., Secretary
Dawn M. Hueske, P.E., Bureau Chief

Laura Kelly, Governor

December 19, 2024

**Project Number: 056 TE-0516-01
TA-T051(601)**

City of Emporia
Mr. James Ubert, P.E.
City Engineer
P.O. Box 928
Emporia, KS 66801-

Dear Mr. Ubert:

We are listing below the bidder and the low bid received at Topeka, KS on 12/18/2024 for the above numbered project.

CONTRACTOR	TYPE OF WORK	AMOUNT
MULTICON INC	Emporia: Sidewalk Improvements Project	\$575,738
PARK CITY, KS		

This is considered satisfactory when compared with the engineer's estimate, and we believe that contracts should be awarded to the low bidder. If this bid is acceptable to the City, please sign the enclosed resolution and return it to this office. In order to guarantee the low bid, we must receive the expected resolution on or before 1/10/2025. Upon receipt of the signed resolution and approval by the Secretary of Transportation the contract will be awarded.

A combination of bid items and construction engineering less \$572,281 Federal funds will require City matching funds in the amount of \$144,000. The City remittance should be made on or before 2/6/2025.

Sincerely,

Cara Hodges

Digitally signed by Cara
Hodges
DN: C=US,
E=cara.hodges@ks.gov,
O=Kansas Department of
Transportation, OU=Bureau of
Local Projects, CN=Cara
Hodges
Date: 2024.12.19
13:20:18-06'00'

for Dawn M. Hueske, P.E., Bureau Chief
Bureau of Local Projects

dmh/cch
Enclosures
c Mayor/City Manager
Ms. Pam Anderson, Chief of Fiscal Services
Mr. Leroy Koehn, P.E., District One Engineer

**AUTHORITY TO AWARD CONTRACT
COMMITMENT OF CITY FUNDS**
12/19/2024

2 Copies to City
Project Number: 056 TE-0516-01
TA-T051(601)

WHEREAS bids were received at Topeka, KS on 12/18/2024 for the performance of work covered by plans on the above numbered project, and

WHEREAS the bidder and the low bid or bids on work covered by this project were:

CONTRACTOR	TYPE OF WORK	AMOUNT
MULTICON INC	Emporia: Sidewalk Improvements Project	\$575,738
PARK CITY, KS		

WHEREAS bids are considered satisfactory and have been recommended by the Secretary of Transportation of the State of Kansas, hereinafter referred to as the SECRETARY, for consideration and acceptance of the work on this project as covered by such bid or bids.

**A combination of bid items and construction engineering less \$572,281 Federal funds
will require City matching funds in the amount of \$144,000.**

BE IT FURTHER RESOLVED that City funds in the amount of \$144,000 which are required for the matching of Federal funds are hereby pledged by the City to be remitted to the Chief of Fiscal Services of the Department of Transportation of the State of Kansas on or before 2/6/2025 for use by the SECRETARY in making payments for construction work and engineering on the above designated project with final cost being determined upon completion and audit of the project.

The City certifies that no known or foreseeable legal impediments exist that would prohibit completion of the project and that the project complies with all applicable codes, standards and/or regulations required for completion.

Adopted this _____ day of _____, 20_____, at _____, Kansas.

Recommended for Approval:

City Engineer/Road Supervisor

_____, Mayor

Attest:

(Seal)

_____, Member

_____, Member

City Clerk

INVOICE

Keep for your Records

Due on or before 2/6/2025

PRELIMINARY STATEMENTS OF COSTS

056 TE-0516-01

TA-T051(601)

Emporia: Sidewalk Improvements Project

Please Remit Payment to:
Kansas Department of Transportation
Bureau of Fiscal Services
700 SW Harrison Street, 3rd Floor West
Topeka, KS 66603

Construction and CE Breakdown	
Actual Bid	\$575,298
Water (for grading)	\$440
Sub-Total Actual Bid Amount	\$575,738
LPA CE Contract	\$139,613
Sub-Total Construction and CE	\$715,351
Federal-aid Non-Participating Const. Costs	\$0
Federal-aid Non-Participating CE	\$0
Participating PE Costs	\$0
Participating Railroad Costs	\$0
Participating ROW Costs	\$0
Participating Utility Costs	\$0
Federal Participating Project Costs	\$715,351
Total Project Costs	\$715,351

CE Breakdown	
Total LPA CE	\$139,613
Federal Non-Participating CE	\$0
Federal Participating CE	\$139,613

Federal/City Funding Summary	
Total Project Costs	\$715,351
100% City Funds Due to Non-Participating	\$0
Federal Participating Project Costs	\$715,351
Fund 1- Available Funding	\$715,351
80% Federal Funds	\$572,281
20% City Funds	\$143,070
100% City Funds Due to Max Funding	\$0

Key	
KDOT	Kansas Department of Transportation
LPA	Local Public Authority
CE	Construction Engineering (Inspection)
Const.	Construction

Totals				
	City Funds	Federal Funds	State Funds	Total Funds
Federal Non-Participating Construction	\$0			\$0
Federal Non-Participating CE	\$0			\$0
Fund 1- 80% Federal Funds		\$572,281		\$572,281
Fund 1- 20% City Funds	\$143,070			\$143,070
City Funds Due to Max Funding	\$0			\$0
Total	\$143,070	\$572,281	\$0	\$715,351

Amount to Bill County (Rounded Up)	\$144,000
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BUREAU OF CONSTRUCTION & MATERIALS

As Read By Project (Bidders List by Individual Project)

Date: 12/18/2024

Contract Number: 524122131

Project Number: 056 TE 0516-01

Federal Number: TA-T051(601)

Description: PEDESTRIAN AND BICYCLE PATHS

County: LYON

State Ties: --

Total Records: 4

[Helpful Definitions](#)

Contractor Name

Bid Amount

MULTICON INC \$575,298.00

BARKLEY CONSTRUCTION LLC \$672,969.00

PRADO CONSTRUCTION LLC \$701,460.00

BRUCE DAVIS CONSTRUCTION LLC \$799,972.00

**AUTHORITY TO AWARD CONTRACT
COMMITMENT OF CITY FUNDS
12/19/2024**

2 Copies to City
Project Number: 056 TE-0516-01
TA-T051(601)

WHEREAS bids were received at Topeka, KS on 12/18/2024 for the performance of work covered by plans on the above numbered project, and

WHEREAS the bidder and the low bid or bids on work covered by this project were:

CONTRACTOR	TYPE OF WORK	AMOUNT
MULTICON INC	Emporia: Sidewalk Improvements Project	\$575,738
PARK CITY, KS		

WHEREAS bids are considered satisfactory and have been recommended by the Secretary of Transportation of the State of Kansas, hereinafter referred to as the SECRETARY, for consideration and acceptance of the work on this project as covered by such bid or bids.

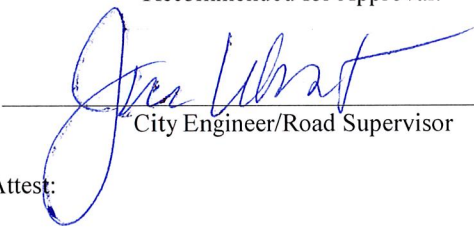
**A combination of bid items and construction engineering less \$572,281 Federal funds
will require City matching funds in the amount of \$144,000.**

BE IT FURTHER RESOLVED that City funds in the amount of \$144,000 which are required for the matching of Federal funds are hereby pledged by the City to be remitted to the Chief of Fiscal Services of the Department of Transportation of the State of Kansas on or before 2/6/2025 for use by the SECRETARY in making payments for construction work and engineering on the above designated project with final cost being determined upon completion and audit of the project.

The City certifies that no known or foreseeable legal impediments exist that would prohibit completion of the project and that the project complies with all applicable codes, standards and/or regulations required for completion.

Adopted this _____ day of _____, 20____, at _____, Kansas.

Recommended for Approval:



City Engineer/Road Supervisor

_____, Mayor

Attest:

_____, Member

(Seal)

_____, Member

City Clerk

Revised 07/18
DOT FORM 1309



Commission Action Report

KDOT TA Supplemental Agreement

Title: KDOT TA Supplemental Agreement No. 1, City Proj. No. PV1907, KDOT 56 KA-5281-01

Agenda Date: January 8, 2025

Presented By: James Ubert, City Engineer

Background:

City Engineering applied for KDOT Access Management funding to design and "Construct Road F to City of Emporia Urban Street Standards, with 3-lanes of dust free pavement, a two-way left-turn lane, curb and gutter, storm sewer, drainage structures, and improved intersections with US-50 and Road 180 with turn lanes." The City of Emporia signed an agreement with KDOT Access Management in 2019 for funding of that project with KDOT paying \$1,350,000 of the total actual costs of construction. The City's responsibilities were 100% of Preliminary Engineering, Construction Engineering, Right of Way, and Utility adjustments for the Project. Due to delays with easement and right of way purchasing during COVID and construction cost increases after COVID, the project bid January 30, 2024 and was awarded in the amount of \$2,034,509.57. During construction, City Engineering requested KDOT increase their contribution to cover some of the construction cost increases from COVID.

Discussion:

Supplemental Agreement No. 1 will adjust KDOT reimbursement funding from \$1,350,000 to \$1,650,000.

Financial considerations:

The total cost of construction was \$2,088,170.60. Supplemental Agreement No. 1 will adjust KDOT reimbursement funding from \$1,350,000 to \$1,650,000. The City paid approximately \$500,000 (Preliminary Engineering, Right of Way, Utility Relocations, and Construction Engineering) for paving a half mile of three (3) lane urban roadway along Industrial Park IV.

Recommended action:

Approve Supplemental Agreement No. 1 with KDOT and authorize the Mayor to sign.

Attachments:

KDOT Supplemental Agreement No. 1.

PROJECT NO. 56 KA-5281-01
CONSTRUCTION
CITY OF EMPORIA, KANSAS

AGREEMENT

This Agreement is between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the “Secretary”) and the **City of Emporia, Kansas** (“City”), collectively, the “Parties.”

RECITALS:

- A. The City has requested and Secretary has authorized a Corridor Management construction project, as further described in this Agreement.
- B. The Secretary and the City are empowered by the laws of Kansas to enter into agreements for the construction and maintenance of city streets utilizing state funds.
- C. Cities are, under certain circumstances, entitled to receive assistance in the financing of the construction and reconstruction of streets and state highways, provided however, in order to be eligible for state aid, such work is required to be done in accordance with the laws of Kansas.

NOW THEREFORE, in consideration of these premises and the mutual covenants set forth herein, the Parties agree to the following terms and provisions.

ARTICLE I

DEFINITIONS: The following terms as used in this Agreement have the designated meanings:

- 1. “**Agreement**” means this written document, including all attachments and exhibits, evidencing the legally binding terms and conditions of the agreement between the Parties.
- 2. “**City**” means the City of Emporia, Kansas, with its place of business at 522 Mechanic Street, Emporia, KS 66801.
- 3. “**Construction**” means the work done on the Project after Letting, consisting of building, altering, repairing, improving or demolishing any structure, building or highway; any drainage, dredging, excavation, grading or similar work upon real property.
- 4. “**Construction Contingency Items**” mean unforeseeable elements of cost within the defined project scope identified after the Construction phase commences.
- 5. “**Construction Engineering**” means inspection services, material testing, engineering consultation and other reengineering activities required during Construction of the Project.

6. **"Consultant"** means any engineering firm or other entity retained to perform services for the Project.
7. **"Contractor"** means the entity awarded the Construction contract for the Project and any subcontractors working for the Contractor with respect to the Project.
8. **"Design Plans"** means design plans, specifications, estimates, surveys, and any necessary studies or investigations, including, but not limited to, environmental, hydraulic, and geological investigations or studies necessary for the Project under this Agreement.
9. **"Effective Date"** means the date this Agreement is signed by the Secretary or the Secretary's designee.
10. **"Encroachment"** means any building, structure, farming, vehicle parking, storage or other object or thing, including but not limited to signs, posters, billboards, roadside stands, fences, or other private installations, not authorized to be located within the Right of Way which may or may not require removal during Construction pursuant to the Design Plans.
11. **"FHWA"** means the Federal Highway Administration, a federal agency of the United States.
12. **"Hazardous Waste"** includes, but is not limited to, any substance which meets the test of hazardous waste characteristics by exhibiting flammability, corrosivity, or reactivity, or which is defined by state and federal laws and regulations, and any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, including but not limited to leaking underground storage tanks. Any hazardous waste as defined by state and federal laws and regulations and amendments occurring after November 11, 1991, is incorporated by reference and includes but is not limited to: (1) 40 C.F.R. § 261 et seq., Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristics Revisions; Final Rule; (2) 40 C.F.R. § 280 et seq., Underground Storage Tanks; Technical Requirements and State Program Approval; Final Rules; (3) 40 C.F.R. § 300, National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule; and (4) K.S.A. 65-3430 et seq., Hazardous Waste.
13. **"KDOT"** means the Kansas Department of Transportation, an agency of the state of Kansas, with its principal place of business located at 700 SW Harrison Street, Topeka, KS, 66603-3745.
14. **"Letting" or "Let"** means the process of receiving bids prior to any award of a Construction contract for any portion of the Project.
15. **"Non-Participating Costs"** means the costs of any items or services which the Secretary, acting on his own behalf, reasonably determines are not Participating Costs.

16. **“Participating Costs”** means expenditures for items or services which are an integral part of highway, bridge and road construction projects, as reasonably determined by the Secretary.
17. **“Parties”** means the Secretary of Transportation and KDOT, individually and collectively, and the City.
18. **“Preliminary Engineering”** means pre-construction activities, including but not limited to design work, generally performed by a consulting engineering firm that takes place before Letting.
19. **“Project”** means all phases and aspects of the Construction endeavor to be undertaken by the City, as and when authorized by the Secretary prior to Letting, being: **Construct Road F to City of Emporia Urban Street Standards, with 3-lanes of dust free pavement, a two-way left-turn lane, curb and gutter, storm sewer, drainage structures, and improved intersections with US-50 and Road 180 with turn lanes in Emporia, Kansas,** and is the subject of this Agreement.
20. **“Project Limits”** means that area of Construction for the Project, including all areas between and within the Right of Way boundaries as shown on the Design Plans.
21. **“Responsible Bidder”** means one who makes an offer to construct the Project in response to a request for bid with the technical capability, financial capacity, human resources, equipment, and performance record required to perform the contractual services. The bidder must be eligible and listed on KDOT’s prequalified list.
22. **“Right of Way”** means the real property and interests therein necessary for Construction of the Project, including fee simple title, dedications, permanent and temporary easements, and access rights, as shown on the Design Plans.
23. **“Secretary”** means the Secretary of Transportation of the state of Kansas, and his or her successors and assigns.
24. **“Utilities” or “Utility”** means all privately, publicly or cooperatively owned lines, facilities and systems for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, and other similar commodities, including non-transportation fire and police communication systems which directly or indirectly serve the public.

ARTICLE II

SECRETARY RESPONSIBILITIES:

1. **Technical Information on Right of Way Acquisition.** The Secretary will provide technical information upon request to help the City acquire rights of way in accordance with the

laws and with procedures established by KDOT's Bureau of Right of Way and the Office of Chief Counsel such that the City may obtain participation of state funds in the cost of the Project.

2. **Payment of Costs.** The Secretary agrees to reimburse the City for one hundred percent (100%) of the total actual costs of Construction (which includes the costs of all Construction Contingency Items), but not to exceed \$1,350,000.00 for the Project. The Secretary shall not be responsible for the total actual costs of Preliminary Engineering, Construction Engineering, Right of Way, or Utility adjustments for the Project.

3. **Reimbursement Payments.** The Secretary agrees to make partial payments to the City for amounts not less than \$1,000 and no more frequently than monthly. Such payments will be made after receipt of proper billing and approval by a licensed professional engineer employed by the City that the Project is being constructed within substantial compliance of the Design Plans.

ARTICLE III

CITY RESPONSIBILITIES:

1. **Legal Authority.** The City agrees to adopt all necessary ordinances and/or resolutions and to take such administrative or legal steps as may be required to give full effect to the terms of this Agreement.

2. **Design and Specifications.** The City shall be responsible to make or contract to have made Design Plans for the Project.

3. **Letting and Administration by City.** The City shall Let the contract for the Project and shall award the contract to the lowest Responsible Bidder upon concurrence in the award by the Secretary. The City further agrees to administer the construction of the Project in accordance with the Design Plans, and the documents set forth in Article III, paragraph 4 below, and to administer the payments due the Contractor, including the portion of the cost borne by the Secretary.

4. **Conformity with State and Federal Requirements.** The City shall be responsible to design the Project or contract to have the Project designed in conformity with the state and federal design criteria appropriate for the Project in accordance with the current Local Projects LPA Project Development Manual, Bureau of Local Project's (BLP) project memorandums, the current KDOT Design Manual, Geotechnical Bridge Foundation Investigation Guidelines, Bureau of Design's road memorandums, the current version of the KDOT Standard Specifications for State Road and Bridge Construction with Special Provisions, and with any necessary Project Special Provisions required by the Secretary or by the City with the Secretary's concurrence, A Policy on Geometric Design of Highways and Streets of the American Association of State Highway and Transportation Officials Policy, the KDOT Access Management Policy, the KDOT Access Management Construction Project Guidelines, and the latest version, as adopted by the Secretary, of the Manual on Uniform Traffic Control Devices (MUTCD), as applicable.

5. **Submission of Design Plans to Secretary.** Upon their completion, the City shall have the Design Plans submitted to the Secretary by a licensed professional engineer attesting to the conformity of the Design Plans with the items in Article III, paragraph 4 above. The Design Plans must be signed and sealed by the licensed professional engineer responsible for preparation of the Design Plans. In addition, geological investigations or studies must be signed and sealed by either a licensed geologist or licensed professional engineer in accordance with K.S.A. 74-7042, who is responsible for the preparation of the geological investigations or studies.

6. **Consultant Contract Language.** The City shall include language requiring conformity with Article III, paragraph 4 above, in all contracts between the City and any Consultant with whom the City has contracted to perform services for the Project. In addition, any contract between the City and any Consultant retained by them to perform any of the services described or referenced in this paragraph for the Project covered by this Agreement must contain language requiring conformity with Article III, paragraph 4 above. In addition, any contract between the City and any Consultant with whom the City has contracted to prepare and certify Design Plans for the Project covered by this Agreement must also contain the following provisions:

(a) **Completion of Design.** Language requiring completion of all plan development stages no later than the current Project schedule's due dates, exclusive of delays beyond the Consultant's control.

(b) **Progress Reports.** Language requiring the Consultant to submit to the City (and to the Secretary upon request) progress reports at monthly or at mutually agreed intervals in conformity with the official Project schedule.

(c) **Third Party Beneficiary.** Language making the Secretary a third party beneficiary in the agreement between the City and the Consultant. Such language shall read:

"Because of the Secretary of Transportation of the State of Kansas' (Secretary's) obligation to administer state funds, federal funds, or both, the Secretary shall be a third party beneficiary to this agreement between the City and the Consultant. This third party beneficiary status is for the limited purpose of seeking payment or reimbursement for damages and costs the Secretary or the City or both incurred or will incur because the Consultant failed to comply with its contract obligations under this Agreement or because of the Consultant's negligent acts, errors, or omissions. Nothing in this provision precludes the City from seeking recovery or settling any dispute with the Consultant as long as such settlement does not restrict the Secretary's right to payment or reimbursement."

7. **Responsibility for Adequacy of Design.** The City shall be responsible for and require any consultant retained by it to be responsible for the adequacy and accuracy of the Design Plans for the Project. Any review of these items performed by the Secretary or Secretary's representatives is not intended to and shall not be construed to be an undertaking of the City's and its Consultant's duty to provide adequate and accurate Design Plans for the Project. Reviews by

the Secretary are not done for the benefit of the Consultant, the construction Contractor, the City, any other political subdivision, or the traveling public. The Secretary makes no representation, express or implied warranty to any person or entity concerning the adequacy or accuracy of the Design Plans for the Project, or any other work performed by the Consultant or the City.

8. **Performance Bond.** The City further agrees to require the Contractor to provide a performance bond in a sum not less than the amount of the contract as awarded.

9. **Plan Retention.** The City will maintain a complete set of final Design Plans reproducible, as-built prints, approved shop drawings, and structural materials certification for five (5) years after the Project's completion. The City further agrees to make such reproducible, prints, drawings, and certifications available for inspection by the Secretary upon request. The City shall provide access to or copies of all the above-mentioned documents to the Secretary.

10. **General Indemnification.** To the extent permitted by law and subject to the maximum liability provisions of the Kansas Tort Claims Acts as applicable, the City will defend, indemnify, hold harmless, and save the Secretary and the Secretary's authorized representatives from any and all costs, liabilities, expenses, suits, judgments, damages to persons or property, or claims of any nature whatsoever arising out of or in connection with the provisions or performance of this Agreement by the City, the City's employees, agents, subcontractors or its consultants. The City shall not be required to defend, indemnify, or hold the Secretary harmless for negligent acts or omissions of the Secretary or Secretary's authorized representatives or employees.

11. **Indemnification by Contractors.** The City agrees to require the Contractor to indemnify, hold harmless, and save the Secretary and the City from personal injury and property damage claims arising out of the act or omission of the Contractor, the Contractor's agent, subcontractors (at any tier), or suppliers (at any tier). If the Secretary or the City defends a third party's claim, the Contractor shall indemnify the Secretary and the City for damages paid to the third party and all related expenses either the Secretary or the City or both incur in defending the claim.

12. **Authorization of Signatory.** The City shall authorize a duly appointed representative to sign for the City any or all routine reports as may be required or requested by the Secretary in the completion of the Project.

13. **Right of Way.** The City agrees to the following with regard to Right of Way:

(a) **Right of Way Acquisition.** The City will, in its own name, as provided by law, acquire by purchase, dedication or condemnation all the Right of Way shown on the final Design Plans in accordance with the schedule established by City. The City agrees the necessary Right of Way shall be acquired in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, and administrative regulations contained in 49 C.F.R. Part 24, entitled Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs. The City shall certify to the Secretary, on forms provided by the KDOT's Bureau of Local Projects, such

Right of Way has been acquired. The City further agrees it will have recorded in the Office of the Register of Deeds all Right of Way, deeds, dedications, permanent easements and temporary easements.

(b) Right of Way Documentation. The City will provide all legal descriptions required for Right of Way acquisition work. Right of way descriptions must be signed and sealed by a licensed land surveyor responsible for the preparation of the Right of Way descriptions. The City further agrees to acquire Right of Way in accordance with the laws and with procedures established by KDOT's Bureau of Right of Way and the Office of Chief Counsel. The City agrees copies of all documents, including recommendations and coordination for appeals, bills, contracts, journal entries, case files, or documentation requested by the Office of Chief Counsel will be delivered within the time limits set by the Secretary.

(c) Relocation Assistance. The City will contact the Secretary if there will be any displaced person on the Project prior to making the offer for the property. The Parties mutually agree the Secretary will provide relocation assistance for eligible persons as defined in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987, and as provided in 49 C.F.R. Part 24, entitled Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs, and in general accordance with K.S.A. 58-3501 to 58-3507, inclusive, and Kansas Administrative Regulations 36-16-1 et seq.

(d) Non-Highway Use of Right of Way. Except as otherwise provided, all Right of Way provided for the Project shall be used solely for public street purposes. Any disposal of or change in the use of Right of Way or in access after Construction of the Project will require prior written approval by the Secretary.

(e) Trails and Sidewalks on Right of Way. Intentionally deleted.

14. Removal of Encroachments. The City shall initiate and proceed with diligence to remove or require the removal of all Encroachments either on or above the limits of the Right of Way within its jurisdiction as shown on the final Design Plans for this Project. It is further agreed all such Encroachments will be removed before the Project is advertised for Letting; except the Secretary may permit the Project to be advertised for Letting before such Encroachment is fully removed if the Secretary determines the City and the owner of the Encroachment have fully provided for the physical removal of the Encroachment and such removal will be accomplished within a time sufficiently short to present no hindrance or delay to the Construction of the Project.

15. Future Encroachments. Except as provided by state and federal laws, the City agrees it will not in the future permit Encroachments upon the Right of Way of the Project, and specifically will require any gas and fuel dispensing pumps erected, moved, or installed along the Project be placed no less than the distance permitted by the National Fire Code from the Right of Way line.

16. **Utilities.** The City agrees to the following with regard to Utilities:

(a) **Utility Relocation.** The City will move or adjust, or cause to be moved or adjusted, and will be responsible for such removal or adjustment of all existing Utilities necessary to construct the Project in accordance with the final Design Plans. New or existing Utilities to be installed, moved, or adjusted will be located or relocated in accordance with the current version of the KDOT Utility Accommodation Policy (UAP), as amended or supplemented.

(b) **Status of Utilities.** The City shall furnish the Secretary a list identifying existing and known Utilities affected, together with locations and proposed adjustments of the same and designate a representative to be responsible for coordinating the necessary removal or adjustment of Utilities.

(c) **Time of Relocation.** The City will expeditiously take such steps as are necessary to facilitate the early adjustment of any Utilities, initiate the removal or adjustment of the Utilities, and proceed with reasonable diligence to prosecute this work to completion. The City shall certify to the Secretary on forms supplied by the Secretary that all Utilities required to be moved prior to Construction have either been moved or a date provided by the City as to when, prior to the scheduled Letting and Construction, Utilities will be moved. The City shall move or adjust or cause to be moved or adjusted all necessary Utilities within the time specified in the City's certified form except those necessary to be moved or adjusted during Construction and those which would disturb the existing street surface. The City will initiate and proceed to complete adjusting the remaining Utilities not required to be moved during Construction so as not to delay the Contractor in Construction of the Project.

(d) **Permitting of Private Utilities.** The City shall certify to the Secretary all privately owned Utilities occupying public Right of Way required for the Construction of the Project are permitted at the location by franchise, ordinance, agreement or permit and the instrument shall include a statement as to which party will bear the cost of future adjustments or relocations required as a result of street or highway improvements.

(e) **Indemnification.** To the extent permitted by law, the City will indemnify, hold harmless, and save the Secretary and the Contractor for damages incurred by the Secretary and Contractor because identified Utilities have not been moved or adjusted timely or accurately.

(f) **Cost of Relocation.** Except as provided by state and federal laws, the expense of the removal or adjustment of the Utilities located on public Right of Way shall be borne by the owners. The expense of the removal or adjustment of privately owned Utilities located on private Right of Way or easements shall be borne by the City except as provided by state and federal laws.

17. **Hazardous Waste.** The City agrees to the following with regard to Hazardous Waste:

(a) **Removal of Hazardous Waste.** The City shall locate and be responsible for remediation and cleanup of any Hazardous Waste discovered within the Project Limits. The City shall take appropriate action to cleanup and remediate any identified Hazardous Waste prior to Letting. The City will also investigate all Hazardous Waste discovered during Construction and shall take appropriate action to cleanup and remediate Hazardous Waste. The standards to establish cleanup and remediation of Hazardous Waste include, but are not limited to, federal programs administered by the Environmental Protection Agency, State of Kansas environmental laws and regulations, and local government standards where the Hazardous Waste is located.

(b) **Responsibility for Hazardous Waste Remediation Costs.** The City shall be responsible for all damages, fines or penalties, expenses, fees, claims and costs incurred from remediation and cleanup of any Hazardous Waste within the Project Limits which is discovered prior to Letting or during Construction.

(c) **Hazardous Waste Indemnification.** The City shall hold harmless, defend, and indemnify the Secretary, the Secretary's agents and employees from all claims, including contract claims and associated expenses, and from all fines, penalties, fees or costs imposed under state or federal laws arising out of or related to any act of omission by the City in undertaking cleanup or remediation for any Hazardous Waste.

(d) **No Waiver.** By signing this Agreement the City has not repudiated, abandoned, surrendered, waived or forfeited its right to bring any action, seek indemnification or seek any other form of recovery or remedy against any third party responsible for any Hazardous Waste on any Right of Way within the Project limits. The City reserves the right to bring any action against any third party for any Hazardous Waste on any Right of Way within the Project limits.

18. **Inspections.** The City is responsible to provide Construction Engineering for the Project in accordance with the documents identified in Article III, paragraph 4 above.

(a) **By City Personnel.** City personnel who are fully qualified to perform the inspection services in a competent and professional manner may be utilized by the City to inspect the Project, in which case the City shall provide the Secretary with a list of such personnel who will act as the assigned inspectors and their certifications.

(b) **By a Consultant.** If the City does not have sufficient qualified engineering employees to accomplish the Construction Engineering on this Project, it may engage the professional services of a qualified consulting engineering firm to do the necessary services. However, any Consultant retained must represent it is in good standing and full compliance with the statutes of the State of Kansas for registration of professional engineers, the FHWA, and all Federal agencies, provide personnel who are fully qualified

to perform the services in a competent and professional manner, and provide the Secretary with a list of assigned inspectors and their certifications.

(c) Protective Clothing. The City will require at a minimum all City personnel and all Consultant personnel performing Construction Engineering comply with the high visibility requirements of the Manual on Uniform Traffic Control Devices (MUTCD), Chapter 6E.02, High-Visibility Safety Apparel. If the City executes an agreement for Construction Engineering, the agreement shall contain this requirement as a minimum. The City may set additional clothing requirements for adequate visibility of personnel.

19. Corrective Work. Representatives of the Secretary may make periodic inspections of the Project and the records of the City as may be deemed necessary or desirable. The City will direct or cause its contractor to accomplish any corrective action or work required by the Secretary's representative as needed for a determination of state participation. The Secretary does not undertake (for the benefit of the City, the Contractor, the Consultant, or any third party) the duty to perform day-to-day detailed inspection of the Project or to catch the Contractor's errors, omissions or deviations from the final Design Plans.

20. Traffic Control. The City agrees to the following with regard to traffic control for the Project:

(a) Temporary Traffic Control. The City shall provide a temporary traffic control plan within the Design Plans, which includes the City's plan for handling multi-modal traffic during Construction, including detour routes and road closings, if necessary, and installation of alternate or temporary pedestrian accessible paths to pedestrian facilities in the public Right of Way within the Project Limits. The City's temporary traffic control plan must be in conformity with the latest version of the MUTCD, as adopted by the Secretary, and be in compliance with the American Disabilities Act of 1990 (ADA) and its implementing regulations at 28 C.F.R. Part 35, and FHWA rules, regulations, and guidance pertaining to the same. The Secretary or the Secretary's authorized representative may act as the City's agent with full authority to determine the dates when any road closings will commence and terminate. The Secretary or the Secretary's authorized representative shall notify the City of the determinations made pursuant to this section.

(b) Permanent Traffic Control. The location, form and character of informational, regulatory and warning signs, of traffic signals and of curb and pavement or other markings installed or placed by any public authority, or other agency as authorized by K.S.A. 8-2005, must conform to the manual and specifications adopted under K.S.A. 8 2003, and any amendments thereto are incorporated by reference.

(c) Parking Control. The City will control parking of vehicles on the City streets throughout the length of the Project covered by this Agreement. On street parking will be permitted until such time as parking interferes with the orderly flow of traffic along the street.

(d) **Traffic Movements.** The arterial characteristics inherent in the Project require uniformity in information and regulations to the end that traffic may be safely and expeditiously served. The City shall adopt and enforce rules and regulations governing traffic movements as may be deemed necessary or desirable by the Secretary.

21. **Access Control.** The City will maintain the control of access rights and prohibit the construction or use of any entrances or access points along the Project within the City other than those shown on the final Design Plans and in accordance with the KDOT Access Management Policy, unless prior approval is obtained from the Secretary.

22. **Financial Obligation.** The City will be responsible for one hundred percent (100%) of the total actual costs of Construction (which includes the costs of all Construction Contingency Items) that exceed \$1,350,000.00 for the Project. Further, the City agrees to be responsible for one hundred percent (100%) of the total actual costs of Preliminary Engineering, Construction Engineering, Right of Way, and Utility adjustments for the Project. The City shall also pay for any Non-Participating Costs incurred for the Project.

23. **Prior Costs Incurred.** The City shall be responsible for one hundred percent (100%) of any Project costs incurred by the City for the Project prior to the funding for the Project being authorized, obligated, and approved by the Secretary.

24. **Audit.** The City will participate and cooperate with the Secretary in an annual audit of the Project. The City shall make its records and books available to representatives of the Secretary for audit for a period of five (5) years after date of final payment under this Agreement. If any such audits reveal payments have been made with state funds by the City for items considered Non-Participating Costs, the City shall promptly reimburse the Secretary for such items upon notification by the Secretary.

25. **Accounting.** Upon request by the Secretary and in order to enable the Secretary to report all costs of the Project to the legislature, the City shall provide the Secretary an accounting of all actual Non-Participating Costs which are paid directly by the City to any party outside of the Secretary and all costs incurred by the City not to be reimbursed by the Secretary for Preliminary Engineering, Right of Way, Utility adjustments, Construction, and Construction Engineering work phases, or any other major expense associated with the Project.

26. **Cancellation by City.** If the City cancels the Project, it will reimburse the Secretary for any costs incurred by the Secretary prior to the cancellation of the Project. The City agrees to reimburse the Secretary within thirty (30) days after receipt by the City of the Secretary's statement of the cost incurred by the Secretary prior to the cancellation of the Project.

ARTICLE IV

GENERAL PROVISIONS:

1. **Incorporation of Documents.** The final Design Plans, special provisions, Construction Contract Proposal (as available), the Project Procedures Manuals, the agreement estimate for Construction Engineering services (if applicable) and other Special Attachments (Index provides List of Special Attachments) are all essential documents of this Agreement and are hereby incorporated by reference and made a part of this Agreement.
2. **Compliance with Federal and State Laws.** The City agrees to comply with all appropriate state and federal laws and regulations applicable to the Project.
3. **Civil Rights Act.** The "Special Attachment No. 1, Rev. 09.20.17," pertaining to the implementation of the Civil Rights Act of 1964, is attached and made a part of this Agreement.
4. **Contractual Provisions.** The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 06-12), which is attached hereto, are hereby incorporated in this contract and made a part hereof.
5. **Headings.** All headings in this Agreement have been included for convenience of reference only and are not to be deemed to control or affect the meaning or construction or the provisions herein.
6. **Binding Agreement.** This Agreement and all contracts entered into under the provisions of this Agreement shall be binding upon the Secretary and the City and their successors in office.
7. **No Third Party Beneficiaries.** No third party beneficiaries are intended to be created by this Agreement and nothing in this Agreement authorizes third parties to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

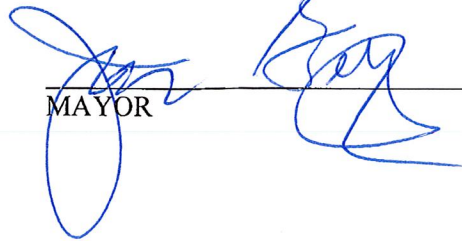
The signature page immediately follows this paragraph.

IN WITNESS WHEREOF the Parties have caused this Agreement to be signed by their duly authorized officers as of the Effective Date.

ATTEST:

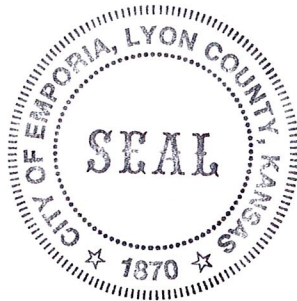
THE CITY OF EMPORIA, KANSAS


CITY CLERK _____ (Date)


MAYOR _____

Kansas Department of Transportation
Secretary of Transportation

(SEAL)



BY: _____
Burt Morey, P.E. (Date)
Deputy Secretary and
State Transportation Engineer

PROJECT NO. KA-5281-01
THE CITY OF EMPORIA, KANSAS

S U P P L E M E N T A L A G R E E M E N T N o . 1

This Supplemental Agreement, effective the date signed by the Secretary or the Secretary's designee, is by and between the **Secretary of Transportation**, Kansas Department of Transportation (KDOT) (the "Secretary") and the **City of Emporia, Kansas** (the "City"), **collectively**, the "Parties."

RECITALS:

- A. The Parties entered into Agreement (Agreement No. 98-19) dated July 12, 2019, for a Corridor Management construction project in Emporia, Kansas (the "Original Agreement").
- B. The Parties mutually desire to supplement the Original Agreement to reflect a change in funding available for the Project.

NOW, THEREFORE, the Parties agree as follows:

- 1. On page 4 of the Original Agreement, Article II, paragraph 2 be replaced in its entirety to read:
 - 2. **Payment of Costs.** The Secretary agrees to reimburse the City for one hundred percent (100%) of the total actual costs of Construction (which includes the costs of all Construction Contingency Items), but not to exceed \$1,650,000.00 for the Project. The Secretary shall not be responsible for the total actual costs of Preliminary Engineering, Construction Engineering, Right of Way, or Utility adjustments for the Project.
- 2. On page 11 of the Original Agreement, Article III, paragraph 22 be replaced in its entirety to read:
 - 22. **Financial Obligation.** The City will be responsible for one hundred percent (100%) of the total actual costs of Construction (which includes the costs of all Construction Contingency Items) that exceed \$1,650,000.00 for the Project. Further, the City agrees to be responsible for one hundred percent (100%) of the total actual costs of Preliminary Engineering, Construction Engineering, Right of Way, and Utility adjustments for the Project. The City shall also pay for any Non-Participating Costs incurred for the Project.
- 3. **Counterparts.** This Supplemental Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute one in the same Agreement.

THIS SUPPLEMENTAL AGREEMENT shall not be construed to alter, modify, or void the terms, provisions or conditions of the Original Agreement, incorporated herein by reference, except as herein specifically provided.

IN WITNESS WHEREOF, the Parties have caused this Supplemental Agreement to be signed by their duly authorized officers.

ATTEST: THE CITY OF EMPORIA, KANSAS

CITY CLERK (Date)

(SEAL)

MAYOR

KANSAS DEPARTMENT OF TRANSPORTATION
SECRETARY OF TRANSPORTATION

BY: _____
Greg Schieber, P.E. (Date)
State Transportation Engineer



Commission Action Report

Purchase of Two (2) Animal Control Pickup Trucks and Authorization of Lease Purchase Agreement

Title: Purchase of Two (2) Animal Control Pickup Trucks and Authorization of Lease Purchase Agreement

Agenda Date: January 8, 2025

Presented By: Trey Cocking, City Manager, and Ed Owens, Police Chief

Background:

The City of Emporia requested proposals for two (2) new mid-size pickup trucks for Animal Control.

Three proposals were received:

John North Nissan (Nissan Frontier) – \$33,000 each (\$66,000 total)
Longbine Chevrolet (Chevy Colorado) – \$34,819 each (\$69,638 total)
Clint Bowyer Toyota (Toyota Tacoma) – \$36,484 each (\$72,968 total)

Proposals for financing were also solicited, and ESB Financial offered a Lease Purchase arrangement at 5.51% for 5 years (60 months). We also received a proposal from Community National Bank at 6.11%. Lyon County State Bank withdrew its bid, and Capital Federal Bank did not respond.

Discussion:

☐ Cost and Financing

- Nissan Frontier provides the **lowest** total principal (\$66,000) and correspondingly the lowest estimated 5-year finance cost.
- ESB Financials' **5.51%** APR lease-purchase option over 5 years offers a manageable payment schedule within budget constraints.

☐ Equipment Specifications

- Nissan Frontier meets all Animal Control needs, including payload and towing.
- All vehicles in this class (Frontier, Colorado, Tacoma) are suitable for light truck usage.

☐ Budget and Fiscal Impact

- Selecting the Frontier yields immediate budget savings vs. the other proposals.
- A Lease Purchase arrangement at 5.51% spreads cost predictably over 5 years.

Financial Implications:

- ☐ **Principal:** \$66,000 total
- ☐ **Lease Purchase Rate:** 5.51% APR, 5-year term
- ☐ **Estimated Total** (principal + interest over 5 years): Approximately \$75,768



Commission Action Report

Purchase of Two (2) Animal Control Pickup Trucks
and Authorization of Lease Purchase Agreement

Recommended Action: Approve the purchase of two (2) Nissan Frontier pickup trucks from John North Nissan for \$66,000 total and authorize a 5-year Lease Purchase with ESB Financial at 5.51%, and authorize the City Manager to sign all related documents.

Attachments:

Purchase Order from John North Nissan
Bid from Longbine Auto Plaza
Bid from Clint Bowyer

Order ?

Related Content ?

- 1 Model
- 2 Order Information
- 3 Configure
- 4 Summary

2025 COLRDO 14C43 Colorado: Work Truck / LT Crew Cab FLT FBC

2WT

2WD Work Truck/LT

Base MSRP w/DFC \$33,495.00

0
Configurations

4WT

4WD Work Truck/LT

Base MSRP w/DFC \$36,795.00

1
Configurations

1
Total Qty

+

Legend: ☐ Not available with current selection ☐ Option Override ☐ Not Selectable

Back

Submit 1

Quantity	1
DAN	
Stock No.	
Preview Vehicle ?	☒
Price MSRP ☐ w/DFC ☒	\$36,795.00

+

MSRP = 36795⁰⁰
Bid Price = 34819⁰⁰

Expand All / Collapse All

^ COLOR*

01U - Special Exterior Color

GAE - Snowdrift Metallic

GAZ - Summit White

GBA - Black

GBF - Sunrise Orange

GNT - Radiant Red Tintcoat

GXD - Sterling Gray Metallic

^ TRIM*

^ GAZ - Summit W...

☐ \$425.00

☐ \$395.00

☒ \$0.00

☐ \$0.00

☐ \$0.00

☐ \$495.00

☐ \$0.00

H1T - Jet Black, Cloth seat trim	☐ \$0.00
H2G - Jet Black, Evotex seat trim	☐ \$0.00
H2Z - Jet Black, Cloth seat trim	☐ \$0.00
HXR - Jet Black, Evotex seat trim	☐ \$0.00
ENGINE*	L3B - Engine, Tur...
TRANSMISSION*	MFC - Transmissi...
EMISSIONS*	FE9 - Emissions, ...
FE9 - Emissions, Federal requirements	☐ \$0.00
NE1 - Emissions, Connecticut, Delawar...	☐ \$0.00
YF5 - Emissions, California state requir...	☐ \$0.00
TIRE ALL*	QHR - Tires, 255/...
WHEEL*	RD6 - Wheels, 17"...
COVERING FLOOR	B30 - Floor cov... ✕
CRUISE CONTROL	K34 - Cruise co... ✕
EMISSION OVERRIDES	✓
FLEET CUSTOMER	✓
GENERATOR	KW7 - Alternat... ✕
HANDLE O/S DOOR	D72 - Door han... ✕
HANDLING CHARGE	✓
HVAC SYSTEM	C67 - Air conditi... ✕
LT TRIM	✓
MIRROR I/S R/V	D31 - Mirror, ins... ✕
SPEAKER SYSTEM	UQ3 - Audio sy... ✕
SPECIAL PAINT	✓
TIRE SPARE	ZA0 - Tire, spar... ✕
VISION	UVB - HD Rear ... ✕
VQ* PROGRAMS	✓
WHEEL SPARE	RM7 - Wheel, s... ✕
LPO ASSIST STEPS	✓

▼ LPO BED COVER	▼
▼ LPO BED LINER	▼
▼ LPO FLOOR LINER / MAT	▼
▼ LPO	▼
^ ADDITIONAL OPTIONS	^ 719, A2V, ATG, B2...
5H1 - Key equipment, two additional k...	☐ \$20.00
719 - Seat Belt, Black	☒ \$0.00
8E1 - Fuel, additional 3-gallons	☐ \$18.00
8S3 - Back-up alarm, 97 decibels	☐ \$120.00
9B9 - Governor, electronic speed sens...	☐ \$50.00
A2V - Seat adjuster, driver 6-way manual	☒ \$0.00
A2X - Seat adjuster, driver 8-way power	☐ \$0.00
AL9 - Seat adjuster, power driver lumb...	☐ \$0.00
ATG - Remote Keyless Entry	☒ \$0.00
AVJ - Keyless Open and Start	☐ \$0.00
B26 - Safety Package	☒ \$0.00
B34 - Floor mats, carpeted front	☐ \$0.00
B35 - Floor mats, carpeted rear	☐ \$0.00
BDR - Locking cylinder Tailgate, keyed ...	☐ \$0.00
BPC - StowFlex Tailgate, storage comp...	☐ \$0.00
BTV - Remote vehicle starter system	☐ \$0.00
C49 - Defogger, rear-window electric	☒ \$0.00
CAP - Fleet Processing Option: CAP Co...	☐ \$0.00
CGN - Bedliner, Spray-on, Black with Ch...	☐ \$475.00
CWM - Technology Package	☐ \$0.00
DA5 - Armrest, rear center	☐ \$0.00
DEG - Visors, driver and front passeng...	☐ \$0.00
DP5 - Mirror caps, molded with color	☒ \$0.00
DP6 - Mirror caps, painted	☐ \$0.00
G80 - Differential, automatic locking rear	☐ \$0.00
GU6 - Rear axle, 3.42 ratio	☒ \$0.00
JL1 - Trailer brake controller, integrated	☐ \$0.00
K05 - Engine block heater	☐ \$100.00
K7A - Wireless Phone Charging	☐ \$0.00
KA1 - Seats, heated driver and front pa...	☐ \$0.00
KC9 - Power outlet, 120-volt, bed moun...	☐ \$0.00
KI3 - Steering wheel, heated	☐ \$0.00
KI6 - Power outlet, 120-volt, located in ...	☐ \$0.00
N5G - Steering wheel, wrapped	☐ \$0.00
P0J - OnStar Security - 24 Months of S...	☐ \$0.00

P0K - OnStar Security - 36 Months of S...	☐	\$0.00	
P0L - OnStar Security - 48 Months of S...	☐	\$0.00	
P0Q - OnStar Security - 60 Months of S...	☐	\$0.00	
P0U - OnStar Security - 12 Months of S...	☐	\$0.00	
P0V - OnStar Insights - 12 Months of S...	☐	\$0.00	
P0W - OnStar Insights - 24 Months of ...	☐	\$0.00	
P0X - OnStar Insights - 36 Months of S...	☐	\$0.00	
P0Y - OnStar Insights - 48 Months of S...	☐	\$0.00	
P0Z - OnStar Insights - 60 Months of S...	☐	\$0.00	
PCU - WT Convenience Package II	☐	\$545.00	
PEA - TI Processing Option	☐	\$0.00	
PPA - Tailgate, EZ-Lift and Lower	☐	\$0.00	
PR6 - SiriusXM, Additional 9 months of...	☐	\$0.00	
PR7 - SiriusXM, Additional 21 months ...	☐	\$0.00	
PR8 - SiriusXM, Additional 33 months ...	☐	\$0.00	
R6J - Ship Thru Code Acknowledgement	☐	\$0.00	
R7M - Processing Code	☐	\$0.00	
R8G - OnStar One Business Plus - 12 M...	☐	\$0.00	
R8K - Processing Option	☐	\$0.00	
R8P - OnStar One Business Plus - 36 M...	☐	\$0.00	
R8W - OnStar One Business Plus - 60 ...	☐	\$0.00	
R8Z - OnStar One Business Plus - 48 M...	☐	\$0.00	
R9L - Deleted OnStar One Essentials (...)	☐	-\$750.00	
R9V - Mobile Service Plus.	☐	\$599.00	
R9W - Deleted Mobile Service Plus.	☐	\$0.00	
RFH - OnStar One Business Plus - 24 ...	☐	\$0.00	
ROW - OnStar Corporate Advantage	☐	\$0.00	
RWL - Rear Wheel Drive	☐	\$0.00	
SFW - Back-up alarm calibration	☐	\$50.00	
ST0 - WT Custom Package	☐	\$1,145.00	
T40 - Fog lamps, front LED	☐	\$0.00	
T4L - Headlamps, LED	☐	\$0.00	
T4Z - Buckle to Drive	☐	\$0.00	
TGK - SEO, Special Paint	☐	\$0.00	
U1D - Trailing App	☐	\$0.00	
U2K - SiriusXM Trial Subscription	☒	\$0.00	
UBI - USB Ports, rear, dual, charge-only	☐	\$0.00	
UBP - USB Port, rear, single, charge only	☐	\$0.00	
UE1 - OnStar services capable	☒	\$0.00	
UHY - Automatic Emergency Braking	☒	\$0.00	
UKI - Blind Zone Steering Assist	☒	\$0.00	 
UKK - Rear Pedestrian Alert	☐	\$0.00	

UKW - Blind Zone Steering Assist with ...	☐	\$0.00
VJQ - Recovery hooks, front, Black	☒	\$0.00 
VK3 - License plate kit, front	☐	\$0.00
VV4 - Wi-Fi Hotspot capable	☒	\$0.00
XTE - LT Convenience Package	☐	\$3,570.00
Z82 - Trailering Package, heavy-duty	☐	\$0.00
ZL6 - Advanced Trailering Package	☐	\$945.00

† North American Order Workbench is intended solely for business use by GM Dealers. Pricing shown is for illustration purposes only. Refer to [GMPricing.com](#)  for official GM Price schedules. GM pricing is subject to change by GM at anytime, without notice.

Version 5.4.4

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Your 2025

Tacoma SR

\$36,484

Total Amount as Built*



Summary

	Option Code	Price
Tacoma SR Base MSRP *		\$34,790

Cabs & Beds

XtraCab with 6-ft bed

Colors

 EXTERIOR: Ice Cap	-
 INTERIOR: Black Fabric	-

Powertrain

ENGINE: i-FORCE 2.4L 4-Cyl. Turbo Engine	-
DRIVETRAIN:: 4-Wheel Drive	-
TRANSMISSION:: 8-Speed Automatic Transmission	-

Packages

50 State Emissions	INCLUDED
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Delivery, Processing and Handling Fee	\$1,495
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Total SRP*	\$36,285
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Dealer Installed Accessories

 All-Weather Floor Liners*	2T	\$199
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Maintenance

 ToyotaCare ⓘ	\$0 (NO COST) *
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No cost maintenance plan and roadside assistance. *

Total Amount as Built*	\$36,484
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The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, December 18, 2024, with Mayor Harter presiding and Commissioners Brinkman, Curtis, Sauder and Smith present. Also present were City Manager Cocking, Deputy City Manager Detter, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.

No comments were made at this time.

**CITY COMMISSION
(Board Appointments)**

Transient Guest Tax Advisory Board:

It was moved by Commissioner Sauder seconded by Commissioner Smith that Lucas Moody, Diane Trofholz, Robert Thompson, and Sara Isch be appointed to the Transient Guest Tax Advisory Board for terms that expire on December 31, 2028. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Golf Advisory Board:

It was moved by Commissioner Sauder seconded by Commissioner Curtis that Jacob Torkelson be appointed to the Golf Advisory Board for a term that expires on December 31, 2029. The vote follows: Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Harter, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 11-19-24)
(Application No. 2024-13 – Request of Kwik Shop, Inc.)
(Rezone Property Located at 1116 and 1120 Constitution St.)

The Planning Commission met in a regular session on Tuesday, November 19, 2024, with Chair Rogers presiding. Members Ogle, Bucklinger, Barnes, Fowler, and Lingenfelter were present.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

Chair Rogers called the meeting to order.

1. Consider the Minutes of the October 15, 2024, Planning Commission Meeting.

Givens presented the commission with the minutes from the October 15, 2024, regular meeting. Commissioner Barnes noted a correction that was necessary.

Commissioner Barnes made a motion to approve the minutes as revised. **Commissioner Ogle** seconded the motion. The motion carried 6-0.

2. Consider PC-2024-13 – A Request to Rezone Property Located at 1116 & 1120 Constitution from Multi-Family to Flex Use High.

Chair Rogers asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2024-14

Applicants: Kwik Shop, INC.

Requested Action: Consider a request to rezone property from Multi-Family (MF) to Flex-Use High (FH)

Purpose: Rezoning to highest and best use to facilitate the marketing and sell of the property.

Address: 1116 & 1120 N. Constitution, Emporia, KS

Legal description: Even Lots 166-172 on Constitution St. Emporia Original Township, Emporia, Lyon County, Kansas.

Lot Size: 50' x 170' 8,500 sq. ft.

Existing Zoning: Single-Family Detached

Future Zoning in ELC Comp. Plan: Single-Family Detached

Surrounding Zoning:

North – Single-Family Detached

East – Single-Family Detached

South – Single-Family Detached

West – Single-Family Detached

Surrounding Actual Uses:

North – Single-Family Detached Residential Units

East – Single-Family Detached Residential Units

South – Single-Family Detached Residential Units

West – Single-Family Detached Residential Units

Analysis: The applicant is exploring options to develop multiple units on his property at 612 E 7th St. The current house is situated that a second unit could be built to the east, but based on current zoning would require a lot split. The residual lot would not meet our requirements for approval and therefore that applicant has requested a change in zoning to Single-Family Attached (SF-A). SF-A zoning would allow the applicant to build a new dwelling unit to the east of the existing unit, or as an alternative, demo the existing dwelling and build a new single-family attached unit on the property.

Considerations: 9.8.3.a.8. Factors to be Considered for a Rezoning:

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in Bold**

1. Whether the change or approval would be consistent with these regulations; **Staff feels that the change in zoning would be consistent with the regulations. The applicant would be eligible to build an accessory dwelling unit on the property except for the location of the existing dwelling unit being located closer to the alley and more lot space to the east. The change in zoning would allow the applicant to have either two separate dwelling units or one larger duplex on the property.**
2. The character and condition of the neighborhood and its effect on the proposed change; **The property is located in an area that has older and mostly smaller**

single-family detached homes. Any new building, either a duplex or a smaller single-family unit would not have a detrimental effect on the neighborhood.

3. The zoning and uses of properties nearby; **The surrounding zoning is Single-Family Detached, but with the lot size and the proposed change to Single-Family Attached, the applicant would be limited in types of residential units that could be built on this property that it would not have a negative impact.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property is currently a single-family dwelling unit, which makes it suitable to both the SF-D and SF-A parcel types.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Staff maintains that there would not be any detrimental impact on the neighboring properties if SF-A zoning was approved. There are still limitations in place that would restrict the size of any building to remain in scale with the existing neighborhood.**
6. The length of time the subject property has remained vacant as zoned; **The balance of this property has been vacant for a lengthy amount of time. The property was platted as part of the original township as one lot and has most likely only had one structure built on it.**
7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use; **Staff feels that by allowing the rezoning, the property could be used to its maximum value, with little to no detriment to existing services or the surrounding properties.**
8. The recommendations of a permanent or professional planning staff; **By the virtue of this property being located on a corner lot, staff feels that an additional unit or new duplex would not have a negative impact on the surrounding properties, and feels that the proposal is consistent with the Comprehensive Plan.**
9. The conformance of the requested change to Plan ELC; and **Plan ELC states that the demand for middle income one and two bedroom units is the highest demand in Emporia and this project would help to increase infill housing**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: As of writing this report, Staff has had no inquiries about the proposed rezoning.

Recommendation: Staff recommends the Planning Commission make a motion of approval for the Rezoning to the Governing Body based on the following;

- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood

Attachments: Aerial Map | Current Zoning Map |

Commissioner Bucklinger asked about how this property was reverted back to the original zoning. **Givens** stated that any property that was rezoned, between the creation of the Urban Collaborative map and the adoption of the map was inadvertently classified as it was previously.

The Public Hearing was opened.

Charlie Brown, PEC (owner's agent) spoke in favor of the application. **Mr. Brown** stated that as the Commission was advised, Kwik Shop is not moving forward with expanding the current store and is looking to sell the property. The rezoning would allow the property to be marketed at its highest value and was previously rezoned for commercial use.

No person spoke against the rezoning.

The Public Hearing was closed.

Commissioner Barnes asked about screening between the Multi-Family Parcel types and Flex-Use Parcel types. **Givens** stated that screening was only required between Single-Family Attached and Detached parcel types when they are adjacent to higher intensity parcel types. **Givens** stated that screening would not be required but suggested for any development on the property as the actual uses of the parcels are one and two family residential.

Commissioner Fowler asked about the property on Merchant that had been previously rezoned. **Givens** stated that the property was still zoned Flex-Use High as it sat on Merchant St.

Commissioner Ogle made a motion to recommend approval of the rezoning to the City Commission based on the proposed lot size and not fitting with the character of the neighborhood. Commissioner Fowler seconded the motion. The motion carried 6-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owners of property located at 1116 and 1120 Constitution Street have requested that the property be rezoned to Flex-Use High as they intend to market the property for sale. The property was rezoned previously from the former zoning classification of High-Density Residential to Mixed Use as it was intended that the existing Kwik Shop location would expand its current building and occupy the property. He stated the project is no longer moving forward and, in the process, to list the property it was discovered that it had been inadvertently returned to a Multi-Family parcel type when the new zoning map was approved. The Flex-Use High will provide the widest range of uses, which could still include a full-scale multi-family development or a mixed-

use development with commercial ground floor and residential upper floors. He stated a Flex-Use High designation is consistent with neighboring parcel types. He stated at the November 19, 2024, regular meeting, the Planning Commission voted unanimously to recommend approval of the rezoning for property located at 1116 and 1120 Constitution Street from Multi-Family (MF) parcel type to Flex-Use High (FH).

PLANNING AND DEVELOPMENT
(Application No. 2024-13 – Request of Kwik Shop, Inc.)
(Rezone Property Located at 1116 and 1120 Constitution St.)
(Ordinance Number 24-43)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM MULTI-FAMILY (MF) PARCEL TYPE TO FLEX-USE HIGH (FH) AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 24-43, was presented to the Governing Body for their consideration.

Commissioner Sauder abstained from the vote.

Commissioner Brinkman made a motion to approve Ordinance Number 24-43, an ordinance rezoning property located at 1116 and 1120 Constitution Street from Multi-Family (MF) to Flex-Use High (FH). Commissioner Curtis seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

CITY COMMISSION
(502 Lofts)
(Establish Reinvestment Housing Incentive District)
(Resolution Number 3751)

Taylor Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated the Kansas Department of Commerce certified the eligibility of this area as a potential RHID district. The City of Emporia has been asked to consider the establishment of the Reinvestment Housing Incentive District for the 502 Lofts project. This proposed resolution will declare the intent to establish the district within specified boundaries, adopt a development plan detailing legal descriptions, maps, assessed

valuations, project descriptions, and feasibility assurances, and schedule a public hearing for February 5, 2025. The 502 Lofts RHID involves renovating a building over 25 years old in Emporia's central business district into a multifamily residential complex with 7 – 10 units. She stated notices of the public hearing will be published in the official newspaper and a copy of the resolution certified to two additional taxing entities, Lyon County and USD #253. This proposed development qualified under the infill provision of the revised RHID program and also addressed the City's housing shortage, identified as a barrier to economic growth, and supports its strategy to incentivize quality housing development. She stated this plan does not include any expenditure of city funds to serve the units. The development will be using Industrial Revenue Bonds and the RHID will not start generating funds until the expiration of the tax abatement related to the IRB. She stated staff recommend approval of Resolution Number 3751 establishing a public hearing for the establishment of the 502 Lofts Reinvestment Housing Incentive District.

Commissioner Brinkman made a motion to approve Resolution Number 3751 establishing a public hearing on February 5, 2025, for the establishment of the 502 Lofts Reinvestment Housing Incentive District. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**CITY COMMISSION
(Repealing Resolution Number 3746)
(Calling of a Special Question Election)
(Imposing a One-Half Percent Citywide Retailers' Sales Tax)
(Resolution Number 3752)**

City Manager Cocking stated the City Commission previously adopted Resolution Number 3746, which called for a special question election on March 4, 2025. The purpose of that election was to present to voters a proposal for a one-half percent (0.5%) citywide retailers' sales tax to finance a new recreation facility and other related projects. He stated on December 2, 2024, Tyson Foods announced the closure of the Emporia plant. The unexpected development introduces economic uncertainty for the community. Due to the change in circumstances, The Recreation Steering Committee believes it is prudent to pause and reassess the proposed project. He stated by repealing Resolution Number

3746, the City Commission will cancel the special question election and allow time to evaluate the community's needs and priorities, associated with the economic challenges with the Tyson plant closure. This pause will enable further community engagement and review of the project, ensuring that any future proposal will reflect the best interests of Emporia's residents. He stated when the situation stabilizes and the community's outlook becomes clearer, the Commission may consider reintroducing a similar question to the voters. He stated the goal is to remain responsive to the changing economic environment. By repealing the resolution, this will avoid the costs of conducting a special election consisting of ballot printing, election staffing and public notices. He stated staff recommend approving Resolution Number 3752 repealing Resolution Number 3746, canceling the previously scheduled special question election.

Commissioner Smith made a motion to approve Resolution Number 3752 repealing Resolution Number 3746 of the City of Emporia, which provided for the calling of a special question election regarding the imposition of a Citywide retailers' sales tax. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**SANITARY SEWER MAINTENANCE
(Equipment Purchase for Lift Station No. 15)
(Bids)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated the City intends to replace sanitary sewer Lift Station No. 15 in 2025. To accommodate the expedited schedule, major pieces of equipment to be used in this project will be pre-purchased in 2024. The City selected equipment will be used as the basis of design moving forward. He stated bids were received from six (6) suppliers.

BID TABULATION FOR EQUIPMENT FOR LIFT STATION NO. 15

Supplier	Pump Pkg.	FOG Pkg.	Combined Pkg.
Hayes	\$106,500.00	\$184,000.00	\$280,500.00
ESI	\$107,197.00	\$ -	\$ -
LVK	\$114,842.00	\$ -	\$ -

JCI	\$131,000.00	\$ 39,656.00	\$168,300.00
Ray Lindsey	\$139,840.00	\$ -	\$ -
Enviro-Line	Non-Responsive		

Proposals were to include equipment detail and cost for the provision of pumping equipment, including submersible pumps, controls, and above-ground valve-vault package. Suppliers were also encouraged to provide proposals for equipment to address the issue of fats, oils, grease (FOG) buildup at the lift station. He stated the proposal from Enviro-Line excluded control equipment that was required in the RFP and was non-responsive to requests for additional information. He stated the lowest price for pump equipment package meeting the requirements of the RFP was Haynes Equipment. The funds for rebuilding Lift Station No. 15 were included in the 2023 GO Bond issue. He stated staff recommend awarding the equipment purchase for Lift Station No. 15 to Haynes Equipment in the amount of \$106,500.00.

Commissioner Brinkman made a motion to award the bid for Lift Station No. 15 equipment purchase to Haynes Equipment in the amount of \$106,500.00. Commissioner Curtis seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**CITY COMMISSION
(Warren Way Tower Lease Agreement)
(Nex-Tech Wireless)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated Nex-Tech Wireless approached the City about utilizing the water tower on Warren Way to install equipment to provide better service for their customers. When the tower and storage tank were constructed, provisions were included so the City could allow internet and wireless service providers to lease space on the top of the tank. Nex-Tech Wireless will utilize the existing conduits to bring wire into the structure on the facility and install the equipment on the tank and will have a panel mounted outside the structure in accordance with the agreement. The lease agreement also makes Nex-Tech Wireless responsible for removing their equipment at their expense

if the City needs to perform maintenance. He stated the original term of the lease is for five (5) years, commencing January 1, 2025, and terminating at 11:59 p.m. five years later. The lease will automatically renew for five (5) year terms at the end of each term or renewal term unless either Lessor or Lessee notifies the other party in writing at least 90 days prior to the ending date of this lease stating the desire to terminate this lease. During the term of the lease, Lessee shall pay Lessor the sum of \$1,000.00 per month payable on the 1st day of the month. He stated the lease payments would be new revenue to the Water Fund of \$12,000.00 per year. He stated staff recommend approving the Lease Agreement with Nex-Tech Wireless and authorize the City Manager to sign the Lease agreement and associated Land/Tower Owner Payment Information.

Commissioner Curtis made a motion to approve the Lease Agreement with Nex-Tech Wireless and authorized the City Manager to sign the Lease Agreement and associated payment forms. Commissioner Smith seconded the motion. The vote follows:
Commissioner

CITY MANAGER'S REPORT (Financials & Building Permits)

This is the time for the City Manager to make comments and reports to the public.
The following is general information for the month of November 2024 for the community:

1. Monthly Local Retail Sales Tax Receipts Update

	2023	2024	Increase of \$17,727.97 for the month, and
	\$ 537,054.66	\$ 554,782.63	Overall increase of 0.68% from year 2023.
YTD	\$5,908,977.36	\$5,949,396.02	

2. City Share from County Tax

	2023	2024	Decrease of \$9,525.62 for the month, and
	\$ 288,181.35	\$ 278,655.73	Overall decrease of 2.11% from year 2023.
YTD	\$3,111,077.20	\$3,046,899.05	

Building Permits issued from 11/1/2024 to 11/30/2024 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	67
Total of valuations associated with those building permits:	\$1,712,120,21

Total number of dollars collected for Building Permit Fees:	\$ 12,504.00
Construct – Single-family dwellings	0
Demo – Single-family dwellings	1
Flint Hills Mall CID for November 2024	\$ 14,834.26
YTD	\$ 218,668.96
Pavilions CID for November 2024	\$ 12,545.73
CID #2	\$ 12,545.66
YTD	\$ 338,644.26
Fairview Hotel CID for November 2024	\$ 7,447.90
YTD	\$ 39,582.14

Consent Agenda

It was moved by Commissioner Brinkman, seconded by Commissioner Sauder that the Consent Agenda listed below be ratified as a whole:

- a. Approve minutes of the Regular Meeting held on December 4, 2024.
- b. Allocation to Crosswinds.
- c. Resolution Number 3750 Adopt 2025 Pay Scales.

The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

CITY COMMISSION (City Manager's Report)

This is an opportunity for the City Manager 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 8, 2025, MEETING.

- Appoint Members to the BZA/Planning Commission.
- Ordinance Creating the Public Building Commission.
- Reject Lift Station No. 1 Bid.
- Ordinance to Amend Emporia Community Housing Board.
- Resolution for Solid Waste Management Plan.
- State of The City Speech.
- Elect Mayor and Vice Mayor.

- Approve Surety Bonds for the City Manager, City Clerk and City Treasurer.
 - Designate Official City Newspaper.
 - Designate Financial Institutions.
-
- **Study Session:**
 - Discuss Tyler Technologies' Work Order Asset Management.
 - Discuss Legislative Policy Statement.
 - Annual Review of Surplus Property.
 - Appoint Commission Members to Regional Development Association of East Central Kansas, JEDAC, Emporia Recreation Commission, William Allen White Community Partnership, Emporia Enterprises, Transient Guest Tax Advisory Board, Emporia Main Street, Emporia Public Library, Recreation Commission Steering Committee.

CITY COMMISSION (Governing Body Comment)

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

EXECUTIVE SESSION

Mayor Harter made a motion to recess into Executive Session for 35 minutes, inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for executive session is provided in K.S.A. 75-4319(b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume in the City Commission Meeting Room at approximately 11:48 a.m. Commissioner Brinkman seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Commissioner Smith, aye.

Upon reconvening the meeting in Regular Session, at 11:48 a.m., this same date, in the City Commission Meeting Room, Commissioner Sauder made a motion to continue the executive session discussion for the reason stated previously with all the same pertinent city staff and resuming the open meeting in the City Commission Meeting Room at approximately 12:05 p.m. Commissioner Smith seconded the motion. The vote

follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Curtis, aye; and Mayor Harter, aye. Commissioner Brinkman was not present for the vote.

Upon reconvening the meeting in Regular Session, at 12:05 p.m., this same date, in the City Commission Meeting Room, Commissioner Brinkman made a motion to continue the executive session discussion for the reason stated previously with all the same pertinent city staff and resuming the open meeting in the City Commission Meeting Room at approximately 12:15 p.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 12:15 p.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had consultation with the City Attorney regarding a legal matter with the following action.

Commissioner Brinkman made a motion to authorize the Mayor to send a letter to the RDA Chair requesting immediate reorganization of the RDA Board to include majority representation of the city appointed by the City Commission. If this does not occur, additional action may be taken by the City including, but not limited to, termination of funds. Commissioner Sauder seconded the motion.

Commissioner Sauder stated the City has lots of Boards that receive taxpayer funds that do not have proper oversight. That oversight should not come from the City Commission, it should come from the tax paying citizens of the community. I think this would be a great step in starting that process to get our citizens pre engaged in what goes on with economic development in our community.

Commissioner Curtis stated that 100% of RDA funds come from the City. There are no other entities paying those funds.

Commissioner Brinkman stated the RDA is 100% funded by the taxpayers of Emporia.

The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Mayor Harter made a motion to recess the meeting at 12:33 p.m., to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Mayor

Harter, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

The following items were discussed at the Study Session:

1. Public Building Commission Discussion.
2. Discuss Procedure for Filling City Commission Vacancies.
3. Contractual Provisions Attachment Discussion.
4. Discuss Ordinance for the Industrial User Rate Formula.

Study Session Discussion:

4. Discuss Ordinance for the Industrial User Rate Formula.

AN ORDINANCE PERTAINING TO SEWER AND SEWAGE DISPOSAL; AMENDING SECTIONS 28-66 AND 28-149 OF THE CODE OF THE CITY OF EMPORIA, KANSAS AND REPEALING SAID SECTION AS THEY EXISTED PRIOR TO ADOPTION OF THIS ORDINANCE, to which the City Clerk assigned Ordinance Number 24-42, was presented to the Governing Body for their consideration.

City Manager Cocking stated this item has been before the Commission previously and since that time, all industries has been informed of the changes. This ordinance would go into effect on January 1, 2025.

The formula allows the City to charge the industrial user for the total load contaminants that they discharge to the wastewater plant by eliminating the concentration floor of 300 milligrams per liter. Staff believes that charging for all the pounds discharged to the wastewater plant would be the best option for recovering the increased treatment costs caused by industrial users.

Commissioner Smith made a motion to approve Ordinance Number 24-42, an ordinance pertaining to sewer and sewage disposal. Commissioner Brinkman seconded the motion. The vote follow: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

Commissioner Sauder then made a motion to adjourn. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Erren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Resolution No. 3753 for 2023 Solid Waste Management Plan

Title: Resolution No. 3753 for 2023 Solid Waste Management Plan Annual Review

Agenda Date: January 8, 2024

Presented By: Dean Grant, Director of Public Works

Background:

The Solid Waste Management Planning Committee met for an annual review and approval of updates to the plan for the year 2023 on December 19, 2024. The annual review is required in the Kansas Statutes Annotated 65-3405 and Kansas Administrative Regulations 28-29-75 through 82. This plan covers solid waste activities for the City of Emporia, Lyon County, and Chase County. Changes to the Plan included information on various tables and charts throughout the plan. Those changes, with any corrections, were unanimously approved by the Committee at the conclusion of the meeting. The corrected plan will be presented to the committee at next year's meeting.

Discussion:

The Solid Waste Management Planning Committee has approved the annual review of the Solid Waste Management Plan. The plan now must be approved by resolution by the commissions of Chase County, Lyon County, and the City of Emporia. Upon approval by the three governing bodies, the plan will be submitted to KDHE, with corrections, for their review and approval.

Recommended Action:

Approve Resolution No. 3753 for the annual review of the Solid Waste Management Plan with the attached corrections

Attachments:

Resolution No.3753
2023 Solid Waste Management Plan
List of Updated and Corrected Items

RESOLUTION NO. 3753

A RESOLUTION RELATING TO THE ANNUAL REVIEW OF THE SOLID WASTE MANAGEMENT PLAN OF THE CITY OF EMPORIA, LYON COUNTY, AND CHASE COUNTY

WHEREAS, the Solid Waste Management Planning Committee met on December 19, 2024, at the City Water Treatment Plant with members of the Committee being present for the purpose of the annual review of the Solid Waste Management Plan which Lyon County is required by statute to have; and

WHEREAS, the Solid Waste Management Plan annual review for the City of Emporia, Lyon County, and Chase County was adopted with amendments as set out by the Solid Waste Management Planning Committee minutes of December 19, 2024; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS that the City of Emporia Solid Waste Management Plan attached hereto with the amendments approved by the Solid Waste Management Planning Committee is hereby adopted as the Solid Waste Management Plan for City of Emporia, Lyon County, and Chase County the by the Emporia City Commission upon publication.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS this 8th day of January 2025.

..

Erren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk

Solid Waste Management Plan
Chase County • City of Emporia • Lyon County
2024
Annual Review Edition
Review of Year 2023

Purpose

Our regional solid waste management plan is a comprehensive overview of the area's solid waste management practices.

It is also a planning tool for local waste management, waste reduction, and public education.

The main goals of the plan are:

- Identify any changes in our regions solid waste management system.
- Inform our commissions and the Bureau of Waste Management of the findings of our review

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SECTION 1 LOCATION AND DESCRIPTION OF STUDY AREA

1.a General

Lyon County and Chase County are adjacently located in East Central Kansas and maintain an Inter-local Agreement for the disposal of Solid Waste. The Inter-local Agreement establishes a Regional Solid Waste Transfer Station and allows the citizens of Chase County to use the City of Emporia/Lyon County Solid Waste Disposal Facilities. Also, the Inter-local Agreement provides for the formation of a Solid Waste Management Committee per Statute.

Section 13.a contains the Inter-local Agreement. Section 13.e contains a list of the members and officers for the Solid Waste Management Committee.

The City of Emporia operates the City of Emporia/Lyon County Transfer Station and Construction/Demolition Landfill. Solid Waste is processed and transferred to a Subtitle D Landfill (Hamm Quarries Inc.). Our Construction/Demolition Landfill accepts Construction/Demolition Waste. Compost, Brush and Trees are accepted in a Green Waste Area. Also, split tires are processed in a Tire Mono-Fill. Some rural residents still burn their refuse and dispose of the remaining ashes.

Table 1.1 Regional Burn Permits			
Admire	#1044	Emporia	#145
Allen	#1000	Hartford	#1035
Americus	#1278	Reading	#1323
Cottonwood Falls	#1264	Strong City	#1135

The tax levy and bonded indebtedness indicate the financial health of a governmental entity.

Table 1.2 Tax Rates for 2023				
Region	2023 Population	Assessed Valuation	Bonded Indebtedness	Levy
Chase County	2,572	\$64,743,240	\$13,940,341	56.54
Lyon County	32,179	\$424,765,225	\$77,122,070	57.52
City of Emporia	24,139	\$225,686,147	\$70,715,847	44.61
Source: Chase County Clerk and Lyon County Clerk, US Census, Kansas Statistical Abstract				

1.b Identification of Cities

The typical community in the Lyon-Chase County Area is of the rural setting with a mayor-council form of government. The City of Emporia is the only exception. Two-thirds of the total population for the two counties resides in the City of Emporia. Because of this difference in the population density, there are two different types of waste streams.

Table 1.3 Identification of Cities					
City	Class	2023 Population	2023 Valuation	County	Government Structure
Admire	3	130	\$550,763	Lyon	Mayor - Council
Allen	3	136	\$725,993	Lyon	Mayor - Council
Americus	3	776	\$4,728,227	Lyon	Mayor - Council
Bushong	3	27	\$97,226	Lyon	Mayor - Council
Emporia	1	24,139	\$201,686,147	Lyon	Manager - Commission
Hartford	3	355	\$2,145,762	Lyon	Mayor - Council
Neosho Rapids	3	229	\$1,379,340	Lyon	Mayor - Council
Olpe	3	519	\$4,235,543	Lyon	Mayor - Council
Reading	3	181	\$1,012,570	Lyon	Mayor - Council
Cedar Point	3	23	\$354,355	Chase	Mayor - Council
Cottonwood Falls	3	851	\$4,942,899	Chase	Mayor - Council
Elmdale	3	40	\$252,808	Chase	Mayor - Council
Matfield Green	3	49	\$462,801	Chase	Mayor - Council
Strong City	3	386	\$2,243,387	Chase	Mayor - Council
Source: Lyon County Clerk's Office and Chase County Clerk's Office and U.S. Census Bureau					

1.c Description of Population Densities

Due to the rural settings of the two counties, the population densities are reasonably low. Table 1.4 compares the densities for Lyon County and Chase County to the State of Kansas.

Table 1.4 Population Densities	
Region	Density
Lyon County	37.8 persons per square mile
Chase County	3.4 persons per square mile
State of Kansas	35.9 persons per square mile
Source: U.S. Census Bureau, 2020 Census	

The area is subject to minor population fluctuations due to enrollment at Emporia State University, and its various sporting activities. Solid waste generated by ESU is processed at the transfer station. Emporia State University serves approximately 5,900 students. However, only 2,212 students actually reside in Chase & Lyon counties with a daily campus population reaching as many as 4,150 students.

Table 1.5 2023 Populations of the Region					
County	City	Population	County	City	Population
Chase	Cedar Point	22	Lyon	Admire	130
Chase	Cottonwood Falls	851	Lyon	Allen	136
Chase	Elmdale	40	Lyon	Americus	776
Chase	Matfield Green	49	Lyon	Bushong	27
Chase	Strong City	386	Lyon	Emporia	24,139
			Lyon	Hartford	355
			Lyon	Neosho Rapids	229
			Lyon	Olpe	519
			Lyon	Reading	181
Chase	Rural County	457	Lyon	Rural County	2,353
Chase	Total County	1348	Lyon	Total County	26,492
Source: Kansas Statistical Abstract 2023					

1.d Regional Growth Patterns

Along with the projected mild growth of Emporia State University, several manufacturing and industrial firms have located in and continue to express an interest to locate in the City of Emporia in recent years. For this reason, the local economic development organizations have displayed an interest in the development of more industrial parks.

Emporia is located between Wichita and Topeka on the Kansas Turnpike and between Wichita and Kansas City on Interstate 35. With such excellent access to the interstate system, Emporia is an important crossroads and trade area for East Central Kansas. The amount of heavy commercial traffic is only second to the Kansas City metropolitan area. For this reason, the City of Emporia has been considered as a hub for freighting companies. As more competition in the freighting business enters the area, more companies that utilize shipping services will desire to locate in the community.

1.e Geographical and Geological Characteristics

General

The geological information contained in this section was obtained from the Soil Survey of Lyon County, Kansas and the Soil Survey of Chase County, Kansas. These are publications of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture Natural Resources Conservation Service in cooperation with the Kansas Agricultural Experiment Station. The climatic data was obtained from the 2021 Kansas Statistical Abstract.

Topographical/Soils Characteristics

Lyon County is predominantly located in the Osage Cuesta physiographic province. This is a hill-plain or broad terrace panorama with eastern slopes of the hills steeper than the western slopes. There is also a plentiful limestone supply in this region. Elevations in Lyon County range from 1060 to 1530 feet above sea level (Source: Soil Survey of Lyon County Page 1). Section 13.B contains the general soils map for Lyon County.

Chase County is predominantly located in the Osage Cuesta Plain section of the Central Lowlands and the Flint Hills Uplands physiographic provinces. The Flint Hills region stretches north and south across Kansas with elevation

differences varying from 100 to 400 feet. This area is named for the chert or flint rock that covers the bluestem slopes. Elevations in Chase County range from 1100 to 1500 feet above sea level (Source: Soil Survey of Chase County Page 62). Section 13.B contains the general soils map for Chase County.

Climatic Characteristics

The climate for both counties is characterized by large variations in temperature and rainfall. Winter conditions generally last from December to February. The warm temperatures typical for summer last about six months. The remaining three months are transitional periods for the spring and fall

Table 1.6 Regional Climatic Data Average (2023)		
Region	Precipitation (inches)	Temperature (F)
Chase County	27.6	56.8
Lyon County	30.5	56.5
State of Kansas	25.6	55.6
Source: Kansas Statistical Abstract 2023		

seasons. The average temperature for the region is 55 degrees Fahrenheit. During the summer months, 75% of the days are sunny. The sunny days fall to 55% in the winter months. The prevailing wind is from the south and is the supply of moisture-laden air from the Gulf of Mexico. The average yearly precipitation is 35.6 and 33.9 inches for Chase County and Lyon County, respectively. Even though the precipitation is generally adequate, the distribution of rainfall is relatively poor. Periods of drought lasting for several weeks are common during the summer growing season. Table 1.6 shows the average temperature and precipitation for 2023 for Chase County, Lyon County, and the State of Kansas.

Location Restrictions

- Airport Safety - The existing City of Emporia/Lyon County Transfer Station is located five miles (six miles by road) from the City of Emporia Municipal Airport and, thus, poses no immediate threat to the safety of air traffic.
- 2. Flood Plain - The old Lyon County Landfill is located in the Flood Plain of the Cottonwood River in a river alluvium setting. Most of the landfill would be affected by the 100-year flood; however, no property damage would be created. The transfer station is located in the 500 year Flood Plain.
- 3. Wetlands - The Corps of Engineers determined in April of 1988 that no wetlands existed in the area of the existing Lyon County Landfill. The transfer station is also located outside of any wetland's region.
- 4. Fault Areas - Neither Lyon County nor Chase County lies within the boundaries of a known fault.
- 5. Seismic Impact Zones - All of Chase County and the southern half of Lyon County are in a Zone 1 earthquake area in accordance with the 1991 Uniform Building Code (Zone 0 being the least active and Zone 4 being the most active). The northern half of Lyon County is in a Zone 2A earthquake area.
- 6. Unstable Areas - Neither Lyon County nor Chase County has any known unstable areas

Note: The City of Emporia/Lyon County Landfill stopped accepting most types of Solid Wastes on April 7, 1994. Closure of Existing Municipal Solid Waste Landfill was completed April 4, 1997.

Drainage Basins

There are two major drainage basins in Chase County: the Cottonwood River and the Verdigris River. Lyon County has four permanent flowing streams: the Cottonwood, Neosho, Marais des Cygnes, and Verdigris Rivers. The streams all flow in a southeasterly direction.

1.f Future Population Growth and Areas of Populations

Table 1.7 shows the projected populations from year 2020 to year 2050 for the Chase and Lyon County Region.

Table 1.7 Population Projections			
Year	Kansas	Chase County	Lyon County
2020	2,916,641	2,598	33,526
2025	3,028,726	2,508	33,671
2030	3,131,917	2,417	30,808
2035	3,231,168	2,307	29,716
2040	3,322,617	2,179	28,530
2045	3,398,563	2,033	27,309
2050	3,461,365	1,894	25,994
% Change	18.9%	-33.8%	-24.42%
Source: US Census 2020			

1.g Summary The area being studied consists of one first class city and 13 third class cities and rural regions for a total year 2021 population of 33,526 persons. Seasonally, this number fluctuates due to enrollment at Emporia State University. The population for the area is expected to remain stable or trend slightly higher.

SECTION 2 LOCAL TRANSPORTATION NETWORK

2.a Highway System

Introduction

Separate general highway maps are provided in Section 13.c for Lyon County and Chase County. The two county regions are served by federal and state highway systems including the Kansas Turnpike Authority. Section 13.c also contains a city map of Emporia, KS along with general soil maps for Chase and Lyon County.

Lyon County/City of Emporia

Lyon County is served by KTA, Interstate 35, US Hwy 50, US Hwy 56, State Hwy 99, State Hwy 130, State Hwy 170 and State Hwy 78.

The Kansas Turnpike Authority (KTA) runs diagonally southwest northeast through Lyon County along the northwest side of Emporia. Northeast of Emporia the KTA is referred to as Interstate 335. Southwest of Emporia the KTA is referred to as Interstate 35. The breakpoint of I-35/335 is at the toll booth on the west side of Emporia where I-35 leaves the KTA and runs east-west along the north side of Emporia to the east county line.

US Highway 50 runs east-west through the center of Emporia and Lyon County. US Highway 50 intersects the KTA on the west side of Emporia and joins I-35 on the east side of Emporia.

State Highway 99 runs north south through Lyon County and the center of Emporia where it intersects U.S. Highway 50. State Hwy 99 also intersects I-35 on the north side of Emporia.

State Highway 130 serves as a north-south collector on the east side of the county. It joins the communities of Hartford and Neosho Rapids to I-35.

State Highway 170 starts at an intersection with State Hwy 99 in the eastern half of the county and runs east out of Lyon County through the community of Reading.

U.S. Highway 56 runs east west through the north half of Lyon County where it intersects the KTA, State Hwy 99, and State Highway 78. At the U.S. Hwy 56/KTA intersection, there is a toll booth (Admire Exit) allowing traffic to access the Interstate Highway System.

East of this intersection 1.5 miles, State Highway 78 runs south for 1 mile to the unincorporated town of Miller.

Chase County

Chase County is served by U.S. Hwy 50, State Hwy 150, and State Hwy 177. KTA I-35 also crosses through the county with the nearest on-ramps at Emporia to the east and Cassoday to the south.

U.S. Highway 50 runs in a general east-west direction through Chase County and State Highway 177 runs north-south through the county. State Hwy 177 intersects US Hwy 50 one mile west of Strong City.

State Highway 150 branches off from U.S. Highway 50 south of Elmdale and runs west out of the county.

Kansas Turnpike Authority/Interstate 35 runs diagonally southwest-northeast across the southeastern part of the county. There are no on-ramps to the Interstate Highway System in Chase County.

2.b Limitation On Roadway Network

Currently, the only known limitation on the network is for a culvert on South Avenue west of Prairie Street. The

culvert is currently posted for 15-26-30 tons for the three legal trucks. A permit will be required to exceed the observed posted load limit. There are no applicable truck routes, local ordinances, or hours of permitted use.

2.c Most Frequently Used Haul Routes

Collection

The City of Emporia is the most frequent user of the existing facilities. For this reason, city streets are the most frequently used collection routes within the system. Other frequently used collection routes are the individual city and county public roads and streets. Burlingame Road, Americus Road and US Highway 177 are most frequently used by other collection services. Interstate 35, US Highway 50, and Kansas Highway 99, also play important roles in the collection of refuse throughout the system.

Disposal

The disposal route is 174 miles round trip at a year 2014 average frequency of 98 trips per month. The route utilizes public roads and streets: South Avenue, Prairie Street, US Highway 50, Kansas Turnpike 335, and US Highway 24. (See Table 3.1 Number of Loads Transferred)

SECTION 3 Solid Waste Generation Information

3.a Analysis of Non-Hazardous Solid Waste Generation

Introduction

This section describes the types of materials produced within the region. In order to understand the solid waste flow of a region, one must know where and what kinds of wastes are produced. Generally, the Lyon-Chase County area is an agricultural region. However, just over two-thirds of the total population resides in the city of Emporia where manufacturing is a significant source of employment.

According to the Regional Development Association of East Central Kansas and the Kansas Labor Market:

The primary labor market for the city of Emporia is Lyon County. In the past ten years the civilian labor force has varied from 18,410 workers in 2011 to 16,598 workers in 2021. From 2011 to 2021 the annual unemployment rate varied from 6.4% in 2011 to 4.8% in 2021.

The first quarter of 2008, Tyson Foods had a major layoff of 1,800 workers. The peak unemployment rate in 2008 was 7% in May; 6.7% in June; 6.8% in July; and 6.1% in August 2008. The average unemployment rate for 2010 was 6.3%, an all-time high for Lyon County, Kansas.

In the second quarter of 2010, Hill's Pet Nutrition manufacturing plant started production and there was modest increase in trash collections. The December 2018 unemployment rate for Lyon County was 3.5% with a total Civilian Labor Force of 16,617.

Inventory of Non-Hazardous Solid Wastes

Table 3.1 shows the amounts of waste accepted at the Lyon County/City of Emporia Transfer Station for disposal at Hamm's Landfill. After January of 1997, friable asbestos wastes are not accepted for disposal. Table 3.2 shows amounts of waste processed at the transfer station facility and not disposed of at Hamm's Landfill. Refer to Table 3.1 for special concentrations of solid wastes such as medical wastes, contaminated soils, and household hazardous wastes.

Note: Free trash is substantially lower in 2020 due in part to not having Spring Landfill Days because of the Covid pandemic. Another factor is that tonnage from the Property Enforcement Program is now cross charged to the city.

Table 3.1 Wastes Transferred to Hamm's Landfill (Tons)

Source	Year				
	2023	2022	2021	2020	2019
Free Refuse (Transfer Station)	126.17	143.90	1.63	1.37	157.62
Mixed Loads (Transfer Station)	3,066.74	2,729.69	3,232.55	3,837.20	3,562.48
Recycling Center Refuse	14.18	26.71	25.52	28.61	28.91
Lyon County Hazardous Waste	9.87	12.35	13.45	15.47	14.88
City of Emporia Refuse Truck	13,265.64	13,643.65	13,726.77	12,947.46	13,447.88
City of Emporia Roll Off Service	16,332.64	18,149.72	17,058.76	15,055.55	13,194.36
Steve's Trash Service	995.78	984.87	1,240.50	1,013.50	1,300.36
Waste Management Service	89.47	55.61	227.45	231.88	150.58
Cottonwood Falls	820.75	829.10	853.28	814.69	856.32
Trash- C & D	28.44	25.37	16.21	15.52	26.99
Transfer Station Subtotal	35,033.54	36,883.45	36,639.31	34,190.49	32,717.49
Actual Transfer Amount	34,293.64	36,232.83	35,893.48	33,682.70	32,261.43
% At Point Reduction	2.11%	2.04%	2.04%	1.49%	1.39%
Number of Loads Transferred	1,517	1,578	1,564	1,476	1,409
Source: City of Emporia Transfer Station Log					

Note: Latest figures from the US EPA indicate that US waste generation of municipal solid waste declined by 3.2% in 2008, representing the second straight year of decline. A decline of 3% from 2008 to 2009 for U.S. & Canada was reported by Waste Business Journal

Inventory of Non-Hazardous Wastes Continued...

Table 3.2 Wastes Diverted and Not transferred to Hamm's Landfill (Tons)					
Substance Disposed	Year				
	2023	2022	2021	2020	2019
Construction & Demolition	12,419.12	12,419.12	9,328.23	10,317.98	10,257.22
C & D Government	6,827.72	6,827.72	3,7656.51	3,777.89	5,44315
Compost	665.12	665.12	767.01	957.07	882.29
Brush & Wood	2,454.18	2,454.18	3,094.10	4,841.67	6,180.08
Processed Tires	383.93	383.93	407.07	400.60	379.31
Pallets					
C & D Landfill Subtotal	22,745.07	22,745.07	18,054.37	20,295.21	23,142.05
Gallons Oil	1,254	1,254	1,233	1,626	1,287
Number of Small Tires	1,094	1,094	1562	941	835
Number of Split Large Tires	48	48	18	454	9
Number of Appliances	107	107	159	124	103
Source: City of Emporia, Landfill Report					

Note: Some used oil is burned in the oil furnace at Recycling Center. As of 2018, pallets are included in the C & D tonnage.

Note: The Transfer Station received 417 large tires in June 2020.

3.b AREA DEVELOPMENT

General

One way to judge the area development for a community is by the number and value of the building permits issued. The City of Emporia, Americus, Cottonwood Falls, and Lyon County are currently requiring the issuance of a permit prior to construction.

Table 3.3 Building Permits Issued in the Region					
Americus			Cottonwood Falls		
Year	Permits	Value	Year	Permits	Value
2019	38	\$1,001,117	2019	12	\$1,958,750
2020	40	\$654,403	2020	10	\$12,974,711
2021	48	\$291,862	2021	9	\$174,900
2022	86	\$1,131,353	2022	11	\$668,688
2023	48	\$596,652	2023	16	\$16,027,500
Emporia			Lyon County		
Year	Permits	Value	Year	Permits	Value
2019	731	\$23,364,363	2019	9	\$1,549,500
2020	810	\$43,150,843	2020	10	\$1,911,000
2021	755	\$62,810,742	2021	8	\$1,589,000
2022	1,434	\$70,132,430	2022	14	\$3,977,200
2023	767	\$45,598,979	2023	14	\$3,173,982
Source: Americus City Clerk, Cottonwood Falls City Clerk					
City of Emporia Building Permit Report, Lyon County Zoning Administrator					

Multi-Family Residential Development

Multi-family residential development is primarily in the City of Emporia. Table 3.4 shows the number of units built in Emporia from 2019 through 2023.

Table 3.4 Multi-Family Building Permits Issued	
Year	Permits & Units
2019	32 Permits – n/a Units
2020	27 Permits - n/a Units
2021	28 Permits - n/a Units
2022	83 Permits - n/a Units
2023	20 Permits - n/a Units
Source: City of Emporia Building Permit Report	

Commercial Development

Table 3.5 Commercial Development						
Year	New Construction		Additions & Alterations		Demolition	Total
	Permits	Valuation	Permits	Valuation	Permits	
2019	6	\$5,364,572	48	\$7,324,571	2	\$12,689,144
2020	3	\$7,055,385	51	\$114,437	0	\$6,370,183
2021	1	\$3,990,000	45	\$14,967,335	4	\$0.00
2022	6	\$16,674,136	83	\$9,204,854	0	\$0.00
2023	7	\$4,139,500	60	\$14,747,200	1	\$0.00
Source: City of Emporia Building Permit Report						

One tool used to assess the commercial development of a community is to review the number of building permits issued. Table 3.5 shows the commercial construction permits issued for new construction, alterations and additions, demolition, and their respective valuations.

Note: No Value for Demolition

Industrial Development

One tool used to assess the industrial development of a community is to review the number of building permits issued. Table 3.6 shows the industrial construction permits issued for new construction, alterations and additions, demolition, and their respective valuations.

Table 3.6 Industrial Development						
Year	New Construction		Additions & Alterations		Demolition	Valuation
	Permits	Valuation	Permits	Valuation	Permits	
2019	1	\$50,000	1	\$6,000	0	\$0.00
2020	1	\$56,000	2	\$287,500	0	\$0.00
2021	0	\$0.00	8	\$2,069,000	2	\$0.00
2022	1	\$59,994	12	\$6,150,525	0	\$0.00
2023	0	\$0.00	12	\$8,271,822	1	\$0.00
Source: City of Emporia Building Permit Report						

Emporia currently has four Industrial Parks:

- Industrial Park I opened in 1955. The park on Industrial Road covers 160 acres and is fully developed.
- Industrial Park II opened in the mid-1970's. The park covers approximately 130 acres and have a 5.85-acre tract and a 35.92-acre tract site available for development. Current tenants include: Emporia Kenworth, Glendo Corporation, Detroit Diesel, Kansas Motor Freight, EVCO, Kansa Technology, and Safeway Pet Food.
- Industrial Park III saw its first development late in 1996. The park covers 208 acres of which 119 acres are occupied and 89 acres available in size ranging from 13.7 to 23.4 acres. Current tenants include: Simmons Pet Food, and Camoplast. East Industrial Park III covers 78.28 acres of which 25.5 acres is occupied by Norfolk Iron and Metal Company. Hill's Pet Foods constructed a pet food manufacturing facility and began production in 2010 in an expansion of East Industrial Park III.
- Industrial Park IV covers 151 acres on the West side of Emporia and is currently available to develop.

Manufacturing companies account for only 1.5 percent of the total firms in Lyon County however, manufacturing companies employ 40 percent of the total labor force.

Table 3.7 lists firms in the City of Emporia with over 100 employees.

Table 3.7 Employers in the City of Emporia with over 100 Employees		
Employer	# Employees	Description
Simmons Pet Food	1400	Private Label Pet Food
USD #253	991	School District
Tyson Fresh Meats	934	Meat Processing
ESU	724	University
Hostess Brands, LLC	557	Food Production
Newman Regional Health	440	Hospital
Lyon County	271	County Government
City of Emporia	247	City Government
Hopkins Manufacturing	232	Automotive Products
Wal-Mart	183	Retail Sales
Michelin	170	Rubber Products
Norfolk Iron & Metal	147	Steel Distribution
Mental Health Center	145	Health Services
Fusion	134	Telecommunication
EVCO	122	Wholesale Food Distribution
Hills Pet Nutrition	122	Pet Food
Vek-Tek	110	Hydraulic Equipment
Source: Emporia Chamber of Commerce October, 2023		

3.c Economic Condition/Standard of Living: Employment/Unemployment

Table 3.8 Labor Market Summary Estimates - 2020	
Emporia Micro-Area (Chase & Lyon Counties)	
Civilian Labor Force	18,078
Employment	17,609
Unemployment	469
Unemployment Rate	2.5%
Source: Kansas Statistical Abstract 2023	

Purposes and Uses of the County Business Patterns

County Business Patterns provides sub-national economic data by industry. The series is useful for studying the economic activity of small areas; analyzing economic changes over time; and as a benchmark for statistical series, surveys, and databases between economic censuses. Businesses use the data for analyzing market potential, measuring the effectiveness of sales and advertising programs, setting sales quotas, and developing budgets. Government agencies use the data for administration and planning.

Table 3.8A 2020 County Business Patterns				
Industry	Chase County Establishments	Chase County Employment	Lyon County Establishments	Lyon County Employment
Total	66	515	831	11,698
Agriculture, forestry, fish, hunt	B	B	0	360
Mining	A	B	5	33
Construction	4	B	66	646
Manufacturing	3	B	37	2,712
Wholesale Trade	2	C	28	249
Retail Trade	11	56	157	863
Transportation & Warehousing	6	35	34	738
Information	1	A	16	202
Finance & Insurance	5	10	57	294
Real Estate & Rental & Leasing	2	A	39	C
Professional & Technical Services	5	A	49	132
Management of Companies & Enterprises	0	0	3	A
Administrative & Waste Services	0	0	34	269
Educational Services	0	0	7	C
Health Care & Social Assistance	3	C	104	1,624
Arts, Entertainment & Recreation	3	A	9	107
Accommodation & Food Service	6	B	95	495
Other Services, (Except Public Administration)	14	22	97	503
Source: U.S. Census Bureau, 2020				
Note: A=0-19 employees, B=20-99 employees, C= 100-249 employees, D=Withheld to avoid disclosing data for individual companies.				

Income

One standard by which to measure the purchasing power of a community is to figure the Median income.

Table 3.9 shows 2022 per capita income.

Table 3.9 Per Capita Income & Households & Families	
Per Capita Income 2015	
Chase County	\$59,348
Lyon County	\$46,789
State of Kansas	\$60,424
Source: Kansas Statistical Abstract 2022	

Educational Attainment

Another factor affecting the quantity of waste generated within a community is the educational level attained by the residents. Table 3.10 shows the number of persons in each county, the City of Emporia, and the State of Kansas who have attained but not surpassed the listed educational level.

Table 3.10 Educational Attainment (Persons 25 years and older)			
Education	Chase County	Lyon County	State of Kansas
Persons 25 Years and Older	1,817	19,281	1,926,520
Less Than High School	122	2,346	158,369
High School Graduate	655	6,214	494,733
Some College or Associates Degree	559	5,572	605,155
Bachelors Degree	374	2,966	417,263
Graduate or Professional Degree	107	2,183	251,002
Source: Kansas Statistical Abstract 2022			

Housing

Table 3.11 shows the number of housing units for 2010 and 2020 and the percentage of change in the ten years. Table 3.12 shows the number of rental and vacant housing units; the median property values, vacancy rates, and rental rates are also supplied. Table 3.13 supplies the age and size as well as percentages of the units using treated water and public sewer. The number of housing permits issued in the City of Emporia from year 2018 thru year 2022 is supplied in Table 3.3 in Section 3.b

Table 3.11 Housing Units			
Region	2010	2020	% Change
Chase County	1,503	1,491	-0.8
Lyon County	15,237	15,334	0.64
Emporia	11,352	11,274	0.69
Kansas	1,233,215	1,288,430	4.48
Source: U.S. Census Bureau 2020			

Table 3.12 Housing Units					
Region	Total	Vacant	Median Value	Rental Units	Median Rent
Chase County	1,494	443	\$103,600.00	209	\$570.00
Lyon County	15,957	1,765	\$106,800.00	4,781	\$674.00
Emporia	11,274	13,41	\$88,900.00	3,797	\$668.00
Kansas	1,288,430	150,101	\$163,200.00	297,652	\$862.00
Source: U.S. Census 2020					

Table 3.13 Housing Characteristics – Estimated 2011						
County	Total Units	Built Prior to 1939	≤ 1 Bedroom	≥ 4 Bedrooms	Lack Plumbing	Lack Kitchen
Chase	1,491	35.9%	7.1%	20.1%	0.5%	1.4%
Lyon	14,957	28%	11.5%	13.1%	1%	0.5%
Source: U.S. Census 2020						

Assessed Valuation

The assessed valuation is determined by multiplying the appraised value by the tax levy (assessment) rate. The assessment rate is a variable that differs depending on the type and usage of the property involved. The appraisal value of a property is determined by the county appraiser in most cases. However, the Kansas Department of Revenue Division of Property Valuations conducts the appraisals of railroads, interstate trucking, and most utility companies. The utility companies appraised at the state level include but are not limited to multi-county electrical cooperatives, gas/fluid pipelines, telephone services, and other multi-county services-oriented utility companies.

Table 3.14 shows the year 2022 assessed valuation of the two counties by city and a total county valuation.

Table 3.14 Assessed Valuations		
County	City	2021 Valuations
Chase	Cedar Point	\$354,355
	Cottonwood Falls	\$4,942,899
	Elmdale	\$252,808
	Matfield Green	\$462,801
	Strong City	\$2,243,387
	County - Wide	\$8,256,250
Lyon	Admire	\$550,763
	Allen	\$725,993
	Americus	\$4,728,227
	Bushong	\$97,226
	Emporia	\$225,686,847
	Hartford	\$2,145,762
	Neosho Rapids	\$1,379,340
	Olpe	\$4,235,543
	Reading	\$1,012,570
	County - Wide	\$240,562,271

Source: Chase County Clerk and Lyon County Clerk

3.d Waste Collection Frequency

Lyon County

City	Frequency	Vendor
Admire	Once per Week - Thursday	Waste Management
Americus	Once per Week - Tuesday	Steve's Trash Removal
Americus Rural Area	Once per Week - Monday	Steve's Trash Removal
Emporia	Once per Week - Automated Polycart MTTHF Route	City of Emporia
Hartford & Local Rural Area	Once per Week - Wednesday	Waste Management
Neosho Rapids & Local Rural Area	Once per Week - Wednesday	Steve's Trash Removal
Olpe & Local Rural Area	Once per Week - Monday & Thursday	Steve's Trash Removal & Waste Management Services
Reading & Local Rural Area	Once per Week - Tuesday	City of Osage

Chase County

City	Frequency	Vendor
Strong City	Once per Week - Monday	City of Cottonwood Falls
Elmdale, Toledo	Once per Week - Monday	Steve's Trash Removal
Cottonwood Falls	Once per Week - Thursday	City of Cottonwood Falls
Matfield Green	Once per Week - Wednesday	Steve's Trash Removal

Note: The City of Cottonwood Falls purchased refuse trucks and started providing service in 2012.

3.e Heating Energy Sources

The heating energy source can greatly affect the quantity of solid waste to be disposed of. Natural gases and electricity produce no residue for disposal. Other residues coming from wood and coal frequently cause fires in collection and transportation vehicles and landfills. Table 3.15 shows the percentages of occupied houses in year 2022 by source used for household heating.

Table 3.15 Occupied House Heating Fuel					
County	Units	Utility Gas	Propane Gas	Electric	Other
Chase	1,065	43.2%	26.5%	22.1%	4.2%
Lyon	13,223	57.3%	10.9%	29%	0.6%
Source: Kansas Statistical Abstract 2022					

3.f Recycling and Re-use

The City of Emporia recycles many materials at the Recycling Center located at 3100 W. South Avenue. Other salvagers and recyclers are contained in Section 4.B. Table 3.16 contains a list of items recycled at the City of Emporia Recycling Center as well as a column of items, by tonnages, removed from the transfer station solid waste stream for recycling *As of June 2015, recyclable materials are no longer separated except for cardboard, metals, and minimal office paper. This would account for the decrease in tonnage as well as most line items containing zeros*

Two methods of reuse utilize city forces. At-point reduction of materials occurs when a transfer station employee notices an easily salvageable item (i.e. paper, wood, metal, appliances, etc.). The employee literally picks up the item and sets it aside to recycle or reuse. At times of high volume flow this task is impossible to undertake; however, the city employees do significantly reduce the amount of solid waste transferred to Hamm's Landfill.

Table 3.16 Recycled Material/City of Emporia Recycling Center					
Product	2023	2022	2021	2020	2019
Glass	0.00	0.00	0.00	0.00	0.00
Metals, Aluminum	0.30	1.39	1.20	1.29	1.90
Metals, Iron	104.85	102.31	150.79	168.32	118.37
Metals, Precious	0.22	143.04	0.40	7.26	2.06
Metals, Steel Cans	0.00	0.00	0.00	0.00	0.00
Oil	2.6	6.90	7.06	6.50	7.36
Pallets	0.00	0.00	0.00	0.00	0.00
Paper, Books	0.00	0.00	0.00	0.00	0.00
Paper, Magazines	0.00	0.00	0.00	0.00	0.00
Paper, News	0.00	0.00	0.00	0.00	0.00
Paper, OCCB	973.68	1090.42	1127.41	1061.81	1039.35
Paper, Office	0.00	0.00	0.00	0.00	0.00
Plastic, #1 PET	0.00	0.00	0.00	0.00	0.00
Plastic, #2 Color	0.00	0.00	0.00	0.00	0.00
Plastic, #2 Natural	0.00	0.00	0.00	0.00	0.00
Total Tons	1081.65	1344.06	1286.86	1382.40	1448.92
MRF Tons	1266.26	1250.14	1368.90	1245.18	1384.97
Source: The City of Emporia Recycling Report					

There was an average of 23 tons per trip transferred to Hamm's Landfill in 2012. The 2012 at-point reduction of recyclables at the transfer station was 785 tons (34 trips).

Note: **Advantage Metals** collects and ships over 11,000 Tons of Iron and 2,000,000 Pounds of Non-Ferrous per year.

3.g City and County Regulation

Lyon County

At the present time, there are no observed Solid Waste Regulations for Lyon County.

City of Emporia

Chapter 23 of the Code of the City of Emporia, Kansas deals with the regulating of solid waste and general practices by the community, the municipal collection service, any private trash haulers, the landfill, and recycling. Section 13.D contains Chapter 23 of the Code of the City of Emporia and amendments and ordinances last updated

3.h New Construction & Demolition Work

Section 3.a contains the information on permits issued for construction within the City of Americus and the City of Emporia

zoning district. The City of Americus and the City of Emporia are the only municipalities in the two county regions which require a building permit prior to construction and, thus, are the only entities which have a record of new construction and demolition work taking place year-to-year.

Table 3.17 Construction and Demolition Waste					
Description	2023	2022	2021	2020	2019
C & D Waste, General	12,986	12,419	9,328	10,317	10,257
C & D Waste, Government	3,214	6,822	3,765	3,777	5,443
Total Tons	16,200	19,241	13,093	14,095	15,700

Source: City of Emporia Landfill Report

Table 3.17 contains the amount of construction and demolition wastes which have been disposed of at the transfer station.

General construction/demolition waste is generated by the general public. Governmental C/D waste is the disposal of government project generated waste.

3.i Education

Natural Resources Advisory Board:

The Natural Resources Advisory Board improves public information about Recycling, Arbor Day, and Storm Water Pollution. An educational commercial has been produced and airs on local access channels.

Kansas Department of Health and Environment: The KDHE Bureau of Waste Management sponsors the Kansas: Don't Spoil It program. The program is funded through the state landfill tipping fee and is an integral part of the educational portion of the State of Kansas Solid Waste Management Plan. The Corporate Communications Group, Inc. was selected to develop and implement the program through public bidding. Section 13.G contains the Kansas: Don't Spoil It 1997 Public Education Specialties Catalog and information supplied by the KDHE to show the public awareness products available to county and municipal governments

Lyon County Environmental Health: Lyon County Environmental Health often addresses solid waste issues in general presentations made to the public. The format of these presentations is a slide show.

Natural Resources Advisory Board – Beginnings

In 1989, largely at the urging of local residents, the City of Emporia undertook an experiment on the practicality of curbside recycling in one small neighborhood. Wisely, the decision was made to start small and to emphasize education of the public. Each household recruited into the program received a set of three plastic receptacles for separating recyclable materials. Regular trash service was maintained but in addition a City Sanitation crew picked up the recycled materials once a week. Careful separate weight records were maintained for trash and for recycled materials. Before the trial run, volunteers from the League of Women Voters of Emporia went house to house to explain the program to homeowners. By the end of the experiment, all participants, including the League volunteers, the City Sanitation Department and the neighbors, were pleasantly surprised by the high level of neighborhood cooperation and by the success in terms of percent of waste stream diverted to recycling.

The Emporia City Commission established the Recycling Advisory Board in 1990 (City Ordinance 90-20) and mandated that the Board "improve public information in recycling." The Board originally consisted of four members named by the City Commission, and one named by the Lyon County Commission. As the Board broadened its educational mandate, additional people were drawn in. Currently working with the Board is: the director of the Flint Hills Resource Conservation and Development Council, a representative of the Cooperative Extension Service and

the Supervisor of the Emporia Sanitation Division.

Natural Resources Advisory Board – Beginnings... continued

In 2005 the Recycling Advisory Board was blended into the new Natural Resources Advisory Board. Membership includes appointees from Chase and Lyon Counties and the City of Emporia to include no less than eight or more than twelve members. In addition to speaking to school groups and to service organizations, members of the Board have taken on a number of projects as indicated on the following pages.

Recycling Awards: Starting in 1992, the Recycling Advisory Board annually presents recycling awards at a public meeting of the Emporia City Commission. In a typical year, two top C.A.R.E. (Community Area Recycling Excellence) awards and six master recycler awards are presented.

Brochure: Since 1994, the Recycling Advisory Board has produced an informational brochure on recycling in the Emporia area. In addition to telling what materials are accepted at the Emporia Recycling Center and by the Lyon County Household Hazardous Waste Facility, the brochure indicates where a wide variety of materials including such items as scrap iron, old clothing and old furniture – are accepted for reuse. Copies of the brochure (see Attachment 13.I) are available at public places such as the Water Department, Police Department and libraries. An attempt is made to distribute brochures to a wide cross-section of groups in Emporia, including churches, scout groups, social organizations and study groups. Since 1998 the brochure has been distributed as an insert in the regional Shopper to Chase County residents and to Lyon County residents outside Emporia, with the two County Commissions footing the distribution bill.

Earth Day Outing for Fifth Graders: In 1996, the Recycling Advisory Board organized an outdoor experience for approximately 300 Emporia public school 5th grade students at Camp Alexander. This was a success and has been repeated each year since then. A second day has been added so the event now includes all of the public school fifth graders in Lyon County. Classroom groups rotate through a series of activities and demonstrations, including nature hikes, tree planting, conservation artwork, insects, aquatic invertebrates or birds, home recycling, groundwater, surface water and household hazardous waste. Camp Alexander is on the Neosho River, about 6 road miles east of Emporia on a hilly farm site donated by Edward Jones Alexander who came to this area in the 1880s. The Recycling Advisory Board members continue to be presenters, but as of 2000, the Camp Alexander staff has taken over administrative responsibility for the Earth Day events.

Phone book recycling: Starting in 1993, the Recycling Advisory Board has worked with Southwestern Bell and Dillon's Stores to set up bins to encourage recycling of old phone directories. Since 1996, the sixth graders at Emporia's Lowther North School have worked with the Recycling Advisory Board in this "Project Re-directory." In both 1996 and in 1999, the students collected enough directories to overfill the Sanitation Department's large stock trailer.

America Recycles Day: The Recycling Advisory Board has been a part of this national event since 1998. Recycling in the Emporia area is encouraged in the following ways: recycling pledge cards are made available at the Recycling Center, Wal-Mart, and both Dillon's Stores and in Lyon County schools. The pledge cards are put into a local drawing for local prizes including a mulching mower donated by the city, a bicycle donated by Wal-Mart and other prizes donated by local merchants. The pledge cards are then forwarded to the national organization for a national drawing.

Recycling video tapes: Former Recycling Advisory Board Chair Ann Havenhill in 1999 was recognized by the J.C. Penney Foundation for her volunteer service. She designated that the \$1000 cash award go to produce three 30-second public service announcements and a twenty-to-thirty-minute educational video to be used by the Recycling Advisory Board members in local presentations to student groups, service clubs, etc. The Public Service Announcements have been shown on Emporia and Topeka cable outlets.

Recycling Trailers: The City of Emporia Sanitation Department owns a large stock trailer. The trailer was used for picking up large volume recyclables from its business routes. In 1995, Emporia Senior Girl Scout

Keyna Bogner proposed that the trailer be fitted with barrels and used as a weekend drop-off site for recyclables for east side residents who live farthest from the Emporia Recycling Center. Her project has continued with two changes: the trailer is no longer manned, and it has been moved to a more public site, at the parking lot of Emporia's east Dillon's grocery store.

In 1998, the Recycling Advisory Board initiated another remote collection site, this one in Americus (population approximately 1000, about 10 road miles northwest of Emporia). On two afternoons of each month, the City's stock/recycling trailer was made available for citizens to drop off recyclable materials. The sixth, seventh and eighth grade science students at the Americus Elementary School supervised the sorting of recyclables and the school janitor donated the use of his heavy-duty truck to pull the trailer

In April 1999, the Recycling Advisory Board working with the Flint Hills Resource Conservation and Development Council submitted a Solid Waste Management Grant proposal to KDHE to extend the recycling trailer idea to other small Lyon and Chase County communities in the Emporia region. The proposal was funded and two trailers started operating in October 1999. Each of the following towns currently stages the trailers twice per month: Americus, Admire, Hartford, Reading, and Neosho Rapids in Lyon County; and Strong City and Cottonwood Falls in Chase County. The City of Olpe stages a trailer once per week in Lyon County. Matfield Greene and Cedar Point use a trailer once per month in Chase County; and the trailer is set at Kahola Lake on major summer holidays. Each county commission provides a truck and driver to move the trailers for its communities and the staff of the Emporia Recycling Center unloads the trailers and prepares them for their next run.

In January 2004 the Flint Hill Resource Conservation and Development Council received two Recycling Trailers purchased with KDHE Grant Program funds to be used in the region.

Note: In 2016 Chase County purchased a single trailer to service Cedar Point, Cottonwood Falls, Kahola Lake, Matfield Green, & Strong City. The trailer is now brought in once its full after setting at multiple locations. There are no longer individual weights for each of these towns.

In 2011, The Natural Resources Advisory Board was tasked by the Emporia City Commission to explore options and costs for a residential curbside recycling collection program.

Table 3.18 Regional Recycling Trailer (Pounds Collected)					
Year	2023	2022	2021	2020	2019
Admire	12,520	12,300	12,590	14,100	11,960
Americus	12,420	12,010	16,990	20,020	16,940
Hartford	18,280	19,250	19,610	20,530	21,870
Neosho Rapids	14,310	14,530	12,990	14,520	13,740
Northern Heights	6,660	7,250	7,770	6,740	8,600
Olpe	78,360	75,490	77,540	77,970	73,190
Reading	13,640	12,400	13,340	13,860	12,750
Chase County	82,260	0.00	0.00	0.00	0.00
Totals	238,450	238,050	160,830	153,654	247,760
Source: City of Emporia Recycling Trailer Report					

The results of this study were presented to the commission on March 28th, 2012.

Note: On September 19th, 2012, The City Commission adopted a resolution of intent as per KS. Statute 12-2036. The resolution of intent must be adopted 180 days prior to passing an ordinance to create a curbside recycling program. A mandatory public hearing was hosted March 11th, 2012. The City Commission adopted Resolution 3515, a Resolution of Intent to create a curbside recycling program on September 19th, 2012. On January 9th, 2013, the City Commission directed that the program be forwarded for consideration of preliminary approval. The residential curbside recycling program was preliminarily approved on January 16th, 2013. The curbside recycling program began services on June 1st, 2015.

3.j Access To Recycling Markets

Access to the recycling markets for Lyon County and Chase County is greatly limited. However, there are several salvage, recycle, and reuse markets in the City of Emporia. Section 4.b of this solid waste management plan contains a current listing of recycling programs within Lyon County and Chase County.

3.k Distribution of Solid Wastes Within the Study Area

Table 3.19 shows the distribution of solid wastes processed at the Lyon County/City of Emporia Transfer Station.

3.1 Special Concentrations of Solid Waste

This section deals with those wastes which require attention special in nature in order to ensure proper disposal.

Special Concentrations of Solid Waste Accepted at the Transfer Station/Landfill Facility

Table 3.20 shows the special concentrations of solid waste which have been accepted at the transfer station/landfill facility. Construction and demolition waste are deposited in an area on the west side of the transfer station grounds. Tires received at the landfill are split around their circumference and buried in the tire mono-fill cell. The majority of used oil is sold to a recycler with the remainder burned in an oil burning heater at the Recycling Center. Non-friable asbestos is buried along with other demolition wastes. Friable asbestos is not accepted at the transfer station.

Special Concentrations Accepted at the Lyon County Department of Hazardous Waste.

Description	Year				
	2023	2022	2021	2020	2019
Compost	696	665	767	957	882
Brush & Wood	2,672	2,454	3,094	4,841	6,180
Construction & Demolition	12,986	12,419	9,328	10,317	10,257
Construction & Demolition Gov.	3,214	6,822	3,765	3,777	5,443
Processed Tires (Tons)	353	383	407	400	379
Oil (Gallons)	1,369	1,254	1,233	1,404	1,287
Small Tires (Number)	2,128	1,094	1,562	941	835
Large Tires, (Number)	19	48	18	454	9
Appliances (Number)	103	107	159	124	103

Source: Transfer Station/Landfill Report

The Department of Hazardous Waste is operated by Lyon County personnel. Also, a Satellite Facility is located in Cottonwood Falls. Table 3.21 shows the amount of each item, including pesticides, accepted at the Household Hazardous Waste facility from 2019 through 2023. During this time period, 8,882 residents were served. * 2012, household batteries no longer contain mercury and are not considered hazardous waste.

Description	2023	2022	2021	2020	2019
CFL's	0	5,000	140	900	5,432
Corrosive Acid	1,002	1,843	1,790	962	705
Corrosive Base	1,002	1,843	1,790	962	705
E Waste	35,828	35,750	29,492	29,501	22,660
Flammable/Pesticide Liquids	3,486	3,066	3,913	3,326	3,046
Flammable/Pesticide Solids	0	0	0	0	0
Antifreeze	683	596	1,545	7,094	1,207
Used Oil (8.0 lb. per gallon)	10,375	16,227	19,410	17,853	12,499
Auto Batteries	0	0	210	0	0
Lithium Batteries	0	0	0	0	0
Total Pounds Waste Received	93,049	128,281	102,062	107,323	79,665
Total Participants for the Year	1,983	2,120	2,030	1,235	1,514
Total Disposal Costs for the Year	\$22,160	\$22,397	\$21,149	\$21,769	\$31,880

SOURCE: Lyon County Department of Hazardous Waste

Special Concentrations of Wastes Not Accepted

The Solid Waste Transfer Station and Hazardous Waste Department in Lyon County do not accept several types of wastes which could be described as having concentrations special in nature:

- Abandoned Vehicles – (autos, buses, farm machinery) - Abandoned (out-of-service) vehicles may be taken to automotive salvage yards for recycling, salvage, and reuse.
- Agricultural Wastes – (manure, crop spoilage, crop residue) - Agricultural wastes are generally reapplied to farmland.
- Hazardous Construction/Demolition Wastes – (asbestos, hazardous materials) C/D wastes must be disposed of in an appropriate manner. Asbestos and other hazardous wastes are regulated and therefore require special permits for disposal. For disposal permits and regulations for specific substances, the KDHE should be contacted. The phone number is: (785) 296-1600.
- Dead Animals – (over 80 pounds) - Dead animals are generally picked up for a small charge by rendering companies.
- Medical Waste – Health care providers or commercial generators may dispose of medical waste by permit at Newman Hospital.
- Liquid Waste - Liquid waste is not accepted by the Transfer Station. The Hazardous Waste Department may accept some liquid wastes, dependent on the volume and nature of the waste.
- Septic Wastes – (septic tank sludge) – Septic Tank Sludge is accepted at the Wastewater Plant by permit only.
- Sludge – (car wash mud) – Car wash mud is accepted at the Wastewater Plant by permit.

In October 1997, the City received approval for the closure plan of the City/County Sanitary Landfill. In October of 1998, the Kansas Department of Health & Environment notified the City of Emporia that the sludge from the Wastewater Treatment Plant (WWTP) could no longer be disposed of at the landfill. The sludge from the Wastewater Treatment process is currently stored at the WWTP and is land applied by a private contractor. The WWTP has a 4-to-6-month storage capacity for processed sludge and an approximately 36 ton storage area for car wash mud. The City of Emporia does not accept any Industrial waste that cannot be processed through the Wastewater Treatment system. Domestic Waste will only be accepted by the waste hauler. Acceptance of industrial sludge is at the sole discretion of the City Manager. A list of sludge producers is listed in table 3.22 below.

Table 3.22 Industries Producing Sludge	
Industry/Producer of Sludge	Sludge Disposal Method
Bunge Corporation	Land Applied and Private Licensed Disposal Companies
Camoplast Rockland LTD.	Private Licensed Disposal Companies
Detroit Diesel Remanufacturing	Private Licensed Disposal Companies
Fanestil Meats	Land Applied
Hills Pet Food	Land Applied
Hostess Brands	Land Applied
Kansa Corporation	Private Licensed Disposal Companies
Simmons Pet Food Inc. (Formerly Menu Pet Food)	Land Applied
VekteK Incorporated	Private Licensed Disposal Companies
City of Emporia, KS Wastewater Treatment Plant	KDHE 503 Sludge Regulations

3.m Estimate of the Future Production of Solid Wastes

This section estimates the future production of solid waste by the total Chase County and Lyon County population. The estimate of production of solid wastes is tabulated in table 3.23. Calculations are based on the 2023 population and the 2023 landfill disposal records. The approximate population who disposed of their refuse through the transfer station facilities in 2023 was 35,033. The total Transfer Station Refuse Intake in 2023 was 34,293 tons. The total amount of compost not transferred to Hamm's Landfill in 2023 was 696 tons. The total amount of construction and demolition waste not transferred to Hamm's Landfill was 12,886 tons. Using this information and assuming a 3% per five-year population growth rate; future solid waste generation is as follows:

- Waste Received = 3.843
pounds/person/day
- Compost = 0.143
pounds/person/day
- C/D Waste = 1.415
pounds/person/day

Table 3.23 Estimated Future Tons of Solid Waste				
Year	Population	Refuse	Compost	C/D
2035	28,973	36,803	1,044	11,292
2040	29,842	37,907	1,073	11,630
2045	30,737	39,044	1,005	11,978
2050	31,659	40,215	1,040	12,337
2055	32,608	44,421	1,071	12,707
Source: Transfer Station Report 2023				

SECTION 4 Existing Solid Waste Systems

4.a Current Storage, Collection, Processing, and Disposal Activities

Storage:

- In Emporia, residential solid waste is stored in city owned polycart. Commercial and Industrial Refuse is stored in private and city-owned dumpsters and 10, 20, 30 and 40 cubic yard roll-off units.

Collection:

- Residential Emporia: Municipal curb-side collections are once a week. This service is billed monthly by the city. Commercial Emporia: Depending on the demand, the customers are serviced from once per week up to six times per week. Special pick-up is also provided on an as-needed basis.
- Industrial Emporia: Depending on the demand, the customers are served from once per week up to six times per week. Special pick-up is also provided on an as-needed basis.
- Urban Lyon County/Chase County: Municipal curbside collections are once per week. The service is billed directly to the customer; no special collections are made for grass clippings.
- Rural Lyon County/Chase County: Private haulers pickup solid waste at designated locations and frequency varies with source. This service is billed directly to the customer.
- Medical Waste: Newman Regional Hospital in Emporia is a drop off site for Biological Hazardous Wastes generated by local health care providers. Medical waste is picked up twice per week by Waste Management Health Care Solutions. Also, medical waste is picked up at the Lyon County Environmental Health Center twice per month. All waste of this nature must be “Red Bagged” and clearly labeled as “Bio-Hazard”.

Transportation:

- En Route to Transfer Station: In Emporia, collection of residential solid waste is conducted by the city which transports the refuse an average of 2-3 miles to the existing transfer station. Primarily, the collection of commercial solid waste is achieved by city provided roll-off units or dumpsters and is picked-up weekly by city collection vehicles (20 cubic-yard rear loading units). However, in some cases, commercial collection is manually completed using curbside or alley service. Transportation to other cities and rural residences is done by private haulers.
- En Route to Hamm’s Landfill: The refuse is transferred using fully loaded semi-trailers owned and operated by Hamm Quarries, to the Hamm Quarries Subtitle D Landfill located in Jefferson County, Kansas. The round-trip distance is 174 miles.

Intermediate Disposal and Resource Recovery

General

The Lyon County/City of Emporia Transfer Station handled **34,293** tons of refuse in **2023**. The total wastes transferred to Hamm’s Landfill was **35,033** tons. This is a recovery of **740** tons or **2.11%** diversion rate for the year. The transfer station is located at 3100 West South Avenue on the southwest side of Emporia. The haul distance for the City of Emporia refuse trucks (the main users) is approximately 2 miles.

Intermediate Disposal and Resource Recovery...General ...continued

The site for the transfer station is situated in a region of Emporia which is not considered an area for prime development. For this reason, there is currently enough land available on-site and surrounding the facility to make any upgrades deemed necessary in the near future.

The transfer station facility is currently capable of handling a much larger amount of solid waste with the addition of minimal staff. The tipping floor is approximately 5400 square feet. Building construction of a new recycling center was completed in early 1999.

Construction/Demolition Landfill

The City of Emporia/Lyon County operates a Construction/Demolition Landfill otherwise known as C&D Landfill. All citizens of Chase and Lyon counties and businesses operating within Chase & Lyon counties may use the landfill.

Items accepted at the C&D Landfill are in accordance with K.S.A. 65-3502 to include solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities; untreated wood and untreated sawdust from any source; treated wood from construction or demolition projects; motor vehicle window glass; vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm related cleanup. Such wastes include, but are not limited to bricks, concrete, and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging. Also accepted; wooden pallets; street sweepings (litter removed); floor tile, siding and roofing materials containing non-friable asbestos; trees, brush, sod; metal scrap. (See K.S.A. 65-3502 for complete listing and handling procedures of acceptable materials). The C&D Landfill is being developed in cell phases.

The City of Emporia/Lyon County received notification from Kansas Department of Health and Environment that its updated application for operation of a Municipal Solid Waste Transfer Station, Waste Tire Monofill, Construction and Demolition Landfill, and Yard Waste Composting Facility; Permit #145, received certification on July 6th, 2021.

Currently, additional sites have been identified adjacent to the existing area where new cells can be developed. Landfill life expectancy with new cell development exceeds fifty years at current disposal rates.

Provisions for operations and closure are contained in the C&D Landfill Operations Report (Appendix 13.J) and the Construction Quality Assurance Plan (Appendix 13.k).

Expenditures/Revenues

The tipping fees charged were derived with the idea of offsetting the operating costs of the facility. For this reason, the fees charged for solid waste disposal have substantially increased since the landfill closed in April of 1994. Figure 4.1 shows the expenditures and revenues associated with the transfer station facility and collections. Table 4.1 and 4.2 show the current tipping fees and hours of operation.

Transfer Station Personnel Costs, Contractual Costs, Commodities Costs, Financial Costs, Capital Improvement Costs and Revenues are included within the following City of Emporia budget. *Note: The city of Emporia evaluates all viable vehicle/equipment on the current market, including alternative fuels.

Also, note that Lyon County Government budgets for solid waste expenditures for: illegal dump site cleanup; county recycling program; and emergency equipment loans to the Transfer Station. These costs are not included in the following budget

Figure 4.1

City of Emporia, Kansas							9/6/2023		
5 year Budget							12/3/24 11:20 AM		
2023-2028									
Revenue Detail and Expenditure Summary									
Cash Basis									
SOLID WASTE DISPOSAL FUND									
	2020	2021	2022	Budget	Budget	Budget	Budget	Budget	Budget
	(Actual)	(Actual)	(Actual)	2023	2024	2025	2026	2027	2028
BEGINNING CASH	\$3,110,960	\$3,573,194	\$4,002,114	\$3,549,209	\$2,658,924	\$1,603,924	(\$917,350)	(\$2,400,382)	(\$3,907,404)
REVENUE									
Refuse Collection Fees	\$2,778,214	\$2,964,876	\$2,971,094	\$2,964,876	\$3,050,000	\$3,050,000	\$3,050,000	\$3,050,000	\$3,050,000
County Contract	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Loss on Sale of Assets	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interest on Investments	\$20,595	\$2,276	\$26,458	\$89,000	\$70,000	\$55,000	\$55,000	\$55,000	\$55,000
Insurance Recovery	\$0	\$58,510	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Trf from Health Ins - Premiums	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Resale of Recyclables	\$93,356	\$181,252	\$201,913	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
Box Container Fees	\$1,697,825	\$1,936,847	\$2,063,528	\$2,270,000	\$2,270,000	\$2,270,000	\$2,270,000	\$2,270,000	\$2,270,000
Landfill Fees	\$593,564	\$537,818	\$562,540	\$608,000	\$608,000	\$608,000	\$608,000	\$608,000	\$608,000
Transfers	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Miscellaneous	\$31,546	\$19,000	\$23,247	\$4,800	\$4,800	\$4,800	\$4,800	\$4,800	\$4,800
TOTAL RECEIPTS	\$5,215,101	\$5,700,579	\$5,848,781	\$5,996,676	\$6,062,800	\$6,047,800	\$6,047,800	\$6,047,800	\$6,047,800
EXPENDITURES									
Personnel Services	\$1,834,321	\$1,856,088	\$2,093,650	\$2,338,122	\$2,450,264	\$2,548,136	\$2,649,923	\$2,755,781	\$2,865,874
Vacancy	\$0	\$0	\$0	(\$45,146)	(\$47,329)	(\$49,222)	(\$51,191)	(\$53,239)	(\$55,368)
Maintenance & Repair	\$191,335	\$286,358	\$325,946	\$313,500	\$390,500	\$390,500	\$390,500	\$390,500	\$390,500
Commodities	\$172,559	\$274,739	\$332,164	\$425,350	\$428,000	\$418,500	\$482,500	\$482,500	\$482,500
Other Charges	\$121,801	\$133,708	\$137,727	\$218,800	\$220,735	\$228,530	\$229,970	\$235,650	\$242,183
Capital Outlay	\$224,628	\$481,908	\$72,612	\$885,000	\$655,000	\$2,010,000	\$806,500	\$721,000	\$346,000
Trf to Project fund	\$0	\$0	\$814,627	\$0	\$86,000	\$86,000	\$86,000	\$86,000	\$86,000
Utilities	\$38,914	\$41,941	\$50,501	\$64,150	\$72,000	\$72,000	\$72,000	\$72,000	\$72,000
Communications	\$27,618	\$37,454	\$41,954	\$49,900	\$49,900	\$49,900	\$49,900	\$49,900	\$49,900
Travel & Training	\$588	\$1,607	\$7,606	\$8,750	\$8,750	\$8,750	\$8,750	\$8,750	\$8,750
Contractual Services	\$1,333,657	\$1,428,981	\$1,613,185	\$1,693,675	\$1,855,500	\$1,857,500	\$1,857,500	\$1,857,500	\$1,857,500
Administrative Fee 17%, 16%	\$820,683	\$870,040	\$895,433	\$934,860	\$948,480	\$948,480	\$948,480	\$948,480	\$948,480
Outstanding PO's	\$262,564								
Excess Carryover				\$0	\$0				
Change in Liabilities	(\$275,801)	(\$141,164)	(\$83,720)	\$0	\$0	\$0	\$0	\$0	\$0

Revenue continued

Table 4.1 Tipping Fees		
Description	Fees	
Mixed Loads	\$48.45 per ton	\$2.42 per 100 lbs./\$10.00 minimum up to 500 lbs.
Packer Truck Fee	\$45.42 per ton	
Box Pickup - Trash	\$96.01 per ton	
Box Pickup - C&D Waste	\$63.27 per ton	
Box Pickup - Wood	\$45.83 per ton	
Construction/Demolition Waste	\$26.33 per ton/\$10.00 minimum up to 500 lbs. or \$1.31 per 100 lbs.	
White Goods (Appliances)	\$30.55 each	
Special Wastes	\$75.76 ton plus administrative & handling fee	
Yard Waste/Brush/Tree Logs	No Charge-for residential Commercial \$10.00 per ton	
Out of Chase or Lyon County	\$71.10 ton minimum plus approval and \$39.50 for C&D	
Industrial Refuse	\$68.47 per ton plus administrative cost (KDHE Disposal Permit Required)	
Tire: 20" or smaller	\$3.36 each	
Tire: 21" - 24.5"	\$6.56 each	
Tire: Larger than 24.5"	Accepted Only if Split	
Tire: Processed	\$25.00 per ton	
Penalty Fee (Unsecured Load)	\$13.00 minimum or double the amount of charges; whichever is greater	
Fuel Surcharge	\$15 per each 500 pounds (evaluated each calendar quarter by City Commission)	
Source: City of Emporia Code, Chapter 23; Solid Wastes		

Operations

There are currently seven full-time employees at the transfer station facility. These seven city employees are currently keeping the transfer station facility open Monday through Saturday, and Sunday afternoons. Table 4.2 provides hours of operation.

Table 4.2 Transfer Station Hours of Operation	
Day	Business Hours
Monday - Saturday	8 a.m. to 5 p.m.
Sunday	1 – 5:00 p.m.
New Years Day, Martin Luther King Jr. Day, Memorial Day, Juneteenth, 4 th of July, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve. at noon, & Christmas Day	
Day	Closed

4.b Inventory of Recyclers

Table 4.3 list of recyclers contains many of the programs, persons, or organizations in the region that recycle, reuse, or reprocess materials which would otherwise be disposed of in a Subtitle D landfill.

Table 4.3 Regional Recycling		
Name & Address	Hours of Operation	Material Accepted
City of Emporia 3100 W. South Ave. 620-340-6360	M-S 8:00-5:00 Sunday 1:00-4:00	Paper, Cardboard, Plastic, Glass, Motor Oil, Compost, Grass Leaves, Tree Limbs, Christmas Trees <i>All Above Accepted Free of Charge</i> Recycling Drop Off Site-Dillions East (TH-F) 902 E. 12 th Ave. Commercial Business Cardboard Pick-Up 620-340-6339
Flint Hills Battery 615 Graham St. 620-342-2842	M-F 8:00-5:30 Sat. 8:00-12:00	Batteries
Advantage Metals Recycling, LLC 302 Graham St. 620-342-1122	M-F 8:00-4:30 Sat. 8:00-12:00	Scrap Metals, Precious Metals
Note* Girl Scout Building & Aluminum Recycling closed in 2021		

Inventory of Recyclers...continued

Hetlinger Developmental Services Inc. 707 S. Commercial 620-342-1087	M-F 8:00 - 3:00	Aluminum Cans
Lyon County Hazardous Waste 3000 W. South Avenue 620-340-6365	M-F 8:00 - 4:00	Household/Cleaning Products, Paint/Finishing Products, Garden/Pest Control Products, Automotive Products
Westside Recycling 2606 W. Hwy 50	M-F 8:00 - 5:00 Sat. 8:00-12:00	Scrap Metals

4.c Existing Solid Waste System Organizational Structure

Storage: Storage is done by those persons, firms, or organizations which generate the waste. In the City of Emporia, the storage system can be altered by a change in the City Ordinances. It is unlikely that any change would occur in either county unless it is forced by legislation. Storage does not provide any revenue.

Collection: Collection is carried out by the city forces and privately owned operations. Pick-up dates are frequently juggled around busy seasons, such as Christmas and Thanksgiving. Revenues are generally produced by billing clients once a month. The municipal collection system can be changed in the City of Emporia by changing the city ordinance which governs the collection of waste. The rural collection system is less regulated, and changes occur with little or no planning.

Transportation: Solid waste is transferred to the transfer station using packer trucks and 10/20/30/40 cubic yard roll-off units. Revenues are produced by charging a tipping fee. The transportation of the solid waste to Hamm's Landfill utilizes semi-trailer units. The frequency increases with demand. Changes in the operation are determined by the city and county commissions. No revenues are produced. The loaded weight is limited by state regulations.

Intermediate Disposal and Resources Recovery: Transfer station employees manually recover solid wastes for reuse and recycling. Intermediate disposal is completed through distribution back into the community; resource recovery is accomplished by the general public using the previously listed recyclers. Recycling could be increased by raising the amount paid for recyclables. One disadvantage is that only certain materials, such as compost, may be redistributed to the community. The revenue gained by this stage of the system is immeasurable. Less refuse must be transferred to other landfills; thus, there are lower transfer fees. Additionally, recycling greatly reduces the impact on the environment.

Summary: Typically, any change in the organizational structure of the solid waste system is determined by the city or county commission responsible for the specific task. The City of Emporia engineer may, in some circumstances, be asked by the commission to come up with more economical processes or routing. Operating revenues for the transfer station are obtained by charging a tipping fee to the persons, firms, or organization utilizing the facility. The haulers, whether private or municipal, charge their customer a monthly fee to recover the cost of using the transfer station facility. Any time a new service is required, the schedule (route) of the hauler is slightly altered to make the collection.

SECTION 5 Solid Waste Issues and Problems

5.a Environmental Management Objectives

The objectives are to minimize the amount of solid waste to be handled and to process it in the most efficient manner which is consistent with current (and future) environmental concerns. The governing agencies have committed necessary funding to the operation of the transfer station facility.

The Solid Waste Management Committee should continue to listen to the citizen comments and complaints so that regulations concerning waste collection and disposal can best serve the public and environment.

In order to reach the environmental management objectives, the Solid Waste Management Committee shall keep open lines of communications with private haulers and recycling businesses to ensure that their efforts are compatible with the benefit of the public.

At the present time, the specific items of concern are:

- Compost
- Waste tires
- Recycling market
- Illegal dumping
- Cost – transfer station costs
- Recycling
- Wood chips

5.b KDHE Regulations and Standards

Transfer Station

Aesthetics: Local aesthetics have been enhanced by transferring the waste to a remote site rather than disposing of it at a site near Emporia.

Physical Hazards: The personnel and public are at less risk of sustaining an injury since the waste is removed daily.

Odors and Air Pollution: Odor pollution has been mildly decreased due to the transfer of waste to Hamm's Landfill. The remaining odor is from the surrounding wastewater lagoons and the tipping floors.

Litter: The perimeter of the transfer station site utilizes a 6-foot chain-link perimeter fence to retain blowing litter.

Water Pollution: The transfer station eliminates any concerns about ground water pollution from the future disposal of solid waste by landfill. The tipping floor of the transfer station is drained into the public sewer system. In addition, the expenses associated with a leachate collection system will be avoided. Also, storm water runoff that comes in contact with construction/demolition landfill is contained in holding ponds.

Toxic and Biological Hazards: The personnel and the public are at less risk to toxins and biological hazards than in previous years. Since personnel are on hand at all times, it is easier to regulate the flow of materials, including toxic wastes, which are entering the system. Also, Newman Memorial Hospital disposes biological waste through Stericycle of Kansas City, with a twice per week pickup.

5.c Public Health Concerns

This section comments on the issue of containment of solid waste to prevent access by flies, rodents, stray dogs and cats, and wildlife.

- Under ideal conditions, the housefly can complete its breeding cycle in as little as eight days. Flies have been associated with diseases such as typhoid fever, salmonella, E. coli infections, eye diseases, and pin worms. Also, a recent study at Johns-Hopkins School of Public Health has associated the spread of antibiotic resistant bacteria with waste from animals that have been fed antibiotics.
- Rodents are associated with hantavirus, plague, murine typhus, rickettsialpox, leptospirosis, and others. The control of rabies in communities is aided by the use of proper solid waste disposal. Domestic and wild animals are attracted to human garbage, trash, and refuse.
- To control potential health concerns in our community, it is important to limit vector access to solid waste. This may be accomplished by providing adequate collection services and vector-proof containers. All plans should provide for containers which are easily secured, transported, and cleaned. Routine collection should reduce or eliminate the accumulation of solid waste to reduce vector attraction.

5.d Future Constraints

Certain types of waste are not suitable for handling through the transfer station. These include construction and demolition wastes, tires, asbestos, automobiles and sludge.

Future constraints will require new and innovative ways of disposing of these items that are not feasible to transfer to a Subtitle D landfill.

5.e Future Needs

Lyon County, Chase County, and the City of Emporia should emphasize the economic impact that the recycling of materials has on reducing the transportation costs for the transfer station.

One possibility would be to find new methods by which to increase recycling. Another possibility would be to create some sort of incentive program which would influence the users of the system to utilize recycling on a daily basis. Any decision made would need to be very economical in all aspects in order for the incentive program to be a success.

Some cities across the nation offer rebates for mulching mowers and eliminate their compost collection. The key disadvantage to this incentive is that residents will inevitably place some grass clippings in with the refuse collection. For this reason, it is advisable to institute a weight-based or volume-based collection program with the rebate incentive.

As previously mentioned, a weight-based or volume-based collection system is an incentive to reduce the amount of refuse which is disposed of. Another key advantage to these types of systems is the amount of recycled products generally increases.

Education and Logistics of Curbside Recycling is something that has been closely looked at for the last 6 years. An Amendment was passed in July of 2012 and education will continue to be a major component of the program.

5.f Natural Disaster

The two catastrophic disasters most likely to occur in the Management Area are floods and tornadoes. Lyon and Chase Counties and the City of Emporia have Emergency Operation Plans which include debris removal guidelines. Although Third Class Cities within the region have the same solid waste disposal issues, the City of Emporia would have the largest impact due to its size and population and will be used as an example for the Management Plan.

In the event of a disaster the Kansas Department of Health and Environment district office would be requested to respond to the disaster site as soon as possible. Immediate steps should be taken to restore the normal refuse collection service in the affected area. There are fourteen City Parks; Lyon County Fairgrounds; and other government owned properties within the Emporia area and the vacant lots located east of the Transfer Station. Emergency disposal sites would be located at the nearest City Park or other government owned property approved by the Kansas Department of Health and Environment. Debris would be sorted and placed in separate piles until it could be processed on site or removed for proper disposal. The Kansas Department of Health and Environment would have to approve the emergency storage, burn, and burial sites as needed for the seven categories of managed waste. Additional machinery and manpower would be obtained from other government agencies and the private sector to enable processing, removal, and disposal of these materials.

Disposal strategies will vary according to the emergency and the following guidelines should be use as appropriate:

- Trees, limbs, and brush (green wood waste) may be ground into mulch with the Horizontal Wood Grinder. In cases where a vast amount of material dictates burning, K.D.H.E would be contacted to determine if the temporary emergency disposal site is a suitable burn area. If not, the permitted burn area at the Transfer Station would be utilized.
- Large household appliances may be delivered to or picked up by scrap iron recyclers.
- Rock and brick (Clean Rubble) may be used as fill and taken to the Lyon County Highway Department.
- Construction Demolition (C&D) encompasses a vast range of materials. Wood (lumber, etc.) can be ground and used as sub-cover for other C&D. Other material may be placed in the permitted C&D landfill. If additional space is needed there is an unused area parallel to the closed land-fill site which may be suitable for an emergency C&D area. Also, in September of 2003 the City of Emporia began preliminary measures to request a permit for height variance for the current C&D land-fill area.
- Other waste materials, including clothing, furniture and trash would be removed from the disaster site and taken to the Transfer Station. The material would then be transported by semi-trailer to Hamm's Landfill or another Subtitle D landfill unless K.D.H.E. allowed an alternate disposal method or location.
- Household Hazardous Wastes would be disposed of through the Lyon County Hazardous Waste Department. The majority of these wastes would be disposed of by a licensed hazardous waste removal company from the Lyon County site.
- Radio-Active Waste due to natural or other incident would be handled by a Hazardous Materials Team requested from Kansas Department of Health and Environment.
- Livestock would be picked up by a rendering company. If the livestock is not suitable for rendering, then K.D.H.E. would be asked for an alternate method of disposal, to include: burial on site, special waste permit for disposal at a land-fill, etc.

SECTION 6 Applicable Solid Waste Technology Options

6.a Solid Waste Management System

Volume Based Fees

A volume-based fee is a method of charging the customer by the volume of waste which is being disposed. The City of Emporia is currently using this system to regulate commercial and industrial clients.

The biggest advantage of this system is that it creates an incentive for the customer to decrease the amount of waste generated.

The disadvantage is illegal disposal of waste; customers may turn to illegally dumping their refuse in commercial dumpsters or along drainage courses such as ditches and rivers.

6.b Storage System Technology Options

In a residential setting, there are two basic types of volume-based collection programs: a can system or a prepaid bagging system. Both come in variable sizes. It is advisable to set up a curbside recycling system when using a volume-based collection program.

Variable Can System: This system can be set up in a variety of ways. The two most popular methods are (1) a monthly subscription or (2) a daily subscription to a set number and size of cans. The primary disadvantage of this type of system is the complex billing system involved. Another key disadvantage may be that the collection crew will not know each customer's rate.

Prepaid Bagging System: This system utilizes specially designed and designated bags, tags, or stickers, which are made available through area merchants and city offices. Dependent on which choice (bags, tags, or stickers) the specific agency decides to use, the only items picked up at the curb must be properly marked. Obviously, when using this system, the bags are usually overloaded (i.e. heavy). For this reason, the bag system is probably the best choice of this kind of system since they can be specially designed to reduce tears and to regulate size and weight. An advantage over the variable can system is that no curb enforcement is required, and the accounting system is greatly simplified. One possible disadvantage in smaller communities is the fluctuation of income due to the sporadic purchase of bags by customers.

Weight-Based Fees

A weight-based fee program is similar in type to the volume-based fee method. The customer is charged by the weight of the waste that is being disposed of. A weight-based system is the most popular method used at landfills and transfer stations across the country.

The biggest advantage of this system is that it creates an incentive for the customer to decrease the amount of waste generated. The disadvantage is illegal disposal of waste; customers may turn to illegally dumping their refuse in commercial dumpsters or along drainage courses such as ditches and rivers.

The City of Emporia continues to evaluate the purchase of a weight-based system. See Section 6.c for a description of the automated collection system.

6.c Collection/Transportation Technology Options

General

The current collection system utilizes city forces within the City of Emporia and private haulers throughout the rest of the two counties. The current method of residential pickup utilizes 35/65/95gallon Polycarts that are collected by trucks equipped with automated arms. Commercial and industrial collection uses a Rear-end Loading Truck and dumpsters; however, Roll-off units are available upon request. In Emporia, residential collections are once a week. The city bills customers once monthly. This system appears to be stable and will remain unchanged until the demand for more or less frequent collections changes.

Public collection

The City of Emporia is the only municipality currently utilizing automated pickup in either county. The advantage is that the governmental agency has complete control over the operation. The disadvantage is the administrative costs and additional overhead imposed upon the agency providing the services; however, these burdens are frequently offset by revenues.

Private Collection

The alternative to public collection utilizes private industry to offer the collection services. The main disadvantage associated with private collection is the loss of control which the governmental agency experiences. In order to increase the control on private industry, regulations could be imposed which would set requirements for service and hauling.

Rural Collection Options

The most efficient option for rural collection is to set up several smaller and uncontrolled dump stations at key locations throughout the county. The locations would generally be near STOP signs and main intersections. The key to this system is economical placement and ease of use. The disadvantages to this system are the capital costs, vandalism, maintenance costs, blowing litter, disposal of hazardous substances, and aesthetics.

Automated Collection System

The City of Emporia uses an automated residential collection service. Each route services 550 to 750 homes per day. One aspect of the automated selection system is reducing the frequency of collection to once per week. This way one driver and one truck can service approximately 2300 residences in a four-day period. The fifth day is for truck maintenance or the shifting of routes due to a holiday. Recycling could utilize the automated collection service.

Disadvantages of this system:

- (1) The containers are still the property of the governmental agency and, thus, it must be decided who is responsible for the maintenance and upkeep of the containers.
- (2) Curbside parking may, in certain cases, hinder the collection process in some neighborhoods.
- (3) Collection could be made on only one side of the street on one-way streets when using a truck with only one picker arm.

6.d Processing System

General

The City of Emporia/Lyon County Transfer Station currently uses several of the applicable technology options available for processing solid wastes.

Table 6.1 lists the processes used and a brief description.

Table 6.1 Technology Currently Utilized at the Transfer Station	
Process	Description
Crushing	Custom-equipped backhoe is used to compact each of the loads leaving the transfer station. Recyclable metals are set aside and crushed on an as-needed basis.
Separating	Employees sort off any items which are reusable or recyclable.
Source Reduction	Compost directed to composting site. Tree and Brush Waste are directed to Grinder site.
Reuse	
Land Disposal	The tires are mono-filled. Construction/Demolition Waste is Land-filled. All other wastes are transferred to Subtitle D Landfill.
Baling	Cardboard, Office Paper, Plastics
Composting	Yard Wastes, Brush
Recycling	Paper, Glass, Wood, Metals

Year 1996: In 1996, over seven thousand tires were shipped to Monarch Cement as part of the tire abatement program offered by KDHE. Further recycling of tires will be increased as economically feasible.

Year 2000: In December 2000 and January 2001, Lyon County with assistance from the City of Emporia and Chase County participated in the KDHE Waste Tire Amnesty Program. Over 10,000 tires were collected in Lyon County and 3,600 tires were collected in Chase County.

Year 2002: Horizontal Grinder – purchased new Horizontal Grinder in part with \$100,000 KDHE Grant awarded in 2001. The grinder is used to process wood waste.

Year 2004: E Waste -We were excited to be one of two Kansas communities to partner with the Kansas Department of Health and Environment and Envirocycle for a pilot e waste event in November of 2004. The event provided an opportunity to develop awareness, data, and markets for recycling consumer electronics. 41.07 Tons of electronics were shipped to the recycler.

Also, in 2004 the City of Emporia received notification of a grant award in the amount of \$40,000 to be used toward the purchase of a new horizontal baler for our recycling center in 2005. The grant was part of the Solid Waste Management Competitive Plan Implementation Grant Awards program administered by the Kansas Department of Health and Environment and the Governor's Solid Waste Grants Advisory Committee.

Year 2006:

Track Loader – The City of Emporia purchased a new Caterpillar Track Loader Model 963C to be primarily used in the construction/demolition area.

Year 2009: New Generator/Welder and Used Track Loader were purchased, and Box Blade for Farm Tractor to complete C&D Landfill closure.

Year 2010: New Ottawa Yard Truck purchased to move transfer trailers on site.

Year 2011: New Case 621E Wheel Loader Purchased.

Year 2012: New Flip Screen purchased to screen compost, street sweepings and other materials. Bid was awarded to build a 40 ft. X 80 ft. equipment shed.

Year 2013: New John Deere 710K backhoe was purchased.

Scale- House Software – A new software program was purchased and installed.

Year 2014: New Caterpillar Track Loader, 8,112 poly carts for Curbside Recycling, & a new Automated truck were purchased for Curbside Recycling.

Year 2015: Ford ¾ ton 4x4 flatbed pickup truck.

Year 2016: New office computer for Recycling Center, rear-load Crane Carrier commercial trash truck, & new software for the gatehouse at the Transfer Station.

Year 2017: New Kenworth Roll-Off truck and McPherson air curtain burner.

Year 2018: New rear-load Crane Carrier commercial trash truck, Crane Carrier automated trash truck, Pak-Mor packer body for rear-load commercial trash truck, & new CAT 973K track loader.

Year 2019: 2019 973 Cat Track Loader.

Year 2020: 2020 Ford F150 Pickup, 2020 Crane Carrier with a Pak-Mor packer body.

Year 2021: New Way/Crane Carrier automated trash truck, 1-ton Ford F350/Flatbed pickup, and a Case wheel loader, 2023 Kenworth Roll-Off Truck

Year 2022: 2018 John Deere 710L Backhoe

Year 2023: 2024 Battle Motors automated trash truck with a Labrie packer body, 2024 Kenworth Roll-Off truck with G&H bed, 2024 Ford F1150 Pickup

6.e Recycling/Re-use Technology Options

General

Section 4.b contains a list of all recyclers in the region. Except for electronic items, there appears to be an ample supply of local outlets in the Emporia area through which to recycle products. However, most people who intend to recycle products in the rural setting probably dispose of the products because it is inconvenient to recycle.

In 1999, two recycling trailers were purchased by the Flint Hills RC&D and paid for in part by a KDHE Grant. Several organizations joined together including Flint Hills RC&D, City of Emporia, Lyon County, Chase County and the Recycling Advisory Board. The trailers serve as a recycling drop off for most small communities twice a month in Lyon and Chase counties. Material collected from these trailers account for approximately 4 percent of the recycled materials at the City/County Recycling Center.

In 2003 two additional trailers were purchased by the Flint Hill RC&D and paid for in part by a KDHE Grant.

Consumer Electronics

Ewaste is accepted by Lyon County Hazardous Waste Department, No charge for computer equipment and miscellaneous electronics. They are no longer accepting televisions containing lead glass or computer monitors containing cathode ray tubes (CRT).

Consumer Electronics & Computer Hardware are accepted at the City of Emporia/Lyon County Transfer Station, 3100 W. South Avenue, Emporia, KS 66801. Standard refuse fees apply.

Drop Off Centers

Drop-off recycling centers are the most utilized programs used for residential recycling. Many rural counties throughout the State of Kansas have successfully established recycling programs where the residents bring their recyclables to a central location for reprocessing. There are also several drop-off sites in the City of Emporia.

In an urban or rural setting, recycling bins are located in a public place by private firms, nonprofit organizations, or governmental agencies. The locations should be easily and often accessed by the general public. A drop-off center may be staffed or unstaffed.

Staffed Drop-Off Centers: Staffed drop-off centers have many advantages over unstaffed programs. The rate of contamination (i.e. unwanted items) in staffed centers is much lower than in the unstaffed drop-off centers. And the staff can ensure that the items are properly sorted while educating residents about source reduction. Many times, the staff could include volunteers in a not-for-profit setting.

Unstaffed Drop-Off Centers: Unstaffed drop-off centers are, however, the most popular programs at public locations such as convenience and grocery stores. The residents are responsible for separating and depositing the recyclables in the appropriate containers. The result is a high rate of mixed items.

Processing Facilities: Processing fees may be required for certain materials, which have little or no market value. Prices offered for certain recyclables (cardboard, office paper, and newsprint) are generally higher than those of other materials (plastics and glass). Also, some processors require that labels and lids be removed from bottles and cans. Other processors require the rinsing of materials. For this reason, material specifications should be obtained prior to the opening of the drop-off recycling center. One common fact is that the processing fees charged are typically higher at unstaffed drop-off centers than their staffed counterparts. This is caused by the additional sorting by the processing facility.

Site Selection: Drop-off center collection sites should be located close to high traffic areas such as shopping malls, grocery stores, and schools. In a rural setting, the most effective method is to offer the center as a portable unit and have arrangements made to be open to the public at a certain time in specific locations.

Advantages:

- Easy for the public to access and use.
- Low capital and operating costs.
- Easily adaptable.

Disadvantages:

- Other programs typically have higher participation rates.
- Staffed drop-off centers have higher operating costs than unstaffed centers.
- Unstaffed drop-off centers have a higher contamination rate than staffed centers.

Recycling Center

A recycling center is a type of Materials Processing Facility (MPF) designed to handle large quantities of recyclable materials. The three main components of an MPF are the tipping floor, the processing area, and the storage area.

Collection vehicles unload waste to be recycled on the tipping floor. In certain cases, the tipping floor should be divided into residential and commercial/industrial areas since the composition of these waste streams significantly differ in types and volumes.

The waste is then inspected for large or unwanted materials. Bags containing recyclables must be emptied prior to processing. This process may be accomplished manually or automatically depending on the resources available and the quantities handled. Upon presorting the material, the recyclables are placed on a conveyor that takes the material to the processing area.

The processing area contains a conveyor line, which sorts the materials by type. The sorting can also be accomplished manually or automatically depending on the type of material. Acceptable materials to be sorted include cardboard, newspapers, office paper, plastics, glass, and metals.

An automated MPF includes the following equipment:

- | | |
|----------------------------------|--|
| • Equipment to feed the conveyor | Aluminum eddy current separators |
| • Bag-breaking machine | • Aluminum can densifiers |
| • Conveyors | • Ferrous metal magnets |
| (1) Commercial paper | • Vibratory screens |
| (2) Residential recyclables | • Reject materials roll-off containers |
| (3) Baler feeding line | • Baler |
| (4) Rejection line | • Scales |
| • Glass crushers | |

Typically, the metals and glasses will be sorted off using the above-mentioned equipment. Plastics and paper would then be hand sorted by type. The sorted materials must be processed and compacted (i.e., baled) consistently with the buyer's specifications.

As an estimate, 80 percent of the processed recyclables can be marketed. The remaining 20 percent must be disposed of in a landfill due to contamination. According to the United States Environmental Protection Agency, the targeted recyclable materials make up approximately 39 percent of the typical waste stream. For this reason, future regulations may impose a minimum target rate of recycling.

The staffing of an MPF would require approximately three employees. These employees could share duties with the transfer station staff depending on the work hours required.

6.f Applicable Disposal System and Technology Option

At this time there are no large-scale technology options for disposal, which would be feasible in the long term. The one thing that can be done is to continue education on recycling. A public awareness program aimed at reducing residential, commercial, and industrial refuse would be beneficial to some degree. The idea is to increase the number of programs which provide incentives to recycle and salvage items for reuse.

At some point, the markets must be developed to make recycling economical. The government must create incentives for the reuse and recycling of products. Right now, it is not a break-even process and there needs to be an incentive to improve the recycling efforts.

Commercial recycling

Waste-To-Energy Facility
Material Processing Facility (i.e. recycling center)

6.g Public Acceptance of Technology Options

Most environmentally, economically, and socially feasible is a transfer station as per the October 1992 Solid Waste Development Plan and Sanitary Landfill Closure Plan by Burns and McDonnell Waste Consultants Incorporated.

SECTION 7 Recommended Optimal Solid Waste Management System

7.a Constraints That Limited Selection

The construction of a transfer station facility was given as the most financially feasible option of solid waste management for the City of Emporia, Lyon County and Chase County in the October 1992 Solid Waste Development Plan and Sanitary Landfill Closure Plan by Burns & McDonnell Waste Consultants, Incorporated.

The future liability of on-site disposal and the proximity of a probable new landfill site were also deciding factors. Another factor was the lack of proximity of a future landfill site which would meet Subtitle D regulations.

7.b Measures Taken to Overcome Hindrances

The City of Emporia and the Lyon County Commissions decided to construct a transfer station and to proceed with the closure of the existing landfill. Chase County Commission entered into the Inter-local Agreement contained in Section 13.A which allows Chase County residents to utilize the transfer station facility. The construction of the transfer station facility was completed in April of 1994.

7.c Method for Administration and Operation

Administration

The current administrative system works well. Each of the counties and the City of Emporia are responsible for regulating their own solid waste management programs. The only privatization in place is the collection of waste outside of the City of Emporia and the transfer of wastes to a Subtitle D Landfill from the transfer station facility.

Legal

Licensing and bonding for the collectors would likely hinder the program monetarily. However, licensing and bonding of the haulers is recommended for transferring the solid waste to approved landfills. A performance bond for the private haulers could be beneficial in regulating service but would not likely have a good response due to the increased costs to the customers.

Public Relations/Education

The Natural Resources Advisory Board conducts a public information program through information booths and some newspaper coverage. The Lyon County Environmental Health Department often addresses solid waste issues in general environmental presentations made to the public. The format of these presentations is a slide show.

Residential

Educational programs are an important tool to inform the public about preserving economic resources. Recycling awareness programs have played the integral role of informing young adults of how they can conserve natural resources through the reuse of existing materials.

Other activities such as informational booths at public events, educational displays in public places,” How-To” guides, slide shows in the schools, and advertised collection programs also serve as an aid to educate the public.

Business

The cost of disposal forces businesses to recycle. The City of Emporia picks up cardboard for free.

Imposing regulations aimed at businesses which create concentrated amounts of specific wastes is one way in which to educate the industrial community. Several industries typically generate mainly paper waste: accounting, banking, engineering, and schools. Others create plastics or metals: automotive parts manufacturers. And other commercial industries such as restaurants, grocery stores, and printing presses generate corrugated cardboard wastes.

In many cases, the types of waste materials directly correlate with the industries Standard Industrial Classification

(SIC) code. One example is SIC 27-Printing. An industry with an SIC 27 code would most likely have a large amount of paper waste. The SIC code rule would also hold true for a large percentage the commercial companies.

7.d Recommended Technological Applications

The most reasonable technological application is to transfer solid waste to an approved Subtitle D landfill. However, construction/demolition waste, tires, trees and brush, grass trimmings, and sludge, as well as other items, are not suitable for transferring to a landfill.

For this reason, the proper steps should be taken to develop a solid waste management plan which covers the applicable technological applications for the communities involved. At the present time, construction/demolition wastes, tires, wood, brush, tree limbs, and compost materials are being handled on the transfer station facilities. Recyclables must be dealt with accordingly.

A sludge disposal study was conducted in 2013 by Black & Veatch for methods which will meet the present and future state and federal regulations for disposal. The expected method of disposal is the return of the material to the ground through agricultural applications.

7.e Evaluation Method Used for Selection

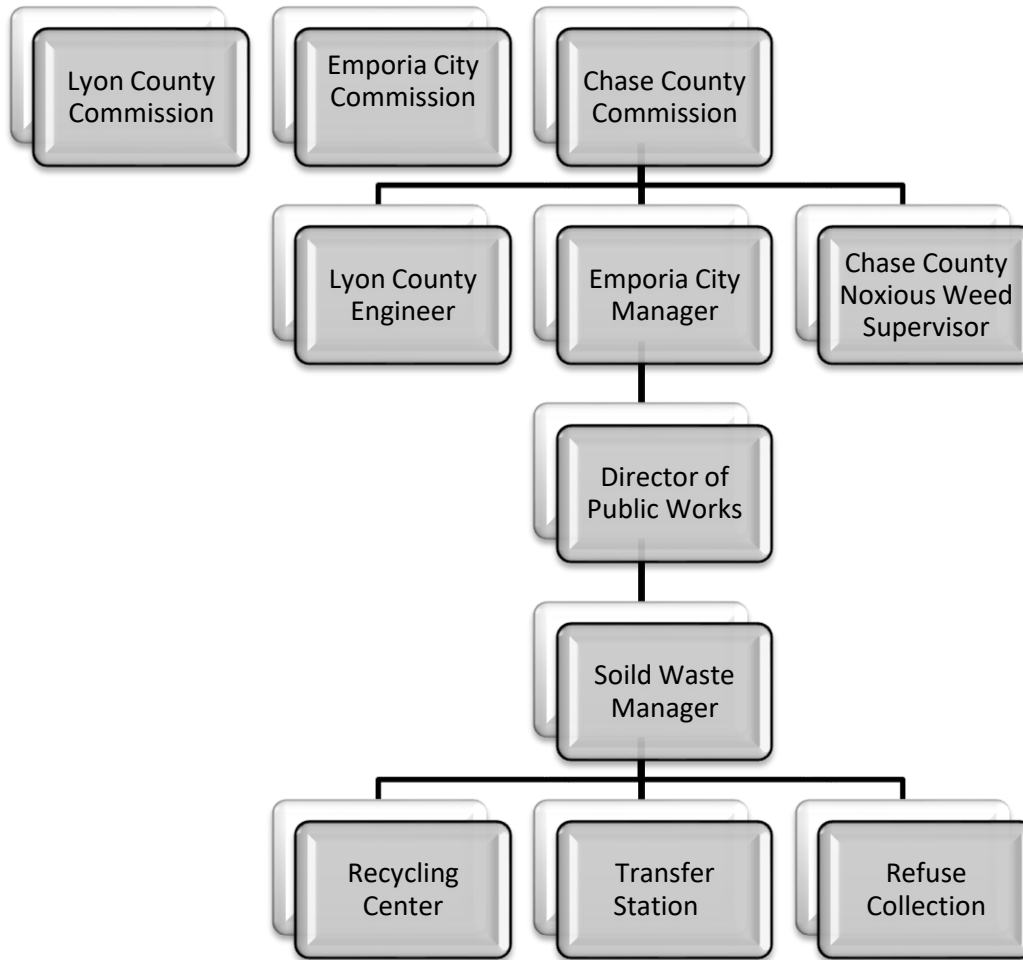
Selection of a transfer station facility was evaluated and recommended in the Solid Waste Development Plan and Sanitary Landfill Closure Plan prepared for the City of Emporia and Lyon County by Burns and McDonnell Waste Consultants, Incorporated in October of 1992.

7.f Rating of Optimum System in Terms of Acceptance

- Resource Conservation: Very Important
- Aesthetics: Important
- Economics: Very Important
- Flexibility: Important
- Health and Safety: Very Important
- Implement Ability: Very Important
- Customer Service: Important
- Quality of the Environment: Very Important

SECTION 8 City of Emporia Solid Waste Management System

8.a Personnel and Administrative Requirements



8.b Human Resource Requirements

*Tables 8.1-8.4 represent the year 2023. These are only updated during the 5-year plan**

Table 8.1 Transfer Station -- Human Resource Requirements				
Job Description	Positions	Average Salary	Time Allocation	Cost Per Year
Foreman	2	\$65,151	1	\$130,302
Maintenance Worker	6	\$37,317	1	\$223,902
Gatehouse Keeper	1	\$51,792	1	\$51,792

Table 8.2 Recycling Center -- Human Resources Requirements				
Job Description	Positions	Average Salary	Time Allocation	Cost Per Year
Laborer	2	\$31,200	1	\$45,426
Maintenance Worker	1	\$37,317	1	\$37,713

Table 8.3 Sanitation Collections -- Human Resources Requirements				
Job Description	Positions	Average Salary	Time Allocation	Cost Per Year
Foreman	1	\$57,158	1	\$57,158
Maintenance Worker	12	\$38,480	1	\$461,760
Laborer (Full Time)	6	\$31,200	1	\$187,704

Table 8.4 Administration -- Human Resources Requirements				
Job Description	Positions	Average Salary	Time Allocation	Cost Per Year
Director of Public Works	1	\$117,893	0.5	\$58,946
Solid Waste Supervisor	1	\$106,693	1	\$106,693
Solid Waste Assistant	1	\$57,148	1	\$57,148

8.c Technical and Equipment Requirements

Transfer Station

1 Front End Track Loader	1 Pickup
2 Dump Truck – Dirt Hauling	1 Back-hoe
1 Horizontal Wood Grinder	1 Box Truck – Wood/Metal Recycling
2 Sets of Double Scales	1 Forklift - Recycling
1 Wheel Loader	2 Balers - Recycling
1 Ton Recycling Pick Up	1 Tire Splitter
1 Yard Truck	1 Baler –Transfer Station
1 Computer System – Weights & Billing	1 Screener
1 McPherson Air Curtain Burner	

8.d Financial Needs and Resources Available For The Design, Operation, and Maintenance of the Proposed System

Financial Needs

The following Solid Waste Budget shows the financial needs of the proposed system. Under the current contract with Hamm Quarries, the tonnage fee increases in accordance with the consumer price index.

Design and Construction of MRF System

The City of Emporia received a grant in 1998 to construct a recycling center at the current transfer station site. This facility was designed to be expanded and become a clean Materials Recovery Facility. The cost of equipment and building expansion is estimated at \$1,200,000.

Operation

In conjunction with a clean Materials Recovery Facility, a curbside recycling service is being explored by the Natural Resources Advisory Board. The operation would include a slight increase in staffing levels. Financial needs may be met through programs, the sale of recyclables and user fees.

In 2016 the City of Emporia established a curbside recycling program. The previous year, the city purchased 8,000 96-gallon carts and one automated refuse truck to service this program. The routes are setup for bi-weekly/East-West pickup with the dividing line set at West St. The driver services about 600 homes per day on a 4-day work week.

SECTION 9 Method Recommended For Financing Capital Improvements and Operating Costs

Solid Waste Division – Capital Improvement Projections

City of Emporia Solid Waste Division -- Transfer Station Capital Improvement							
Year	Department	Description	Category	Amount	Funding Source	City Share	Other Source
2017	TS	Computer System/Scale Program	Equipment	\$30,000	Solid Waste	\$30,000	
2017	TS	McPherson M30FR Air Curtain Burner	Equipment	\$185,000	Solid Waste	\$185,000	
2018	TS	Design/Revisions for the Tipping Box Area	Equipment	\$55,000	Solid Waste	\$55,000	
2018	TS	John Deere 710 Backhoe	Equipment	\$183,000	Solid Waste	\$183,000	Trade In
2019	TS	Construction-Revisions Tipping Box Area	Construction	\$300,000	Solid Waste	\$300,000	
2019	TS	Track Loader	Equipment	\$412,000	Solid Waste	\$412,000	Trade In
2020	TS	Wheel Loader w/Setco Solid Tires/wheels	Equipment	\$200,000	Solid Waste	\$200,000	Trade In
2021	TS	4WD Farm Tractor w/cab & Loader	Equipment	\$87,000	Solid Waste	\$87,000	Trade In
2021	TS	Complete Equipment Storage Building	Construction	\$120,000	Solid Waste	\$120,000	Trade In
2022	TS	Tandem Axle Dump Truck Replacement	Equipment	150,000	Solid Waste	150,000	Trade In

City of Emporia Solid Waste Division -- Sanitation Collections Capital Improvement							
Year	Department	Description	Category	Amount	Funding Source	City Share	Other Source
2018	Sanitation	Automated Refuse Truck Replacement	Equipment	\$260,000	Solid Waste	\$260,000	Trade In
2018	Sanitation	Rear-Load Packer Body Replacement	Equipment	\$65,000	Solid Waste	\$65,000	Trade In
2019	Sanitation	Rear-Load Refuse Replacement	Equipment	\$190,000	Solid Waste	\$190,000	Trade In
2019	Sanitation	½ Ton Pickup Replacement	Equipment	\$33,000	Solid Waste	\$33,000	Trade In
2020	Sanitation	1 Ton Dually Shop Truck Replacement	Equipment	\$40,000	Solid Waste	\$40,000	Trade In
2020	Sanitation	Automated Refuse Truck Replacement	Equipment	\$275,000	Solid Waste	\$275,000	Trade In
2021	Sanitation	Grapple truck w/Dump Bed	Equipment	\$160,000	Solid Waste	\$160,000	Trade In
2022	Sanitation	Roll-Off Truck Replacement	Equipment	\$200,000	Solid Waste	\$200,000	Trade In
2023	Sanitation	Roll-Off Truck Replacement	Equipment	\$200,000	Solid Waste	\$200,000	None
2023	Sanitation	Automated Refuse Truck Replacement	Equipment	\$275,000	Solid Waste	\$275,000	None
2023	Sanitation	½ Ton Pickup	Equipment	\$33,000	Solid Waste	\$33,000	None

City of Emporia Solid Waste Division -- Recycling Center Capital Improvement							
Year	Department	Description	Category	Amount	Funding Source	City Share	Other Source
2018	Recycling	Forklift	Equipment	38,000	Solid Waste	38,000	Trade In
2020	Recycling	Rear-Load Recycling Truck & Packer	Equipment	195,000	Solid Waste	195,000	Trade In
2022	Recycling	1 Ton Dually Pickup	Equipment	44,000	Solid Waste	44,000	Trade In

City of Emporia, Kansas							9/6/2023		
5 year Budget							12/3/24 11:20 AM		
2023-2028									
Revenue Detail and Expenditure Summary									
Cash Basis									
SOLID WASTE DISPOSAL FUND									
	2020	2021	2022	Budget	Budget	Budget	Budget	Budget	Budget
	(Actual)	(Actual)	(Actual)	2023	2024	2025	2026	2027	2028
BEGINNING CASH	\$3,110,960	\$3,573,194	\$4,002,114	\$3,549,209	\$2,658,924	\$1,603,924	(\$917,350)	(\$2,400,382)	(\$3,907,404)
REVENUE									
Refuse Collection Fees	\$2,778,214	\$2,964,876	\$2,971,094	\$2,964,876	\$3,050,000	\$3,050,000	\$3,050,000	\$3,050,000	\$3,050,000
County Contract	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Loss on Sale of Assets	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interest on Investments	\$20,595	\$2,276	\$26,458	\$89,000	\$70,000	\$55,000	\$55,000	\$55,000	\$55,000
Insurance Recovery	\$0	\$58,510	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Trf from Health Ins - Premiums	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Resale of Recyclables	\$93,356	\$181,252	\$201,913	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
Box Container Fees	\$1,697,825	\$1,936,847	\$2,063,528	\$2,270,000	\$2,270,000	\$2,270,000	\$2,270,000	\$2,270,000	\$2,270,000
Landfill Fees	\$593,564	\$537,818	\$562,540	\$608,000	\$608,000	\$608,000	\$608,000	\$608,000	\$608,000
Transfers	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Miscellaneous	\$31,546	\$19,000	\$23,247	\$4,800	\$4,800	\$4,800	\$4,800	\$4,800	\$4,800
TOTAL RECEIPTS	\$5,215,101	\$5,700,579	\$5,848,781	\$5,996,676	\$6,062,800	\$6,047,800	\$6,047,800	\$6,047,800	\$6,047,800
EXPENDITURES									
Personnel Services	\$1,834,321	\$1,856,088	\$2,093,650	\$2,338,122	\$2,450,264	\$2,548,136	\$2,649,923	\$2,755,781	\$2,865,874
Vacancy	\$0	\$0	\$0	(\$45,146)	(\$47,329)	(\$49,222)	(\$51,191)	(\$53,239)	(\$55,368)
Maintenance & Repair	\$191,335	\$286,358	\$325,946	\$313,500	\$390,500	\$390,500	\$390,500	\$390,500	\$390,500
Commodities	\$172,559	\$274,739	\$332,164	\$425,350	\$428,000	\$418,500	\$482,500	\$482,500	\$482,500
Other Charges	\$121,801	\$133,708	\$137,727	\$218,800	\$220,735	\$228,530	\$229,970	\$235,650	\$242,183
Capital Outlay	\$224,628	\$481,908	\$72,612	\$885,000	\$655,000	\$2,010,000	\$806,500	\$721,000	\$346,000
Trf to Project fund	\$0	\$0	\$814,627	\$0	\$86,000	\$86,000	\$86,000	\$86,000	\$86,000
Utilities	\$38,914	\$41,941	\$50,501	\$64,150	\$72,000	\$72,000	\$72,000	\$72,000	\$72,000
Communications	\$27,618	\$37,454	\$41,954	\$49,900	\$49,900	\$49,900	\$49,900	\$49,900	\$49,900
Travel & Training	\$588	\$1,607	\$7,606	\$8,750	\$8,750	\$8,750	\$8,750	\$8,750	\$8,750
Contractual Services	\$1,333,657	\$1,428,981	\$1,613,185	\$1,693,675	\$1,855,500	\$1,857,500	\$1,857,500	\$1,857,500	\$1,857,500
Administrative Fee 17%, 16%	\$820,683	\$870,040	\$895,433	\$934,860	\$948,480	\$948,480	\$948,480	\$948,480	\$948,480
Outstanding PO's	\$262,564								
Excess Carryover				\$0	\$0				
Change in Liabilities	(\$275,801)	(\$141,164)	(\$83,720)	\$0	\$0	\$0	\$0	\$0	\$0

SECTION 10 Solid Waste “Disposal Rate” and Strategies for Reduction

Estimate of Solid Waste Production and Strategies for Reduction

K.S.A. 65-3405 (j) (9) requires the SWM plan to include a schedule for the reduction of waste volumes considering source reduction, reuse, recycling, composting, and land disposal.

The Bureau of Waste Management has calculated the statewide three-year average disposal rate to be 5.8 pounds per person per day (2003 to 2005). This figure is the benchmark for goals to reduce the amount of waste land filled in Kansas. Statewide, KDHE has set a target of reducing waste disposed in landfills by 1% per year.

This section estimates the production of Solid Waste per person in Lyon and Chase Counties. The daily “Disposal Rate” per person provides a figure to help measure the success of strategies implemented to reduce production of solid waste. Waste reduction is evaluated each year in our annual review process with a ten-year horizon for planning and strategies.

Table 10.1 Per Capita Solid Waste Disposal Rates for Lyon & Chase Counties					
Year	MSW Disposed Tons	MSW Disposed Pounds	Pounds Per Day	Population Served	Municipal Solid Waste Disposed per Person per Day (Pounds)
2019	32,261.00	64,522,000	176,772	24,009	4.90
2020	33,682.00	67,364,000	184,558	24,009	6.96
2021	36,639.00	73,278,620	200,763	24,009	8.36
2022	36,883.00	73,766,000	202,098	24,009	8.41
2023	35,033.00	70,666,000	192,489	24,139	7.97
Note: Population does not include Cedar Point in Chase County and Admire, Allen and Bushong in Lyon County. (Total of 339 Residents)					
Source: City of Emporia Transfer Station Log and U.S. Census 2020					

Note: Steve’s Trash Service began servicing Hartford, Neosho Rapids in 2008. All refuse from this service is now being brought to Emporia Transfer Station.

Note: New Census 2020 Population Count.

Waste Reduction Strategies Currently Used:

- Increased public education on recycling, reuse, and source reduction through the Natural Resources Advisory Board.
- Tipping floor diversion of recyclables as possible.
- Multiple site trailer collection of recyclables.
- Composting program.
- Cost Accounting.
- Curbside recycling.

Waste Reduction Goal:

- To reduce waste transferred to landfill as measured and observed by the annual disposal rate for our Regional Transfer Station.

Ten Year Outlook for Strategies Implementation:

- **Year 2020** – Continue current strategies and evaluate the feasibility of Salvage Program at the Transfer Station/Landfill. Renew hauling contract with current hauler for trash and MRF or seek bids.
- **Year 2021** – Continue current strategies and evaluate curbside effect of Curbside Recycling strategy and recycling educational programs for the region.
- **Year 2022** – Continue current strategies and evaluate curbside MSW and recycling collection system.
- **Year 2023**- Continue current strategies and evaluate efforts at reducing illegal dumping. Evaluate new technology in equipment used for MSW and recycling collection.
- **Year 2024**- Continue current strategies and evaluate methods for brush disposal. Evaluate efficiency of drainage through Transfer Station Property.
- **Year 2025**- Continue current strategies. Review hauling contract for MSW & MRF haulers and destination.
- **Year 2026**- Continue current strategies and evaluate sanitation service routes as the city of Emporia expands.
- **Year 2027**- Continue to evaluate new technology/equipment used for MSW and recycling collection. Evaluate the structural integrity of the Transfer Station and Recycling Center.
- **Year 2028**- Continue current strategies and evaluate all collection systems.
- **Year 2029**- Continue current strategies and review MSW & recycling collection system.
- **Year 2030**-Evaluate disposal methods of lithium-ion batteries and recycling education in schools.

Note: Strategies are included in section 11/Timetable for SWMP Goals and Strategies

SECTION 11 Timetable for SWMP Goals and Strategies

Introduction

Section 11 is an overview of the proposed implementation schedule for the Solid Waste Management Plan. Successful plans are composed of goals. The implementation and evaluation of goals for the SWMP are listed below by year, action, and responsibility.

Year 2021

Implement:

- Annual Review of SWMP – *Management Committee*
- Replace Roll Off Truck – *City of Emporia*
- Renew Transfer Station Permits – *City of Emporia*

Evaluate:

- Curbside Collection System – *City of Emporia*
- Solid Waste Collection System in the region – *Management Committee*

Year 2022

Implement:

- Annual Review of SWMP – *SWMP Committee*
- Renew Transfer Station Permits – *City of Emporia*

Evaluate:

- Remaining life of Transfer Station and Disposal Areas – *City of Emporia*
- New Collection & Disposal Technologies & Methods – *City of Emporia*

Year 2023

Implement:

- 5-year Review of SWMP-*Management Committee*
- Renew Transfer Station Permits-*City of Emporia*
- Purchase updated equipment as budgeted-*City of Emporia*

Evaluate:

- Waste to energy systems-*City of Emporia*
- Recovery and reuse of tires in monofill-*City of Emporia*

Year 2024

Implement:

- Ground Water Testing
- Annual Review of SWMP
- Renew Transfer Station Permits
- Replace yard Truck
- Refurbish Track Loader

Evaluate:

- Tree & Brush Disposal Methods
- Drainage Systems on Transfer Station Property

Year 2025

Implement:

- Annual Review of SWMP
- Renew HAMMS MSW & MRF Contracts
- Renew Transfer Station Permits
- Replace Backhoe

Evaluate:

- Need for 2nd Gatehouse and Scale
- Relocation of Disposal Areas

Year 2026

Implement:

- Annual Review of SWMP
- Renew Landfill Permits
- Purchase/Replace Yard Truck at the Transfer Station

Evaluate:

- Review Solid Waste Management Strategies

Year 2027

Implement:

- Annual Review of SWMP
- Replace Needed Equipment

Evaluate:

- Structural Integrity of the Transfer Station & Recycling Center

Year 2028

Implement:

- 5 Year Review of SWMP-Management Committee
- Renew Landfill Permits-City of Emporia

Evaluate:

- Review all Collection Systems-City of Emporia

Year 2029

Implement:

- Annual Review of SWMP-Management Committee
- Renew Transfer Station Permits

Evaluate:

- Purchase updated equipment as budgeted-City of Emporia
- Illegal dumping in counties-Management Committee

Year: 2030

Implement:

- Annual Review of the SWMP

Evaluate:

- Lithium battery disposal
- Review recycling education methods

SECTION 12 SUMMARY

12.a Introduction

General

In 1992, the Kansas Legislature passed House Bill 2801 (HB 2801) and changed the ways in which solid waste would be handled. HB 2801 requires each county, designated city, or group of counties to develop a comprehensive solid waste management plan.

A city may be designated the solid waste management planning authority by an Inter-local Agreement with a county. HB 2801 also requires Solid Waste Management Committees to develop and manage plans:

- Plan on a 10-year horizon.
- Make annual reviews and revisions.
- Hold public hearings at least every 5 years.

To comply with future regulations; Burns & McDonnell Waste Consultants, Inc., suggested the construction of a transfer station facility in the Solid Waste Development Plan and Sanitary Landfill Closure Plan for the City of Emporia and Lyon County in October 1992.

Following these recommendations, the City of Emporia and Lyon County authorized a transfer station to be designed by BG Consultants, Inc. The City of Emporia/Lyon County Transfer Station was constructed by Abbott Construction, Inc. in the spring of 1994. On the 8th day of April 1994, the Lyon County Landfill ceased to accept certain solid waste, and the transfer station facility was opened to the public.

12.b Existing Solid Waste Management Conditions

General

Since opening in April 1994, the sanitation administration has kept a daily log of refuse by the tonnage using the scales at the transfer station. These numbers are instrumental in understanding the existing solid waste system and will be helpful in the future to identify specific items of flow which could be altered to make the system operate at optimal performance.

The tonnages used in this report for the existing system directly reflect the flow of materials which have been processed at the transfer station facility. Illegal dumping and point-source methods of disposal have been omitted on the basis that tonnage estimates would be impossible to produce.

Processing/Disposal

The transfer station facility is currently open to the public seven days a week. Depending on the contents of the load, the material is rejected or directed to either the appropriate landfill section or the tipping floor of the transfer station facility.

The facility does not accept certain types of wastes which have been determined to be cost ineffective for processing and disposal: dead animals over 80 pounds, contaminated soils, batteries, friable asbestos, whole tires over 24.5" in diameter, medical waste, hazardous waste, animal waste, or liquid waste. All other loads determined to not contain any of the above items are then weighed and directed to the appropriate location. Compost, brush, construction and demolition wastes, and tires are handled on the transfer station facilities.

Loads containing mixed material are directed to the transfer station tipping floor where they are unloaded. The material is then loaded into semi-trailers and compacted. This process utilizes a backhoe with a special foot attachment designed for this purpose. The refuse is taken to an approved Subtitle D landfill for disposal.

Collection/Transportation

Although most of the cities are served by private haulers, the majority of the refuse handled through the transfer station facility is created within the limits of the City of Emporia and hauled using city forces. Table 12.1 lists the cities in the region and the solid waste hauler that serves the community.

Table 12.1 Waste Haulers by Location			
Admire	Waste Management	Cedar Point	City of Florence
Allen	Exodus Disposal	Cottonwood Falls	City of Cottonwood Falls
Americus	Steve's Trash Service	Elmdale	Steve's Trash Service
Bushong	Solid Waste Management	Matfield Green	Steve's Trash Service
Emporia	City of Emporia	Strong City	Cottonwood Falls
Hartford	Waste Management		
Neosho Rapids	Steve's Trash Service		
Olpe	Steve's Trash Service		
Reading	Osage City		
Rural Lyon County	American Disposal	Rural Chase County	Waste Management
	Exodus Disposal		Steve's Trash Service
	Waste Management		
	Steve's Trash Service		
American Disposal	Coffeyville, KS (620) 251-2402		
City of Emporia	Emporia, KS (620) 340-6332		
Exodus Disposal	Burlingame, KS (785) 589-2550		
Solid Waste Management	Topeka, KS (913) 296-1600		
Steve's Trash Service	Olpe, KS (620) 392-5626		

Note: City of Cottonwood Falls began MSW collections in Chase County in April 2012

Pollution Control Measures

There are currently several specific steps, which are being or have been taken to reduce most types of pollution caused by the disposal of solid waste. Surrounding the transfer station facility is a six-foot tall chain-link fence which serves a dual purpose: keep the trash in and animals out. Inside the transfer station building, a netting has been installed to eliminate the nuisance and spread of disease associated with birds and their nests. In order to control water pollution, all liquid entering the transfer station building is diverted to the sanitary sewer system. Other types of pollution control measures include seeding, riprap, and stone ditch lining to reduce water pollution. Quick loading and compacting of material in the transfer trailers reduce odor. Odor control is also accomplished by washing down the tipping floor at times of low-volume flow and during closing.

12.c LONG-TERM ALTERNATIVES AND RECOMMENDATIONS

Several different solid waste management disposal options are available. Not all options will be feasible for a community of this size. Goals should be set to achieve and maintain those options which are determined to achieve the desired effect within the community. See Section 11 for a timetable which sets forth these goals. These options could include, but should not be limited to the following:

- Increase Recycling
- Increase re-use of materials
- Increase education throughout the community
- Increase revenues by discouraging illegal dumping
- Establish a tipping fee which encourages the public to use the existing facilities
- Establish a long-term commitment to upgrade the current system
- Maintain the current Solid Waste Management Committee
- Explore options for alternatives to store solid waste to include:
 - 1) Waste To Energy (Incineration)
 - 2) Subtitle D Landfill
 - 3) Material Recovery Facility
 - 4) Other
- Explore the idea of Multi-Regional Solid Waste Management

- Explore advantages of Private v Government managed Solid Waste System

12.d Conclusions

As with the onset of most new regulations, the associated costs rise dramatically. In order to maintain a cost-effective way in which to dispose of the solid waste, a plan should be implemented and directed at driving down or at least maintaining the costs of the disposal of refuse. Community awareness should continue to be increased. The current recycling and reuse programs are rather successful. However, an increase in the utilization of these programs results in a decrease in the operating costs of the transfer station.

This solid waste management plan describes the current system, communities, and recommended goals of achieving a long-term commitment to maintaining the current system and feasible alternatives. With the growing concern for the environment, today's society is forced to make wise and educated decisions on how to handle the generated solid waste. Rules and regulations on how to dispose of by-products are becoming increasingly more stringent. For this reason, any solution submitted may be outdated in only a few years. In order to stay on top of the problem the Solid Waste Management Committee must remain active and carry through with the long-term goals to upgrade the current system.

This plan is not intended to be set forth as a requirement to be followed, but rather a guideline. Additional and existing long-term goals or possible alternatives should be investigated yearly in order to continually evaluate the current systems feasibility.

SECTION 13 ATTACHMENTS

Appendix 13.a Inter-local Agreement

INTERLOCAL AGREEMENT
(BETWEEN CHASE COUNTY, LYON COUNTY, AND THE CITY OF EMPORIA
FOR A REGIONAL SOLID WASTE PLAN AND FOR A SOLID WASTE
TRANSFER STATION AND OPERATION THEREOF)

This Interlocal Agreement made this 24 day of Aug
1995 by and between the Boards of Commissioners of Chase County,
Lyon County, and the City of Emporia.

WITNESSETH:

That the Boards of Commissioners of Chase County, Lyon County,
and the City of Emporia hereby mutually covenant and agree as
follows for the purpose of establishing a Regional Solid Waste
Management Plan pursuant to Statute and Regional Solid Waste
Transfer Station and the operation thereof. It is hereby
understood and agreed between the Parties herein that a joint
Regional Solid Waste Management Committee is hereby established and
in fact has been established prior to the actual signing of this
agreement, that said Solid Waste Management Committee will draft
the Solid Waste Management Plan as required by Statute, and said
Committee shall review the Solid Waste Management Plan from time to
time as necessity dictates and as required by Statute.

IT IS MUTUALLY UNDERSTOOD AND AGREED between the parties
hereto that a Regional Transfer Station for Solid Waste has been
built on the current City of Emporia/Lyon County Landfill and that
the total cost of building such Transfer Station and the required
items for that Transfer Station including scales will be paid for
as follows: 50% of the cost of the Transfer Station and scales and
other required items by Lyon County and 50% by the City of Emporia.

The Parties mutually covenant and agree that the Solid Waste
Transfer Station will be operated by the City of Emporia. It is

also understood and agreed between the Parties hereto that it is the aim and goals of the Parties to have a self-sufficient Transfer Station operation with fees being assessed to the various users so that the Transfer Station will be self-sufficient and, in fact, that the total operation of the Transfer Station will be self-sufficient. It is understood and agreed that if the Transfer Station does not operate on a self-sufficient basis that any revenue shortfalls will first be paid out of the reserve account established herein and that any additional revenue shortfalls will be funded by the parties in the same percentage as their usage of the Transfer Station for the prior year. Each of the Parties hereto indicates that they will attempt in good faith to budget to account for the possibility of any revenue shortfalls and that they will fund shortfalls from any lawful available funds that each of the entities may have and that in the event of an extraordinary emergency that each of the entities will, if necessary, issue no fund warrants to pay the costs of such extraordinary emergency.

IT IS MUTUALLY UNDERSTOOD AND AGREED between the Parties hereto that should the Transfer Station accumulate excess funds in its operation, including the funding of household hazardous waste operations, that such excess funds will be deposited in an account designated as a reserve account for such operations. That after the establishment of an amount mutually agreed to between Chase County and Lyon County, and the City of Emporia, that any balance in the reserve account in excess of such amount will be divided fifty percent (50%) to Lyon County and fifty percent (50%) to the

City of Emporia, and that said division will be made semiannually on June 30 and December 31.

IT IS MUTUALLY UNDERSTOOD AND AGREED between the Parties hereto that the Boards of Commissions of Chase County, Lyon County, and the City of Emporia shall establish a yearly budget for the Transfer Station operation.

IT IS MUTUALLY UNDERSTOOD AND AGREED between the Parties hereto that a separate entity is not created for the purpose of managing the Transfer Station or operating the same.

IT IS FURTHER UNDERSTOOD that the Transfer Station shall be owned 50% by the City of Emporia and 50% by Lyon County.

IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED between the Parties hereto that any of the Parties may withdraw by giving one year's notice in advance of January 1 of the year they desire to withdraw, that the remaining Parties may, but shall not be obligated to do so, buy out the capital contribution of the Party wishing to withdraw, that an appraisal will be undertaken by an independent appraisal company, and that the life of the agreement shall be perpetual unless terminated by withdrawals as before set forth. In the event the remaining Parties do not opt to buy out the withdrawing Party, the remaining Parties are hereby authorized to continue utilizing in the Transfer Station operation any equipment and/or real estate currently being used in such operation at the time of such withdrawal.

IT IS MUTUALLY UNDERSTOOD AND AGREED between the Parties hereto that for the purposes of the Interlocal Cooperation Act the

City of Emporia shall be deemed the public agency responsible for the administering of the joint and cooperative undertaking pursuant to K.S.A. 12-2904(d)(1), and that pursuant to K.S.A. 12-2904(d)(2) any property purchased will be jointly held in the name of the Board of County Commissioners of Lyon County, and the City of Emporia, and that property will be disposed of with the consent of the City of Emporia and Lyon County.

IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED that the Solid Waste Management Committee shall consist of one representative from each of the cities of the third class in the two counties nominated by their mayors; five members from Emporia; one member from each Chase and Lyon County nominated by their respective County Commissions; the County Commissioners of each county; one from the Lyon County Health Department appointed by the Lyon County Commission; and such other members as the Boards of Commissioners and the Emporia City Commission may agree upon jointly. The total number shall not exceed thirty (30). The members shall serve for a three year term and may be renominated. The committee shall meet at least annually.

IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED that notice shall be given at least seven (7) days prior to the meeting and a quorum shall be constituted by those members present at the regularly called meeting, but in no case of less than five (5) members. The Solid Waste Management Committee shall have the duties prescribed by Statute to said committee and may adopt its own set of bylaws.

IT IS MUTUALLY UNDERSTOOD AND AGREED that the Parties shall

share liability of future operations of the Transfer Station to the extent of the amount of their usage of the Transfer Station.

In agreement whereof the Parties have hereto subscribed their official signatures and affixed their official seals the day and year first above written.

This agreement will be submitted to the Attorney General who shall determine whether this agreement is in proper form and compatible with the laws of this state. Failure of the Attorney General to approve or disapprove of the agreement within ninety (90) days of submittal shall constitute approval thereof.

BOARD OF COUNTY COMMISSIONERS
CHASE COUNTY, KANSAS

Dennis Hardy
CHAIRMAN

Paul Jones
MEMBER

Albert C. [unclear]
MEMBER

ATTEST:

Ernest C. Malone
CHASE COUNTY CLERK

APPROVED:

[Signature]
CHASE COUNTY ATTORNEY

BOARD OF COUNTY COMMISSIONERS
LYON COUNTY, KANSAS

Donny Fowler
CHAIRMAN

Mr. Van Dine
MEMBER

Wayne Lippert
MEMBER



Karen K. Hartelbauer
LYON COUNTY CLERK

APPROVED:

Philip E. Smith
LYON COUNTY COUNSELOR

CITY OF EMPORIA, KANSAS

Tom Myers
MAYOR



ATTEST:

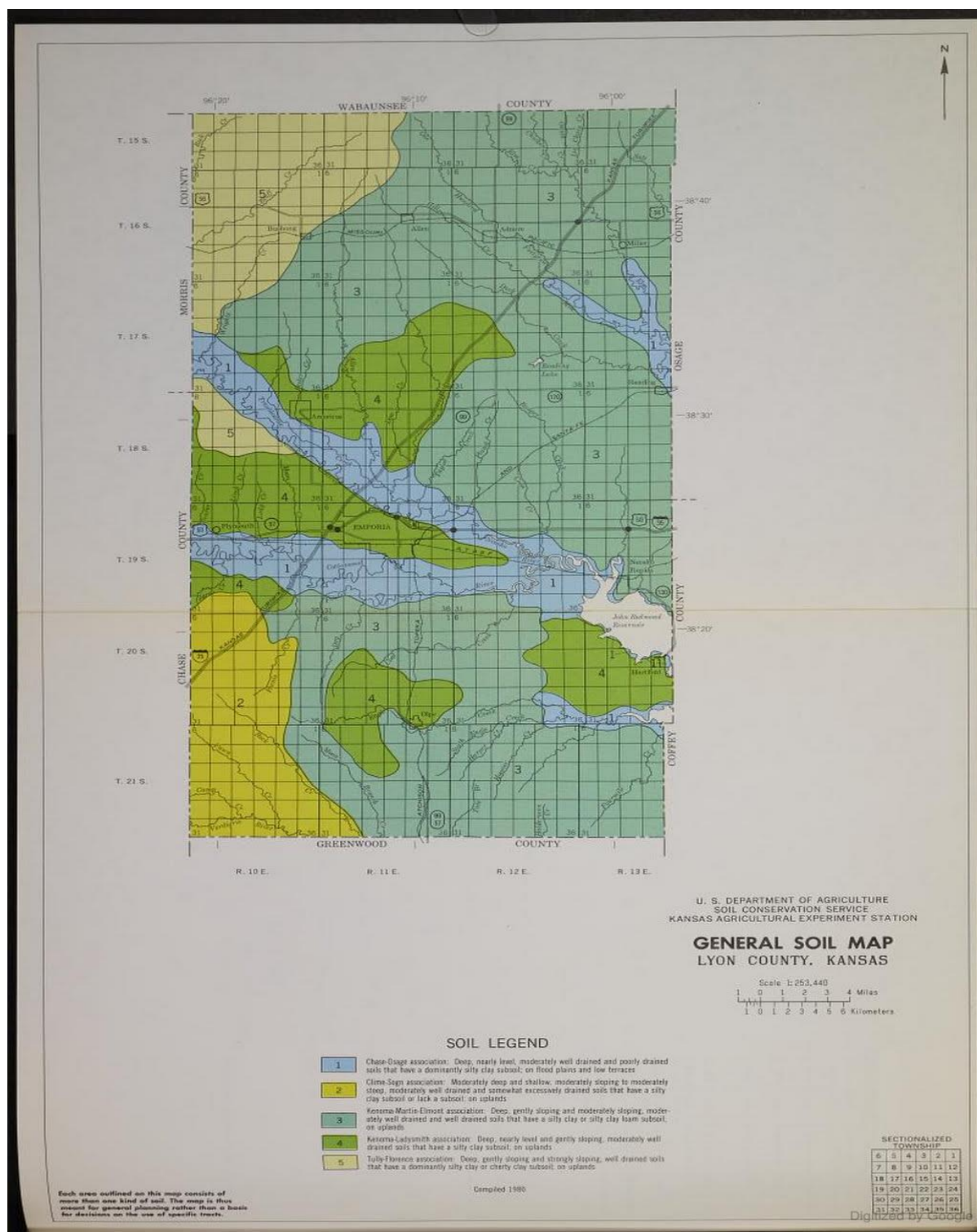
Lisa Mendoza
CITY CLERK

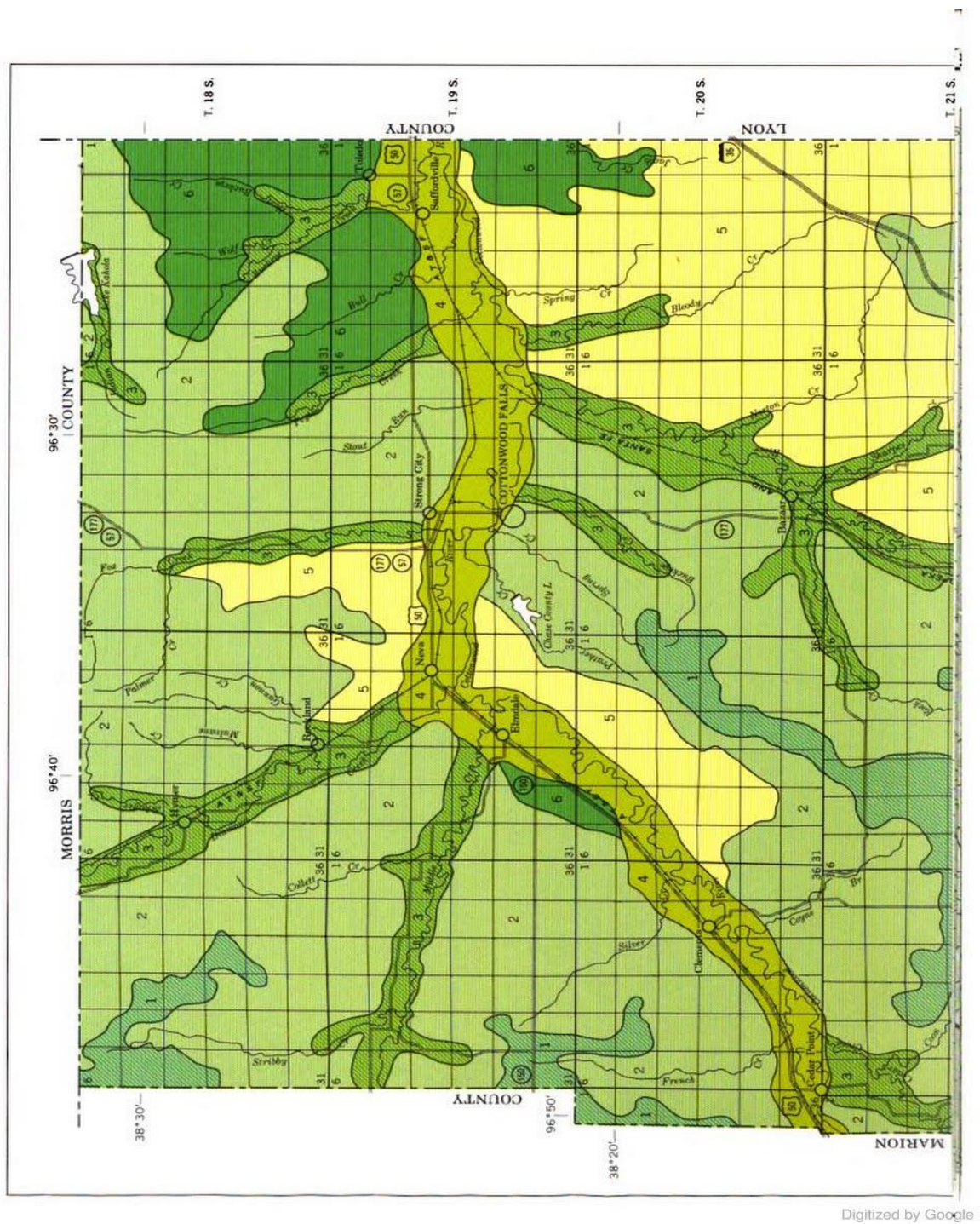
This agreement was submitted to the Attorney General on the
____ day of _____ 1995 and has been approved this
9th day of October 1995.

APPROVED:

Carla J. Strass
KANSAS ATTORNEY GENERAL

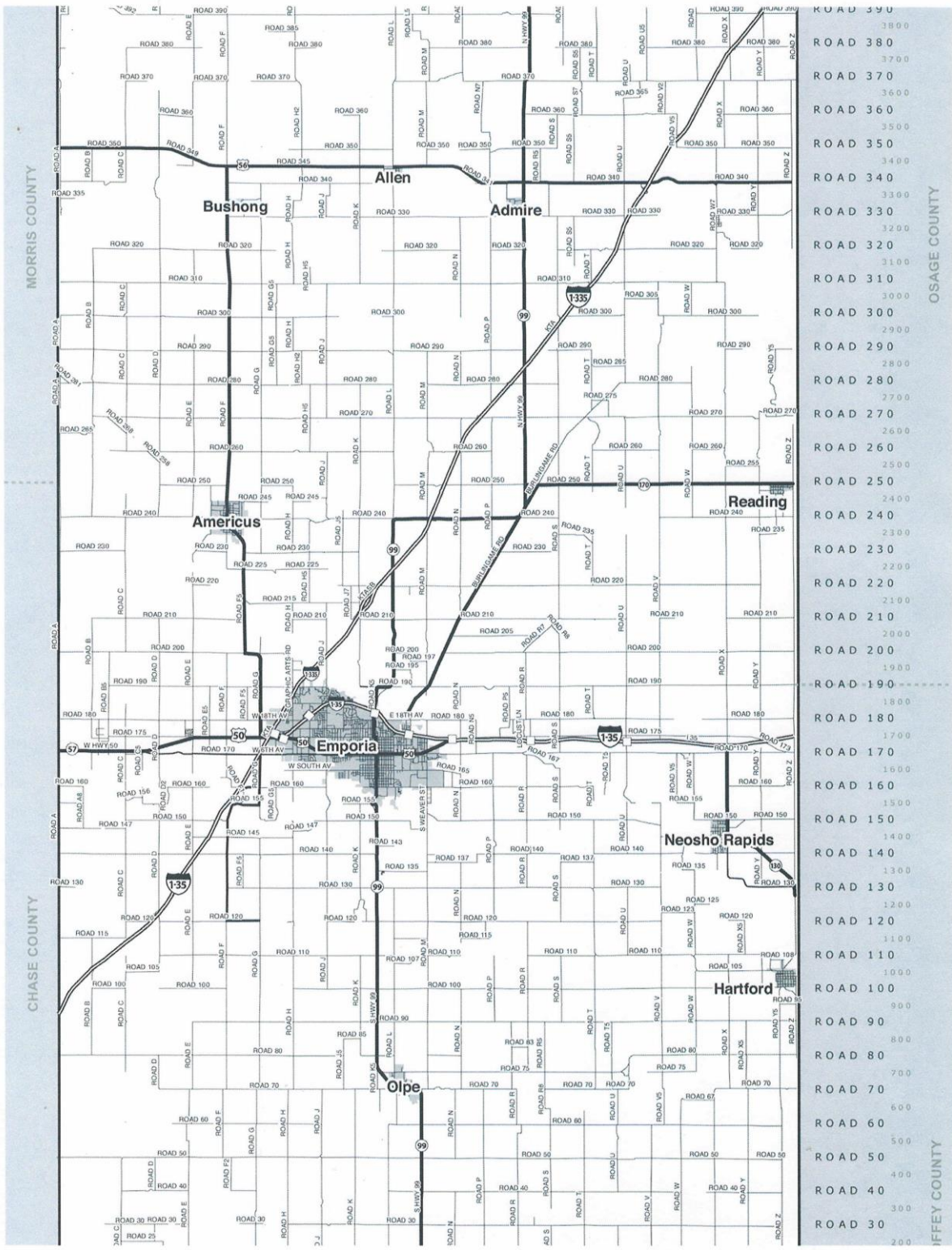
Appendix 13.b GENERAL SOIL MAPS

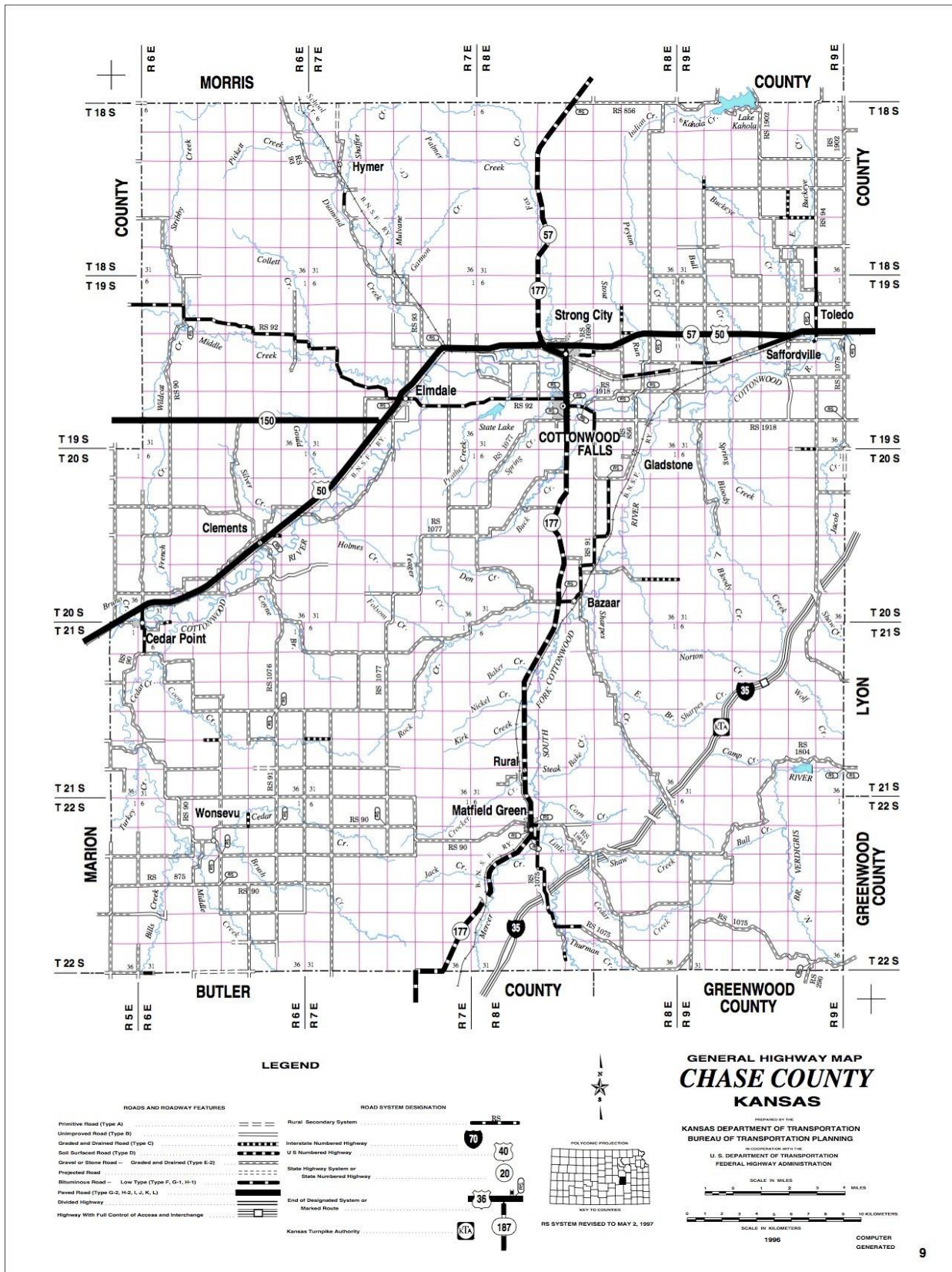




GENERAL HIGHWAY MAP







Appendix 13.d Solid Waste Code of City of Emporia

Chapter 23 Solid Wastes Article 1. In General

Sec. 23-1. Definitions:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disposal Container: Containers to be collected with their contents for disposal and not to exceed thirty five (35) gallons in capacity.

Garbage: All putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognized industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

Permanent Solid Waste Container: An enclosed metal one, two (2) or four (4) yard container provided for lease by the city of Emporia and reusable plastic and metal containers with handles, not exceeding thirty-five (35) gallons in capacity, for use as solid waste containers.

Polycart: A container provided by the city of Emporia, Kansas, for the collection of solid waste. The polycart is typically made of plastic or rubber and can have various capacities. The polycart is portable and has a lid that closes.

Refuse: Solid waste resulting from normal community activities, including all garbage and rubbish.

Rubbish: All nonputrescible solid wastes, such as paper, wood, excelsior, yard trimmings, cans, glass, ashes, leaves, etc.

Yard Waste: Organic material consisting of leaves, grass clippings, and other forms of organic garden waste. (1962 Code, ☒ 18-101; Ord. 92-9, ☒ 1, 4-1-1992; Ord. 97-41, ☒ 1, 11-5-1997; Ord. 06-03, ☒ 1, 2-1-2006)

Sec. 23-2. Prohibited Practices:

No person shall:

- (1) Deposit garbage, refuse or rubbish from a residence or business in sidewalk litter receptacles provided for collecting litter from pedestrians or others using the streets and sidewalks; or
- (2) Deposit garbage, refuse or rubbish in any solid waste container other than his own without the written consent of the owner of such container or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal; provided that the above and foregoing shall not apply to the proper use of sidewalk litter receptacles; or
- (3) Interfere in any matter with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such; or
- (4) Dispose of solid waste at a facility which is not approved by the city. (1962 Code, ☒ 18-102a; Ord. 415, ☒ 1, 9-17-1969; Ord. 938, ☒ 1, 2-7-1979; Ord. 92-9, ☒ 2, 4-1-1992)

Sec. 23-3. Backyards, Occupant's Duties:

The owner or occupant of any business lot, house or mercantile establishment, shall keep the property between the rear of the building and the alley line, clean and clear of all garbage, trash, refuse, paper, bottles, cans or other waste material. (Ord. 92-9, ☒ 3, 4-1-1992)

Sec. 23-14. Use Generally:

No owner or lessee or any other person owning any public or private premises, shall accumulate upon the any refuse, garbage or rubbish except in accordance with the provisions of this chapter and in accordance with the

premises provisions of rules and regulations promulgated by the city manager for the storage and collection of garbage, refuse and rubbish. Such rules and regulations shall include, but not be limited to, the following:

- (1) All refuse, garbage and rubbish shall be accumulated for collection by the city in containers approved by the city;
- (2) Containers, except those specifically designed for mechanical lifting and emptying by the city sanitation trucks, shall be designed not to exceed thirty-five (35) gallons in capacity.
- (3) Containers shall be constructed so as to be strong, not easily corroded, rodent-proof, insect-proof, and shall be kept tightly covered at all times except when refuse is being deposited therein or removed therefrom.
- (4) No refuse resulting from the repair or remodeling of buildings, sidewalks, or other structures shall be deposited for collection in said refuse containers.
- (5) Garbage must be drained and wrapped in paper prior to being deposited in the refuse container.
- (6) Plastic bags impervious to air circulation may be used as containers for garbage, refuse or rubbish so long as the bag opening is kept securely tied or clamped shut except when rubbish is being deposited in or removed from the bag.
- (7) The owners of commercial buildings shall be responsible for assuring that there is an adequate supply of appropriate refuse containers and collection frequency to preclude overflow at any time.
- (8) Nonconforming containers may be collected together with their contents and disposed of. (1962 Code, ☒ 18-102; Ord. 415, ☒ 1, 9-17-1969; Ord. 938, ☒ 1, 2-7-1979; Ord. 92-9, ☒ 4, 4-1-1992; Ord. 99-6, ☒ 1, 4-7-1999; Ord. 03-07, ☒ 1, 2-26-2003; Ord. 06-03, ☒ 2, 2-1-2006)

Sec. 23-15. Collection Service A Municipal Function; Exception:

- (a) The collection of refuse within the city is hereby deemed solely a municipal function.
- (b) To ensure the greatest efficiency and lowest cost in such collection to all the citizens of the city, the city shall be the sole provider of such service, and commercial collection of refuse by any other person, firm or corporation within the city limits is hereby strictly prohibited.
- (c) Nothing contained herein shall prevent or be construed as preventing or prohibiting the commercial collection of refuse not regularly collected within the city by the municipal refuse service nor as prohibiting an individual or business from disposing personally of their own refuse in an approved manner.
- (d) The city manager shall have the authority to promulgate rules and regulations not inconsistent with the terms of this section nor with this chapter, as amended, regarding the collection, hauling and disposal of refuse.
- (e) Notwithstanding the provisions of this section, any "trash hauler" as defined under [article III](#) of this chapter, as amended, operating under a license issued pursuant to the terms of said article III of this chapter shall not be prohibited from the operation of such business until the expiration, revocation or other termination of his license. (Ord. 85-33, ☒ 1-5, 9-18-1985; Ord. 85-51, ☒ 1, 12-18-1985)

Sec. 23-16. Location of Refuse and Polycart Containers:

- (a) Refuse Containers:
 - (1) Collection From The Street: If the refuse collection vehicle makes the collection of refuse from the street, disposable containers or permanent solid waste containers, not provided by the city, shall be placed by the resident near the back of the curb or edge of the roadway but not in the street. Such containers shall not be placed out for collection earlier than twelve (12) hours in advance of the start of the scheduled collections. Exemptions to the curb line placement of such containers may be made by the director of public works if, for valid physical reasons, no member of the household can be expected to carry the containers to the curb line.
 - (2) Collection From the Alley: If the sanitation truck makes the collection of refuse from the alley, permanent or disposable refuse containers shall be placed on private property near the alley line in racks or in designated spaces with rails or guards to prevent them from being overturned.
- (b) Polycart Containers:
 - (1) Collection From The Street: Collection of refuse from polycart containers provided by the city will be from the street. Polycart containers shall be placed within five feet (5') of the back of the curb but not in the roadway. The polycart container shall be placed so the lid opens toward the street and such that there is a five foot (5') clear space on either side of the polycart. (Ord. 92-9, ☒ 5, 4-1-1992; Ord. 97-41, ☒ 2, 11-5-1997)

Sec. 23-17. Certain Refuse Not Collected by City:

- (a) Refuse generated by contractors and refuse items too bulky to be placed in containers shall not be collected by the city.
- (b) The removal of contagious disease refuse, or wearing apparel, bedding or other refuse from homes or other

places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the county health department or other healthcare professional.

(c) Inflammable or explosive refuse and highly flammable or explosive materials shall not be placed in containers for regular collection.

(d) Permitted industrial waste, tires, and lead acid batteries shall not be placed in containers for regular collection.

(Ord. 92-9, ☒ 6, 4-1-1992; Ord. 06-03, ☒ 3, 2-1-2006)

Sec. 23-18. Miscellaneous Unlawful Practices:

It is hereby deemed unlawful:

(1) For any person to intentionally place, in any solid waste container or disposable container anything other than the appropriate materials for pick up and to place that container at the curbside for collection.

(2) For the owner or person in control of any dog or cat to allow that dog or cat to damage any container or disturb the contents thereof after that container has been properly placed for collection. (Ord. 92-9, ☒ 7, 4-1-1992)

Sec. 23-19. Polycarts:

(a) **Provision and Collection:** Except as otherwise provided in this section, the city will provide a single polycart to the resident without cost. Collection of the refuse will be provided once per week on a day to be established by the city. In the event that the polycart is lost or stolen, the resident will notify the police department and file a stolen property report. Upon the filing of such a report, the polycart will be replaced at no additional cost.

(b) **Care and Maintenance:** Standard maintenance of the physical condition of the polycart due to normal usage will be performed by the city. The resident shall be responsible for the cleaning and storage of the polycart. If a polycart is damaged due to abuse, placement of hazardous materials, or extremely heavy materials within the cart, the resident will be charged for the replacement of the polycart at the cost charged by the manufacturer to the city, plus an administrative charge of eight dollars (\$8.00).

(c) **Usage Of The Polycart :** Residents provided the polycart shall utilize the cart for solid waste collection in accordance with the provisions of this chapter and the following:

(1) All refuse, garbage and rubbish shall be placed inside the polycart for collection by the city.

(2) All refuse, garbage and rubbish to be collected must be contained within the polycart and no loose materials/refuse will be collected.

(3) Solvents, liquids or hazardous materials must not be placed in the polycarts.

(4) No hot ashes are to be placed in the polycart. Extremely heavy objects, such as concrete, engine blocks, etc., should not be placed within the polycart.

(d) **Additional Fees:**

(1) If a resident finds that the polycart provided does not have sufficient capacity to contain the refuse generated by the household, it is the resident's responsibility to notify the sanitation department and request an additional container. The fee for each additional container provided shall be at the rate of seven dollars ninety cents (\$7.90) per month.

(2) If a polycart cannot be physically picked up by the sanitation collection vehicle due to obstructed access (i.e., a vehicle parked in front of the polycart or the cart being placed next to a tree/mailbox) it will be passed for collection. Upon request by the resident, a special pick-up can be made at an additional cost of ten dollars fifty cents (\$10.50) per pick-up.

(3) If the refuse generated by the household is in excess of the polycart capacity, an additional or loose pick up can be made upon request of the owner at an additional cost of ten dollars fifty cents (\$10.50).

(e) **Other Regulations:** All other provisions of this chapter pertaining to municipal collection of solid waste shall be applicable to the use of polycarts to the extent that such regulations are not inconsistent with the provisions of this section. In the event that such regulations are inconsistent with this section, the provisions of this section shall control. (Ord. 97-41, ☒ 3, 11-5-1997; Ord. 03-07, ☒ 2, 2-26-2003; Ord. 06-03, ☒ 4, 2-1-2006)
Sec. 23-26. Established:

(a) For the collection of garbage, refuse and rubbish by the city, except where provided under subsection (b) of this section, the following monthly fees shall be charged from and after January 1, 2021:

(1) Single-family residences	\$15.58 per month
(2) For additional polycart service	\$15.58 per month
(3) Multiple-family dwelling units	The monthly charge is \$15.58 per polycart
(4) Trailer Park and mobile home park	The monthly charge is \$15.58 per unit
(5) Commercial, loose pick up	The minimum monthly charge is \$35.85. Additional charges to be determined by time required for pick up and volume of refuse
(6) Commercial polycart pick-up	The monthly charge is \$15.58 per polycart per month for each unit. This service is limited to a maximum of 3 polycarts per unit, once a week pick up, street and physical accessibility for automated service as determined/approved by the solid waste supervisor
(7) Special pick-up charge	\$40.58
(8) Administrative charge	\$20.00 for change in sanitation service

(b) For the collection of garbage, refuse, and rubbish by the city where approved attachable containers rented from the city are utilized, the following monthly fees shall be charged from and after January 1, 2021:

Commercial/multi-family (uncompacted containers):

<i>Pick Ups Per Week</i>	<i>1 Yard</i>	<i>2 Yard</i>	<i>4 Yard</i>
1	\$81.92	\$113.68	\$173.57
2	\$104.14	\$134.68	\$201.34
3	\$135.25	\$170.37	\$262.43
4	\$170.66	\$213.83	\$334.64
5	\$206.06	\$257.44	\$366.99
6	\$241.47	\$301.02	\$426.90

Commercial/multi-family (compacted containers):

<i>Pick Ups Per Week</i>	<i>3 Yard</i>	<i>4 Yard</i>	<i>5 Yard</i>	<i>6 Yard</i>
1	\$158.29	\$201.34	\$242.99	\$284.64
2	\$317.97	\$402.68	\$485.98	\$570.69
3	\$477.66	\$604.00	\$728.97	\$855.33
4	\$635.94	\$805.35	\$973.35	\$1,141.36
5	\$795.63	\$1,005.29	\$1,216.34	\$1,426.02
6	\$955.30	\$1,206.63	\$1,459.33	\$1,712.05

Industrial box pick up \$96.01 per ton

For the collection of garbage, refuse, and rubbish by the city where the following are utilized, the following monthly fees shall be charged from and after January 1, 2021:

Roll-off containers (2 pick-ups per week):

	10-yard city owned	\$ 575.30
10-yard customer owned	555.50	
20-yard city owned	858.90	
20-yard customer owned	824.70	
40-yard city owned	1,396.40	
40-yard customer owned	1,355.10	

Sec. 23-27. Collection:

The charge for the collection of refuse will be made at the same time and in the same manner as the charge for the water utility service offered and furnished by the city, and such refuse charge shall be due and payable at the same time and place as the charge for the water utility service that is due and payable. The charge for refuse collections and the charge for water utility service are hereby declared to be parts of one debt to the city insofar as the same affects any one customer or consumer, and the refusal or failure to pay any part of such debt for any monthly period of service in accordance with the rules and regulations established by the governing body shall be sufficient cause for discontinuing water utility service. (1962 Code, ☒ 18-106, 18-107)

Sec. 23-28. Exemptions:

Exemptions from payment of municipal refuse collection fees shall be granted to business establishments who dispose of their own refuse or whose refuse is collected and disposed of in an approved manner; provided, that all establishments receiving water service shall be subject to such charges. (1962 Code, ☒ 18-108)

Sec. 23-40. Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Trash: Refuse, waste material, litter, ashes, sawdust, leaves, grass cuttings, shrubbery and tree trimmings, shavings, packing materials, boxes, excelsior, household rubbish and the like.

Trash Hauler: Any person who is engaged in the business of collecting, hauling and disposing of trash for hire. (Ord. 220, ☒ 1, 9-1-1965)

Sec. 23-41. Rules And Regulations:

The city manager shall have the authority to make rules and regulations not inconsistent with the terms of this article requiring the collection, hauling and disposal of trash to be done in such a manner as not to endanger the public health and safety. (Ord. 220, ☒ 7, 9-1-1965) Sec. 23-53. Required:

No person shall operate a trash hauling business for hire without possessing a valid, unexpired and unrevoked license issued by the city. (Ord. 220, ☒ 2, 9-1-1965)

Sec. 23-54. Application:

Application for a license required by this division shall be made to the city clerk on an application form prepared in duplicate. The city clerk shall supply the form. The application shall set forth the name of the applicant, his address and the make and type of vehicle to be used for collection and hauling of trash. (Ord. 220, ☒ 4(a), (c), 9-1-1965)

Sec. 23-55. Investigation And Issuance:

(a) Upon the filing of an application, the chief of police or his representative shall inspect the vehicle of the applicant to determine that the vehicle to be used is mechanically and operationally safe. If the vehicle is found to be unsafe, the chief of police shall so report to the city clerk, and the license shall be denied. If the vehicle is found to be safe, the chief of police shall so report to the city clerk. The report shall be returned to the city clerk not more than five (5) days after application is made.

(b) Upon the filing of an application, the city manager or his representative shall investigate the applicant's qualifications and ability to collect, haul and dispose of trash in a satisfactory manner, and the sufficiency of the construction of the applicant's vehicle to haul trash without the contents of the hauling bed escaping. If the applicant or his vehicle is found not to be qualified, the city manager shall so report to the city clerk, and the license shall be denied. If the applicant and his vehicle are found to be qualified, the city manager shall so report to the city clerk. The report shall be returned to the city clerk not more than five (5) days after application is made.

(c) An investigation fee of five dollars (\$5.00), which fee shall be in addition to the license fee, shall be paid to the city clerk at the time the application for a license is made.

(d) If the reports of the chief of police and the city manager indicate that the applicant is qualified, the city clerk shall then issue the license. (Ord. 220, ☒ 5, 9-1-1965)

Sec. 23-56. Fee:

The fee for the license required by this division shall be one hundred dollars (\$100.00) for each vehicle to be operated pursuant to such license. Such fee shall be paid at the time the license application is made. If the license is not issued, the city clerk shall return the fee to the applicant. The full amount of the fee shall be paid regardless of when the license is issued. (Ord. 220, ☒ ☒ 3, 4(b), 9-1-1965)

Sec. 23-57. Term:

A license issued pursuant to the provisions of this division shall expire at twelve o'clock (12:00) midnight on December 31 next following its issuance, provided, however, that such term shall be specifically subject and limited by the other provisions of this division. (OrdSec. 23-58. Revocation:

(a) The governing body of the city, upon ten (10) days' written notice to the person or persons holding the license may revoke a license issued pursuant to this division with or without cause at any time the governing body deems it expedient to the efficient transition of refuse collection to an exclusive collection function. Any trash hauler licensee shall have the opportunity to appear before the governing body prior to revocation to present cause why the license should not be revoked and notice of said opportunity shall be set forth in the aforementioned notice. The notice provided for hereunder shall be deemed sufficient if delivered personally or forwarded by certified or registered mail to the address contained in the licensee's application as provided by section [23-54](#) of this division.

(b) Any of the following reasons shall be deemed sufficient cause for revocation of any license issued pursuant to this division but the same shall not be deemed an exclusive listing:

(1) Fraud, misrepresentation or false statement in applying for a license hereunder or in the course of carrying on the business licensed.

(2) Any violation of the provisions of this section.

(3) Conviction of any crime or misdemeanor involving moral turpitude.

(4) Conducting the business of the licensee in an unlawful manner or in a manner constituting a breach of the peace or a menace to health, safety and the general welfare of the public.

(5) Conviction of violating any ordinance or law prohibiting littering ¹⁷⁰.

(6) Conviction during the license period of more than two (2) traffic offenses.

Sec. 23-59. Sunset Provisions:

(a) This article, as amended, shall by this provision expire on a quarterly basis during the calendar year unless the

governing body at its first meeting after such date affirmatively by resolution finds that it is necessary and desirable to extend the provisions of this article for another quarter. Provided that any trash hauler licensed under the provisions of this article shall have the opportunity to appear at any meeting at which the governing body shall be considering extending this article for purposes of showing cause why the provisions of this article should be extended. In the event the governing body does not take the affirmative action provided for herein any license issued under the provisions of this article shall be deemed null and void as of twelve o'clock (12:00) midnight on the date of the article's expiration and such trash hauler shall be at that point without authority to continue commercial collection of refuse within the city limits.

(b) For purposes of this section, the "date of the article's expiration" shall be deemed to be the date of the first official meeting of the governing body after a regular quarterly expiration date whereat the governing body fails to affirmatively extend the provisions of this article.

(c) For the purposes of this section, the term "quarterly" shall mean a period of three (3) calendar months. (Ord. 220, ☒ 8, 9-1-1965; Ord. 85-51, ☒ 4, 12-18-1985)

Sec. 23-70. Established:

The governing body shall designate an area of land for the purpose of a sanitary landfill. (1962 Code, ☒ 18-201; Ord. 1110, ☒ 1, 9-1-1982)

Sec. 23-71. Management and Control:

The management of the sanitary landfill shall be under the control of the city manager. The city manager may enter into agreements with any person as shall be deemed in the best interest of the city in the operation of the facility. (1962 Code, ☒ 18-202; Ord. 1110, ☒ 1, 9-1-1982)

Sec. 23-72. Rules and Regulations:

(a) The operation of the transfer station is subject to various federal and state statutory and regulatory requirements. The right is hereby reserved to refuse to accept the deposit of any waste at the transfer station or condition the acceptance of such waste as may be necessary to comply with the aforementioned requirements.

(b) The city manager may from time to time, as deemed necessary, adopt and promulgate rules and regulations for the safe and efficient operation of the transfer station. (1962 Code, ☒ 18-203; Ord. 1110, ☒ 1, 9-1-1982; Ord. 91-1, ☒ 2, 1-2-1991; Ord. 94-21, ☒ 2, 4-6-1994; Ord. 98-2, ☒ 2, 1-7-1998)

Sec. 23-73. Jurisdiction of City Ordinances, etc.:

The city does hereby extend all its police powers and ordinances pertaining thereto and over the sanitary landfill property and grounds to the same degree and with the same force and effect as if said property were situated within the corporate limits of the city. (1962 Code, ☐ 18-204; Ord. 1110, ☐ 1, 9-1-1982)

Sec. 23-74. Fees:

(a) Effective January 1, 2021, the following shall be the charges for the disposal of waste materials at the transfer station:

(1) Mixed loads:

Minimum (up to 500 pounds)	\$ 10.00
After the first 500 pounds (per 10 pounds)	\$2.42

	Per ton	\$48.45
(2) Construction demolition:		
	Minimum (500 pounds)	\$10.00
	After 500 pounds (per 10 pounds)	\$1.31
	Per ton	\$26.33
(3) Box pick up:		
	Trees and brush, per ton	\$45.83
	CD waste, per ton	\$63.27
	Trash, per ton	\$96.01
Roll-off unit charge:		
	10 and 20 cubic yard container, per week	\$87.27
	40 cubic yard container, per week	\$116.37
(4) Administrative charge for change in sanitation service		20.00
(5) White goods, minimum charge per item		\$30.55
(6) Special wastes, minimum per ton, plus associated administrative and handling costs		\$76.56
(7) Special pick-up charge		\$40.58
(8) Tires:		
a.	20 inches or smaller, each	\$3.36
b.	21 inches to 24.5 inches, each	\$6.56
c.	Larger than 24.5 inches	Accepted only if split
d.	Tires already processed (split along circumference) will be accepted at the \$25.00 per ton rate (10 minimum).	
(9) Out of county, accepted only upon written approval of city engineer and at a minimum rate of \$71.10 per ton mixed loads and \$39.50 per ton construction and demolition waste.		

(b) Industrial waste materials must receive an authorization permit from the Kansas department of health and environment and Hamm's quarry before they may be properly disposed of. Industrial waste which has this authorization and is determined acceptable by the city at the transfer station will be assessed the special waste fee of seventy-six dollars twenty five-six cents (\$76.56) per ton plus associated administrative handling costs.

(c) A "packer type truck" is a truck that is equipped with a compaction unit designed for the purpose of compressing solid waste materials. A fee of forty-five dollars forty-two cents (\$45.42) per ton is hereby established to recover the cost to the city for the disposal of this waste.

(d) Loads brought by motor vehicle for disposal at the landfill must be securely covered so as to prevent the

covering or load from becoming loose, detached or in any manner escaping from the vehicle. Fees for unsecured loads shall be a minimum of thirteen dollars (\$13.00) or double the amount of charges per subsection (a) of this section, whichever is greater.

(e)The fees designated herein shall be subject to review by the governing body and may be changed by ordinance.

Sec. 23-75. Location Restriction:

(a)Only trash, rubbish or other solid wastes developed in Lyon County, Kansas, shall be accepted for deposit into the sanitary landfill. Other counties may be allowed use of the facility upon the concurrence of the governing body of the city and the board of county commissioners of Lyon County, Kansas.

(b)*Reserved:* (Ord. 91-1, § 4, 1-2-1991; Ord. 94-21, § 4, 4-6-1994)

Sec. 23-76. Fuel Surcharge:

(a)For the collection of garbage, refuse and rubbish by the city, and disposal of solid waste at the landfill, the following fuel surcharge shall be applied to the monthly or other bill:

<i>Fuel Price</i>	<i>Amount Per Pick Up</i>	<i>Gate House Charge Per 500 Pounds</i>
\$3.50 to \$3.74	\$0.34	\$0.59
3.75 to 3.99	0.37	0.68
4.00 to 4.24	0.40	0.76
4.25 to 4.49	0.42	0.85
4.50 to 4.74	0.45	0.90
4.75 to 4.99	0.48	1.02
5.00 to 5.24	0.51	1.11
5.25 to 5.49	0.54	1.19
5.50 to 5.74	0.57	1.28
5.75 to 6.00	0.60	1.36

(b)The benchmark for calculating the surcharge is the prior quarterly average of the weekly Midwest retail on-highway diesel price published by the department of energy, energy information administration, excluding the last full week of the quarter. The average is rounded up or down to the closest fuel price. (Ord. 08-37, § 1, 11-19-2008)

Natural Resources Advisory Board

Sec. 23-131. Creation and Composition:

(a)Creation; Membership: There is hereby created an advisory board to be known as the natural resources advisory board. The board shall consist of not less than eight (8) members and not more than twelve (12) members. Eight (8) of the members shall be appointed by the Emporia city commission. Two (2) members shall be appointed by the Lyon County commission. Two (2) members shall be appointed by the Chase County commission.

(b)Residence; Appointment To Fill Vacancy; Compensation: Members of the board shall reside within the limits of Lyon County or Chase County. Any member who moves his or her residence outside their respective area shall automatically cease to be a member, and a vacancy shall thereby be created. Appointment of members to fill vacancies shall be made in the same manner as the original appointment. The members of the board shall serve without compensation.

(c)Term : Members of such natural resources advisory board shall hold their offices for a term of three (3) years and until their successor shall have been appointed. Members shall serve no more than two (2) successive three (3) year terms in addition to any unexpired term to which they may have been appointed.

(d)Meetings; Quorum; Attendance : The board shall meet on an as needed basis, at a time decided by the board for the purpose of conducting such business as may come before it. Special meetings may be called by the chairperson or by a majority of the board presently serving. A majority of the presently serving members of the board shall constitute a quorum for the purpose of conducting the business thereof. The board may, by majority vote of the board, recommend to the governing body that a member's term be terminated and a new member appointed to fill any unexpired term, whenever a member fails to comply with the attendance requirements of the board's bylaws.

(e)Officers: The board shall elect from among its members a chairperson and vice chairperson. The vice chairperson shall act as the chairperson during the absence or incapacity of same. The term of office for the chairperson and vice chairperson shall be for one year, and no person shall serve more than two (2) consecutive years in the same office. The chairperson and vice chairperson may resign from office at any time during their terms and may do so without resigning from membership on the board.

(f)Removal Of Member: No member or members of the board shall attempt to act on any matter over which the board has jurisdiction unless and until the board has given prior approval to such action. Any member of the board may be removed by the mayor with the consent of the governing body for inefficiency, neglect of duty, or misconduct or malfeasance in office; no such removal shall be effective until the member proposed to be removed has been furnished a written statement of the charges and an opportunity to be heard thereon by the governing body.

Sec. 23-132. Duties and Responsibilities:

It shall be the responsibility of the board to study and promote recycling and resource conservation. The board, when requested by the city commission, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. (Ord. 90-20, § 2, 10-17-1990)

Appendix 13.e Solid Waste Management Committee & Plan Holders

CHASE COUNTY • CITY OF EMPORIA • LYON COUNTY

SOLID WASTE MANAGEMENT PLAN COMMITTEE

Chase County Commissioners

Alan Phipps, Courthouse, P.O. Box 529, Cottonwood Falls KS 66845
Matt Miller, Courthouse, P.O. Box 529, Cottonwood Falls KS 66845
Tony Hazelton, Courthouse, P. O. Box 529, Cottonwood Falls KS 66845

Chase County at Large

Thom Kirk, Noxious Weed Director, P.O. Box 529, Cottonwood Falls KS 66845
William Halvorsen, Chase County Attorney, 308 Broadway, Cottonwood Falls KS 66845
Ann Mayo, Chairperson 766 Middle Creek Rd. Elmdale, KS 66850

City of Emporia

Trey Cocking, Emporia City Manager, 522 Mechanic, Emporia KS 66801
Keith Senn, Solid Waste Manager, 1220 Hatcher, Emporia KS 66801
Derek Wells, Solid Waste Assistant, 1220 Hatcher, Emporia KS 66801
Tim Delcamp, Transfer Station Foreman, 3100 W. South Ave, Emporia, KS 66801
Tina Weeks, Transfer Station Foreman II, 3100 W. South Ave, Emporia, KS 66801

General Public Representative

Vacant Position

Lyon County Commissioners

Ken Duft, Courthouse, 430 Commercial, Emporia KS 66801
Doug Peck, Courthouse, 430 Commercial, Emporia KS 66801
Rollie Martin, Courthouse, 430 Commercial, Emporia KS 66801

Lyon County At Large

Molly Priest, Assistant County Counselor, Courthouse, 430 Commercial, Emporia KS 66801
Warren Chip Woods, Lyon County Engineer, 500 South Prairie, Emporia KS 66801
Gary Watts, 1373 Road C, Emporia KS 66801

Private Industry Representatives

Bruce Boettcher PE, BG Consultants, Inc., 2508 West 15th Avenue, Emporia KS 66801

Recycling Industry Representatives

Brandon Acton, Advantage Metals Group, LLC, 302 Graham Street, Emporia KS 66801

Rural/Unincorporated Area Representative

Fred R. Reber, 1542 Road R, Emporia KS 66801

Solid Waste Industry Representatives

Greg Traver, District Mgr., Waste Management, 3611 NW 16th Street, Topeka KS 66618
Steve Bechtel, Steve's Trash Service, 205 Westphalia St., Olpe, KS 66865

SOLID WASTE MANAGEMENT PLAN HOLDERS

Donna Uhl, Mayor, 616 Market, Admire KS 66830

Charles C. Eastman, Mayor, P.O. Box 385, Allen KS 66833

Dustin Wright, Mayor, 604 Main St. Americus KS 66835

Frederick W. Fechter, Mayor, 401 Cedar, Bushong KS 66833

Jeremy Bowen, Mayor, P.O. Box 38, Cedar Point KS 66843

Bud Sisson, Mayor, P.O. Box 487, Cottonwood Falls KS 66845

Theresa Simmons, Mayor, 206 Murphy Street, Elmdale KS 66850

Erren Harter, Mayor, Emporia City Commissioner, 522 Mechanic, Emporia KS 66801

Becky Smith, Emporia City Commissioner, 522 Mechanic, Emporia KS 66801

Danny Giefer, Emporia City Commissioner, 522 Mechanic, Emporia KS 66801

Susan Brinkman, Emporia City Commissioner, 522 Mechanic, Emporia KS 66801

Jamie Sauder, Emporia City Commissioner, 522 Mechanic, Emporia KS 66801

Christina Montgomery, Emporia City Attorney, 522 Mechanic Street, Emporia KS 66801

Jim Ubert, Emporia City Engineer, 522 Mechanic, Emporia KS 66801

Kenny Hamman, Mayor, 304 W. Maple Avenue, Hartford KS 66854

Donnie Swift, Mayor, Route 1 Box 50, Matfield Green KS 66862

Dallas Shepard, Mayor, 238 N. Main St, Neosho Rapids KS 66864

Keith Pimple, Mayor, 503 Charles St., Olpe KS 66865

Malonne Davies, Mayor, 613 1st St., Reading KS 66868

Lydia Simmons, Mayor, 225 E. 4th, Strong City KS 66869

Lindsay Peterson, Environmental Scientist, KDHE-BWM, 1000 SW Jackson, Suite 320, Topeka KS 66612-1366

SOLID WASTE MANAGEMENT PLANNING COMMITTEE MEETING
NOVEMBER 30, 2023, AT THE EMPORIA CITY WATER PLANT MEETING ROOM

The meeting was opened at 7:00 p.m. by Secretary Chip Woods. There were seven (7) persons in attendance. The attendance sheet is attached at the end of these minutes.

This meeting was to review the r Year Review and the “Annual Review Edition of the Solid Waste Management Plan” for the year 2022.

1) **Approval of Minutes from the November 10, 2022, Meeting:**

Keith Senn moved to approve the minutes of the November 10, 2022, meeting. Tim Delcamp seconded the motion, and the motion passed unanimously.

2) **Introductions:**

All person present introduced themselves. Secretary Chip Woods informed the Committee that Ann Mayo had a family emergency and would no longer be able to be a member of this Committee. Chip said that he planned on retiring from Lyon County in the first quarter of 2024, but would be willing to remain on the Committee.

3) **Election of Committee Members (Chair, Secretary, etc.):**

Secretary Chip Woods asked for nominations for Chair. Dean Grant moved for Tim Delcamp to serve as Chair. Keith Senn seconded the motion, and it passed unanimously.

Chairperson Delcamp asked for nominations for Secretary. Keith Senn moved for Chip Woods to continue to serve as Secretary. Tina Weeks seconded the motion, and it passed unanimously.

4) **Review and discussion of Solid Waste Activity:**

Keith Senn presented the *Solid Waste Management Plan Meeting Overview For the Year 2022*.

Sanitation Collections:

The City’s Sanitation Collections Department collected 33,057.38 tons of trash from its residents, commercial businesses, and industries in Emporia in 2022. This represents an increase of 2,519.00 tons from 2021. This tonnage accounted for approximately 91.23% of the total trash intake at the City of Emporia/Lyon County Transfer Station. In addition to trash, 1,350.55 tons of construction demolition and 3.59 tons of brush were also collected by the Roll-Off Service.

Equipment purchases for the Collections Department in 2021 included:

- 1) 702 of the 96-gallon trash carts were purchased from Rehrig Pacific at a cost of \$48,254.40. The carts were delivered on February 16, 2022.
- 2) A Lincoln 3 phase welder was purchased for the Sanitation Shop.

Transfer Station

The Transfer Station received a combined total of 59,755.54 tons of materials in 2022. This is an increase of 5,225.97 tons from 2021. Comparison of 2022 tonnages to

2021 tonnages indicates increases in trash, Construction Demolition, and oil. Decreases were observed in tires, Appliances, yard waste and brush.

A total of 36,232.83 tons of Municipal Solid Waste was shipped in 1,578 semi loads to Hamm's Landfill in 2022 compared to 35,893.48 tons in 1,564 loads in 2021.

Hamm's Landfill shipping costs increased 6% (2.01/ton) in 2022. The base shipping rate in 2022 was \$35.44 per ton. The average price per ton for trash to the Hamm's Landfill in 2022 including the fuel surcharge was \$39.47 per ton compared to \$34.47 per ton in 2021. The Transfer Station did not charge a fuel surcharge to its customers in 2022. The current contract is currently under negotiations.

KDHE did not inspect the Transfer Station, Construction Demolition Landfill, Tire Mono-fill, and other permitted areas in 2022. The brush area and the old Sanitary Landfill were not inspected by KDHE in 2022.

Approximately 2,454.16 tons of trees and brush were accepted throughout the year (204.51 tons per month average). This was a decrease of 639.94 tons from 2021. Staff utilized an Air Curtain burner to dispose of the materials throughout the year. There was 1 open burn in 2022. An Opacity test was conducted on the Air Curtain Burner by Terracon on November 15, 2022. KDHE issued the required Class 1 Emission Source Operating Permit on November 15, 2018 (Expires 11-24-2023). A permit renewal drafted by Terracon was submitted to KDHE on September 11, 2023. The contract continues to be processed and the City is awaiting issuance of the new permit.

BG Consultants was hired to conduct a re-test of 6 monitoring wells that were discovered to exceed the maximum contaminant level of 10 micrograms per liter of arsenic beginning in 2014. On November 22, 2022 staff from BG collected samples of the 3 monitoring wells (3B, 6, 8A) which contained high arsenic levels previously. KDHE did not collect split samples at that time. Samples were analyzed by Pace Labs. Place Labs indicated that arsenic was below the minimum contaminant levels (Wells 3B = 2.4 mg/l., 6 = not detect, and 8A = 3.3 mg/l.) The city will be required to continue annual testing of those 3 monitoring wells. The next testing event according to the inter-local agreement for all 13 wells will be in 2024.

Staff continued placing materials in phase 4 of Cell #6 of the CD Landfill. Phases 1 – 3 have been closed.

A "Free Landfill Days" event was held May 14 – May 22, 2022. 941 customers and the Cities of Hartford, Reading, and Cottonwood Falls disposed of 141.47 tons of trash and 66.90 tons of Construction Demolition Materials.

Major equipment purchases in 2022 consisted of the purchase of a 2023 John Deere model 710L Backhoe.

Upgrades and repairs to the facility included: The Track Loader Bay of the equipment Shed was completed including the construction of the north bay wall with a walk out door, electricity, heating, insulation, water and plumbing fixture, and an overhead door opener.

Recycling

The Recycling Center continued to provide drop-off recycling services to residents of Lyon and Chase County in 2022. The Center processed and shipped 1,090 tons of cardboard and a small amount of shredded office paper in 2022. Paper recycling markets saw a decrease during the year. The average price per ton paid for all materials (including

paper and iron) in 2022 as \$129.15 compared to \$158.66 in 2021. Ferrous and non-ferrous metal recycling accounted for 246.74 tons and oil tonnage totaled 7.33 tons. Costs avoided by not shipping this tonnage as trash was approximately \$53,050.44.

The City of Emporia's biweekly Curbside Recycling program generated 1,020 tons of material in 2022. Other recycling material sources added 306.79 tons of material to the program. 1,253.01 tons of recyclable materials were shipped to Hamm's in 2022. Cost to the City for shipping 82 semi loads and sorting of materials by Hamm's totaled \$50,090.49 compared to \$55,869. Costs were decreased due to rebates from Hamm's. The Hamm's contract is currently under negotiations.

The County recycling trailer program continued to service 6 Lyon County Cities, 4 Chase County Cities, and the Kahola Lake Community. In 2022 the program generated 119.03 tons of recyclable materials. This tonnage represents a decrease of 6.20 tons from 2021.

There was no major purchase in 2022.

There were no facility upgrades in 2022.

5) **Solid Waste Management Plan Updates and Changes:**

Chairperson Delcamp said that we will go through the Plan by Sections for any comments.

Sections 1 - 2: No Comments

Section 3: Keith Senn made a comment that we should add a note in Section 3.1 Special Concentrations of Solid Waste, Page 3-11, about how to dispose of lithium-ion batteries as they have been the cause of many fires at landfills across the U.S. He also stated that he has added information on the City website and in the Shopper on the issue. He recommended that Lyon County put the information of the county website.

Ken Duft informed Keith to contact County Public Information Office Vici Smith.

Derek Wells said that he would contact the County Hazardous Waste Department to see how they recycle the lithium-ion batteries.

Sections 4 - 5: No Comments

Section 6: Page 6-4: Keith Senn commented for the **Year 2022** to remove the Kenworth Roll-Off truck and add the 2023 John Deere model 710L Backhoe.

Section 7 -10: No Comments

Section 11: Page 11-1: Keith Senn commented that in the **Year 2024** to change Replace Track Loader to Refurbish Track Loader.

Sections 12 -13: No Comments

6) **Items from the floor (new business/old business):**

There was no new business/old business discussed

7) **Discuss Illegal Dumping Issue:**

Chip Woods commented on the County costs for the last 6 years has decreased to about \$5,000 per year.

8) **Adopt Solid Waste Management Plan with corrections discussed in tonight's meeting or reschedule for later date.**

Chairperson Delcamp asked the Committee to adopt the Solid Waste Management Plan as corrected. Keith Senn made a motion to approve the Plan as corrected. Chip Woods seconded the motion, and it received a unanimous vote.

Dean Grant made the motion to adjourn. Chip Woods seconded the motion, and it received a unanimous vote.

Chairperson Delcamp adjourned the meeting at 8:15 p.m.

Respectfully Submitted;

Warren Chip Woods
Secretary

November 2022 Solid Waste Planning Committee Meeting

2023 Solid Waste Management Plan - 5 Year Review Edition

Emporia City Water Filter Plant Meeting Room
November 30, 2023
7:00 p.m.

Page 179 of 224

***Lyon County Zoning
Lyon County Courthouse
430 Commercial
Emporia, KS 66801
Phone (620) 341-3471 Fax (620) 341-3249
sseeley@lyoncounty.org***

December 4, 2023

Public Works Department
City of Emporia
1220 Hatcher
Emporia, KS 66801

To Whom It May Concern:

The Lyon County Planning and Zoning office has reviewed the Solid Waste Management Plan for Chase County, the City of Emporia, and Lyon County.

We find the plan to be consistent with our mission, goals, and objectives and encourage the Kansas Department of Health and Environment to approve the plan

The Lyon County Planning and Zoning office serves the Citizens of Lyon County, Kansas. Our main goals are to preserve good agricultural land and the orderly and efficient extension of public utilities in Lyon County.

We commend the efforts of the Solid Waste Planning Committee on developing a well-written comprehensive plan that responsibly deals with solid waste in Chase and Lyon Counties.

Respectfully,



Samuel Seeley
Planning/Zoning/FPM Director

cc; Lyon County Planning and Appeals Board

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, LYON COUNTY, ss:

Bettina Shank, being first duly sworn, deposes and says: That she is an employee of The Emporia Gazette, a daily newspaper printed in the State of Kansas, and published in and of general circulation in Lyon County, Kansas, with a general paid circulation on a daily basis in Lyon County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Emporia in said County as periodical matter.

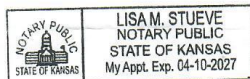
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for
SIX DAYS

the first publication thereof being made as aforesaid on the 18th day of November 2023, with a subsequent publication being made on the following date:

20th day of November, 2023
21st day of November, 2023
22nd day of November, 2023
24th day of November, 2023
25th day of November, 2023

Bettina Shank

Subscribed and sworn to by me this 27th day of November 2023.



Lisa M. Stueve
Notary Public

Printers Fee: \$264

Date Paid:

RECEIVED
DEC 04 2023

BY:

EXHIBIT A



Emporia
Kansas

The Regional Solid Waste Management Committee will review the Regional Management Plan (2023 5-Year Review) at 7:00 p.m., Thursday, November 2, 2023, at the City of Emporia Water Treatment Plant Meeting Room, 2910 W. 24th St., Emporia, Kansas.

The SWMP Committee will review the plan updates and discuss the future of solid waste management in Lyon and Chase Counties.

The public is encouraged to attend.

AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, CHASE COUNTY, ss:

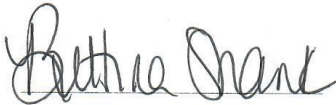
Bettina Shank, deposes and says: That she is an employee of the CHASE COUNTY LEADER-NEWS, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Chase County, Kansas, with a general paid circulation on a weekly basis in Chase County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly newspaper published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than one year prior to the first publication of said notice; and has been admitted at the post office of Cottonwood Falls in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for Two consecutive weeks,

the first publication thereof being made as aforesaid on the 18th day of November, 2023, With a subsequent publication being made on the following date:

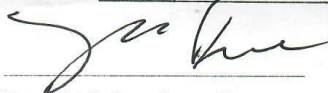
25th day of November, 2023


Bettina Shank

Subscribed and sworn to before me this

25 day of November 2023




Notary Public, Lyon County, Kansas

Printer's fee \$120

RECEIVED
DEC 04 2023
BY:



Emporia
Kansas

The Regional Solid Waste Management Plan Committee will review the Regional Solid Waste Management Plan (2023 5-Year Review Edition) at 7:00 p.m., Thursday, November 30th, 2023, at the City of Emporia Water Treatment Plant Meeting Room, 2910 W. 24th Avenue, Emporia, Kansas.

The SWMP Committee will review the 2022 plan updates and discuss the future of solid waste management in Lyon and Chase counties.

The public is encouraged to attend.

RESOLUTION NO. 18-23

**(A RESOLUTION RELATING TO THE SOLID WASTE MANAGEMENT PLAN
OF CHASE COUNTY, THE CITY OF EMPORIA, AND LYON COUNTY,
KANSAS)**

WHEREAS, the Board of County Commissioners of Lyon County, Kansas met in due and regular session on the 28th day of December, 2023; and

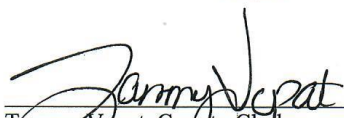
WHEREAS, the Solid Waste Management Planning Committee met on November 30, 2023, with members of that committee being present for the purpose of the 5 Year Review of the Solid Waste Management Plan with Lyon County as required by statute; and

WHEREAS, the 2022 Solid Waste Management Plan Annual Review for Chase County, the City of Emporia, and Lyon County was adopted as set out in the Solid Waste Management Planning Committee meeting of November 30, 2023.

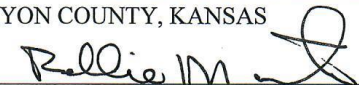
NOW, THEREFORE BE IT RESOLVED, ORDERED AND ORDAINED, by the Board of County Commissioners of Lyon County, Kansas that the changes made at the 5 Year Review meeting held by the Solid Waste Management Committee on November 30, 2023, are hereby adopted as the Solid Waste Management Plan Annual Review for Lyon County, Kansas by the Board of County Commissioners of Lyon County upon publication.



ATTEST:


Tammy Vopat, County Clerk

BOARD OF COUNTY COMMISSIONERS
LYON COUNTY, KANSAS


Rollie Martin, Chairman


Doug Peck, Vice-Chairman


Ken Duft, Commissioner

Resolution 2023-14

A RESOLUTION RELATING TO THE SOLID WASTE MANAGEMENT PLAN
OF CHASE COUNTY, THE CITY OF EMPORIA AND LYON COUNTY, KANSAS

WHEREAS the Board of County Commissioners of Chase County, Kansas met in due and regular session on this 11th day of December, 2023; and

WHEREAS the Solid Waste Planning Committee met on November 30, 2023 to review the year 2022 at the City Water Plant Meeting Room with members of that committee being present for the purpose for the Annual Review for the Solid Waste Management Plan which Lyon County is required by statute to have; and

WHEREAS the Solid Waste Management Plan (2023 5 Year Review Edition) for Chase County, The City of Emporia and Lyon County was adopted with amendments as set out in the Solid Waste Management Committee meeting of November 30, 2023.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Chase County, Kansas that the Solid Waste Management Plan for Chase County, the City of Emporia and Lyon County, Kansas dated along with the amendments made to that plan made by the Solid Waste Committee meeting of November 30, 2023, held at the City Water Plant Meeting Room is hereby adopted as the Solid Waste Management Plan for Chase County, The City of Emporia and Lyon County, Kansas by the Board of County Commissioners of Chase County.

BY THE BOARD OF COUNTY COMMISSIONERS
CHASE COUNTY, KANSAS




Anthony D. Hazelton, Chairman


Matthew Miller, Vice-chairman

ATTEST:

Connie M. Pretzer, County Clerk


Alan Phipps, member

RESOLUTION NO. 3718

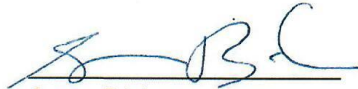
A RESOLUTION RELATING TO THE 5-YEAR REVIEW OF THE SOLID WASTE MANAGEMENT PLAN OF CHASE COUNTY, LYON COUNTY, AND THE CITY OF EMPORIA

WHEREAS, the Solid Waste Management Planning Committee met November 30, 2023 at the City Water Treatment Plant with members of the Committee being present for the purpose of the 5-year review of the Solid Waste Management Plan which Lyon County is required by statute to have; and

WHEREAS, the Solid Waste Management Plan 5-Year Review for Chase County, Lyon County, and the City of Emporia was adopted with amendments as set out by the Solid Waste Management Planning Committee minutes of November 30, 2023; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS that the City of Emporia Solid Waste Management Plan attached hereto with the amendments approved by the Solid Waste Management Planning Committee is hereby adopted as the Solid Waste Management Plan for Chase County, Lyon County, and the City of Emporia by the Emporia City Commission upon publication.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS this 20th Day of December 2023.


Susan Brinkman, Mayor

ATTEST:


Kerry Sull, City Clerk



Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367

Janet Stanek, Secretary



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Laura Kelly, Governor

December 19, 2022

Mr. Keith Senn
Solid Waste Manager
1220 Hatcher St.
Emporia, KS 66801

RE: Lyon Chase County SWMP Annual Review Approval

Dear Mr. Senn,

The 2022 Lyon/Chase County Solid Waste Management Plan Annual Review was approved. Please submit the 2023 5-Year SWMP Update by November 1, 2023.

The SWMP 5-year Update Worksheet which was recently emailed to you can be used as a guide or the actual SWMP that is submitted to KDHE.

If you require assistance or have any questions, feel free to contact me at 785-291-3764 or Jeff.Walker@ks.gov

Sincerely,

Jeff Walker, Environmental Scientist
Waste Reduction and Local Assistance

C. Lyon Chase Co. Solid Waste File

SOLID WASTE MANAGEMENT PLANNING COMMITTEE MEETING
NOVEMBER 10, 2022, AT THE EMPORIA CITY WATER PLANT MEETING ROOM

The meeting was opened at 7:00 p.m. by Chairperson Ann Mayo. There were nine (9) persons in attendance. The attendance sheet is attached at the end of these minutes.

This meeting was to review the "2022 Annual Review Edition of the Solid Waste Management Plan" for the year 2021.

1) **Approval of Minutes from the February 24, 2022, Meeting:**

Keith Senn moved to approve the minutes of the February 24, 2022, meeting as corrected. Gary Watts seconded the motion, and the motion passed unanimously.

2) **Introductions:**

All person present introduced themselves.

3) **Election of Committee Members (Chair, Secretary, etc.):**

Chairperson Mayo asked for nominations for Chair. Gary Watts moved for Ann Mayo to continue to serve as Chair if she was willing. Tim Delcamp seconded the motion, and it passed unanimously.

Chairperson Mayo asked for nominations for Secretary. Gary Watts moved for Chip Woods to continue to serve as Secretary. Tina Weeks seconded the motion, and it passed unanimously.

4) **Review and discussion of Solid Waste Activity:**

Keith Senn presented the *Solid Waste Management Plan Meeting Overview For the Year 2021*.

Sanitation Collections:

The City's Sanitation Collections Department collected 30,538.38 tons of trash from its residents, commercial businesses, and industries in Emporia in 2021. This represents an increase of 2,535.87 tons from 2020. This tonnage accounted for approximately 83.35% of the total trash intake at the City of Emporia/Lyon County Transfer Station. In addition to trash, 11,429.63 tons of construction demolition and 18.24 tons of brush were collected by the Roll-Off Service.

Equipment purchases for the Collections Department in 2021 included:

50 rear-load containers from Kelly Equipment.

The Crane Carrier/New Way automated truck that was purchased from Elliot Equipment was delivered on March 11, 2021.

A 2020 Ford F-350 flatbed pickup was purchased from John North Ford was delivered on October 12, 2021.

Transfer Station

The Transfer Station received a combined total of 54,529.57 tons of materials in 2021. This was an increase of 4.76 tons from 2020. Comparison of 2021 tonnages to 2020 tonnages indicates increases in trash, tires, and appliances. Decreases were observed in Construction Demolition waste, motor oil, yard waste, and brush. A total of

35,893.48 tons of Municipal Solid Waste was shipped in 1,564 semi loads to Hamm's Landfill in 2021 compared to 33,893.40 tons in 1,476 loads in 2020.

Hamm's Landfill shipping costs increased 1.40% (\$0.46) in 2021. The base shipping rate for 2020 was \$33.43 per ton. The average price per ton for trash to Hamm's Landfill in 2021 including the fuel surcharge was \$34.94 per ton compared to \$33.56 per ton in 2020. The Transfer Station did not charge a fuel surcharge to its customers in 2021. The current contract will be renewed in June of 2025.

KDHE inspected the Transfer Station, Construction Demolition Landfill, the Tire mono-fill, and other permitted areas on April 21, 2021. The inspection resulted in no violations. The brush and the old Sanitary Landfill were not inspected by KDHE in 2021.

Approximately 3,094.10 tons of trees and brush were accepted throughout the year (257.84 tons per month average). This was a decrease of 1,747.57 tons from 2020. Staff believed the decrease is attributed to the \$10.00 per ton fee for commercial tree operations that went into effect on January 21, 2021. Staff utilized an Air Curtain Burner to dispose of the materials throughout the year. There was 1 open burn in 2021. An Opacity test was conducted on the Air Curtain Burner by Terracon on November 16, 2021. KDHE issued the required Class 1 Emission Source Operating Permit on November 5, 2018. (Expires on November 24, 2023).

BG Consultants was hired to conduct a re-test of 6 monitoring wells that were discovered to exceed the maximum contaminant level of 10 micrograms per liter of arsenic beginning in 2014. On October 19, 2021, staff from BG collected samples from the 3 monitoring wells (3B, 6, and 8A) containing high arsenic levels. KDHE did not collect split samples at that time. Samples were analyzed by Pace Labs. Pace Labs indicated that arsenic and barium was again detected in all 3 of the wells tested. Additionally, benzene and chlorobenzene were detected in MW-3B. As a result, the city will be required to return to annual test of those 3 monitoring wells. The next testing event according to the Interlocal Agreement for all 13 wells will be in 2024.

Staff continued placing materials in Phase 4 of Cell #6 of the CD Landfill. Phases 1 – 3 have been closed.

A "Free Landfill Days" event was held from May 1 – May 9, 2021. 1,309 customers and the Cities of Hartford, Reading, and Cottonwood Falls disposed of 153.47 tons of trash and 58 tons of Construction Demolition Materials.

Major equipment purchases were made in 2021 consisted of the purchase of a 2021 Case Wheel Loader with hard rubber tires.

Upgrades and repairs to the facilities included:

The tipping floor drain was rebuilt in January.

Cameras were installed on the Tipping floor and Gatehouse.

Two Trash Pump Grinders were replaced.

Power poles were installed by Evergy to supply power to the Equipment Shed.

Recycling

The Recycling Center continued to provide drop-off recycling services to residents of Lyon and Chase County in 2021. The Center processed and shipped 1,146 tons of cardboard and a small amount of shredded office paper in 2021. Paper Recycling markets saw significant increases during the year. The average price per ton paid for all materials (including paper & iron) in 2021 was \$158.66 compared to \$78.15 in 2020.

Ferrous metal recycling accounted for 153.29 tons and oil tonnage totaled 7.91 tons. Costs avoided by not shipping this tonnage as trash was approximately \$45,642.12.

The City of Emporia's bi-weekly Curbside Recycling program generated 1,083 tons of material in 2021. Other recycling sources (City & County Trailers, County(s) residents) added 329.30 tons of materials to the program. 1,368.90 tons of recyclable material were shipped to Hamm's in 2021. Cost to the City for shipping 89 semi loads and sorting the materials by Hamm's totaled \$55,869.59 compared to \$79,372.50 due to rebates for the first time since 2018.

The County recycling trailer program continued to service 6 Lyon County Cities, 4 Chase County Cities, and the Kahola Lake Community. In 2021 the program generated 125.23 tons of recyclable materials. This tonnage represents an decrease of 6.17 tons from 2020.

Facility upgrades included: Camera being installed in the Recycling Center and replacement of the conveyor belt on the Max-Pac Baler.

Chairperson Mayo asked about the comment in the February meeting that a consultant may be needed to assist with the plan reviews in the future since it is primarily Keith Senn and Derek Wells that update the plan. Keith Senn said that since KDHE said that our plan is one of the best in the state, they decided that no consultant was needed.

Chairperson Mayo congratulated Keith and his staff on the KDHE report with no violations.

5) **Solid Waste Management Plan Updates and Changes:**

Chairperson Mayo said that we will go through the Plan by Sections for any comments.

Section 1: Chairperson Mayo commented on adding a Climate Change statement on how it affects staff, equipment, and maintenance of the landfill to the 10 year horizon. Keith Senn said that next year is the 5 Year Review of the SWMP-Management Committee and that they will look at adding something on Climate Change at that time.

Page 1-3 Table 1.6: Fred Reber commented that in table 1.6 it showed the annual precipitation was 48.6 inches, but in the paragraph below the table is said that it was 38.6 inches.

Page 1-4, Table 1.7: Chairperson Mayo commented that the Population Prediction for Lyon County in 2025 was only 3,671. She also brought up the impact of the reduction of professors and dropping programs at Emporia State University and how that will affect the number of students in the future.

Section 3: Page 3.13: Chairperson Mayo commented on confusion the year listed in 3.m Estimate of Future Predictions of Solid Waste having the year 2020 throughout the paragraph instead of 2021.

Keith Senn made a comment that we should add a note in Section 3.1 Special Concentrations of Solid Waste, Page 3-11, about how to dispose of lithium ion batteries as they have been the cause of many fires at landfills across the U.S. He also stated that he has been running advertisements periodically to educate the public.

Section 5: Chairperson Mayo made the general comment that we need to be more concerned with climate change and that perhaps that can be included in Paragraph 5.f Natural Disasters.

Section 11: Keith Senn reminded the members that the 5 Year Review of the SWMP is in 2023.

6) **Adopt Solid Waste Management Plan with corrections discussed in tonight's meeting or reschedule for later date.**

Chairperson Mayo asked the Committee to adopt the Plan as corrected. Gary Watts made a motion to approve the Plan as corrected. Bruce Boettcher seconded the motion, and it received a unanimous vote.

7) **Items from the floor (new business/old business):**

Keith Senn said that they are "dirt poor" and was hoping that the county can haul dirt if the City of County can find any.

Keith also commented that they are looking at extending the Transfer Station to the north.

Tina Weeks commented that she had heard that diesel fuel may be in short supply later this year.

8) **Discuss Illegal Dumping Issue:**

Chip Woods commented that this is still an issue. The curve on Road 150 east of K-99 remains a favorite area, but it is a problem throughout the county.

Chairperson Mayo thanked the committee members for their attendance and their input. She said that she appreciated their comments and suggestions, and for taking the time to attend tonight. She also thanked Keith Senn, Derek Wells, and Chip Woods for their work on the committee.

Chairperson Mayo adjourned the meeting at 8:07 p.m.

Respectfully Submitted;



Warren Chip Woods
Secretary

November 2022 Solid Waste Planning Committee Meeting

**Solid Waste Management Committee
Chase County - City of Emporia - Lyon County**

Solid Waste Management Plan - Year 2021 Annual Review

Emporia City Water Filter Plant Meeting Room
November 10, 2022
7:00 p.m.

Name	Agency or Representation	Address	Email	Telephone
Chip Woods	Lyon County Eng'r	500 So. Peavine St	cwoods@lyoncounty.org	620-340-8220
Gary Watts	LYONCO	1373 Rd C	garywatts@lco.org	620-341-2548
Ann Mayo	Chase County	766 Middle Creek Rd	annmayo@chasecounty.org	620-366-0289
Keith Seann	City of Emporia	1220 Hatcher	kseann@emporiaks.gov	620-340-6332
Tim Delcamp	City of Emporia	3100 W. Seave Ave	TDelcamp@emporiaks.gov	620-340-6360
FRED REBER	LY CO @ LARGE	1542 ROAD R	fred.reber@gmail.com	620-342-7042
Derek Wells	City of Emporia	1226 Hatcher St.	dwellsemporia	620-340-6334
Tina Weeks	City of Emporia	2100 W. South Ave	tweeks@emporia-ks.gov	620-794-4848
Bruce Beecher	BG Cons.	2508 W. 15 th	bruce.beecher@ks.gov	620-345-2842

***Lyon County Zoning
Lyon County Courthouse
430 Commercial
Emporia, KS 66801
Phone (620) 341-3471 Fax (620) 341-3249
sseeley@lyoncounty.org***

November 18, 2022

Public Works Department
City of Emporia
1220 Hatcher
Emporia, KS 66801

To Whom It May Concern:

The Lyon County Planning and Zoning office has reviewed the Solid Waste Management Plan for Chase County, the City of Emporia, and Lyon County.

We find the plan to be consistent with our mission, goals, and objectives and encourage the Kansas Department of Health and Environment to approve the plan

The Lyon County Planning and Zoning office serves the Citizens of Lyon County, Kansas. Our main goals are to preserve good agricultural land and the orderly and efficient extension of public utilities in Lyon County.

We commend the efforts of the Solid Waste Planning Committee on developing a well-written comprehensive plan that responsibly deals with solid waste in Chase and Lyon Counties.

Respectfully,



Samuel Seeley
Planning/Zoning/FPM Director

cc; Lyon County Planning and Appeals Board

RESOLUTION NO. 14-22

(A RESOLUTION RELATING TO THE SOLID WASTE MANAGEMENT PLAN
OF CHASE COUNTY, THE CITY OF EMPORIA, AND LYON COUNTY,
KANSAS)

WHEREAS, the Board of County Commissioners of Lyon County, Kansas met in due and regular session on the 8th day of December 2022 and

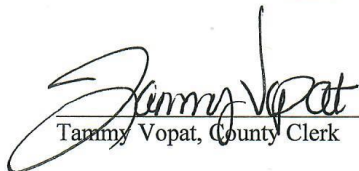
WHEREAS, the Solid Waste Management Planning Committee met on November 10, 2022, with members of that committee being present for the purpose of the Annual Review of the Solid Waste Management Plan with Lyon County as required by statute; and

WHEREAS, the 2022 Solid Waste Management Plan Annual Review for Chase County, the City of Emporia, and Lyon County was adopted as set out in the 2022 Solid Waste Management Planning Committee meeting of November 10, 2022.

NOW, THEREFORE BE IT RESOLVED, ORDERED AND ORDAINED, by the Board of County Commissioners of Lyon County, Kansas that the changes made at the Annual Review meeting held by the Solid Waste Management Committee on November 10, 2022, are hereby adopted as the 2022 Solid Waste Management Plan Annual Review for Lyon County, Kansas by the Board of County Commissioners of Lyon County upon publication.



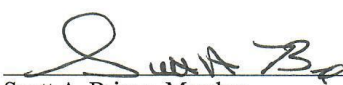
ATTEST:


Tammy Vopat, County Clerk

BOARD OF COUNTY COMMISSIONERS
LYON COUNTY, KANSAS


Rollie Martin, Chairman


Doug Peck, Vice-Chairman


Scott A. Briggs, Member

Resolution 2022-14

A RESOLUTION RELATING TO THE SOLID WASTE MANAGEMENT PLAN
OF CHASE COUNTY, THE CITY OF EMPORIA AND LYON COUNTY, KANSAS

WHEREAS the Board of County Commissioners of Chase County, Kansas met in due and regular session on this 30th day of November, 2022; and

WHEREAS the Solid Waste Planning Committee met on November 10, 2022 to review the year 2021 at the City Water Plant Meeting Room with members of that committee being present for the purpose for the Annual Review for the Solid Waste Management Plan which Lyon County is required by statue to have; and

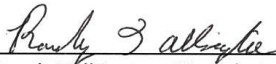
WHEREAS the Solid Waste Management Plan Annual Review for Chase County, The City of Emporia and Lyon County dated February 24, 2022 was adopted with amendments as set out in the Solid Waste Management Planning Committee Meeting minutes of February 24, 2022.

NOW, THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Chase County, Kansas that the Solid Waste Management Plan Annual Review for Chase County, the City of Emporia and Lyon County, Kansas dated along with the amendments made to that plan made by the Solid Waste Committee meeting of February 24, 2022, held at the City Water Plant Meeting Room is hereby adopted as the Solid Waste Management Plan Annual Review for Chase County, The City of Emporia and Lyon County, Kansas by the Board of County Commissioners of Chase County.

BY THE BOARD OF COUNTY COMMISSIONERS
CHASE COUNTY, KANSAS



Anthony D. Hazelton, Chairman



Randy Talkington, Vice-chairman

ATTEST:



Connie M. Pretzer, County Clerk



Matthew Miller, member

RESOLUTION NO. 3684

A RESOLUTION RELATNG TO THE ANNUAL REVIEW OF THE SOLID WASTE MANAGEMENT PLAN OF CHASE COUNTY, LYON COUNTY, AND THE CITY OF EMPORIA

WHEREAS, the Solid Waste Management Planning Committee met November 10, 2022 at the City Water Treatment Plant with members of the Committee being present for the purpose of the annual review of the Solid Waste Management Plan which Lyon County is required by statute to have; and

WHEREAS, the Solid Waste Management Plan Annual Review for Chase County, Lyon County, and the City of Emporia was adopted with amendments as set out by the Solid Waste Management Planning Committee minutes of November 10, 2022; and

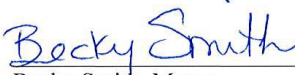
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS that the City of Emporia Solid Waste Management Plan attached hereto with the amendments approved by the Solid Waste Management Planning Committee is hereby adopted as the Solid Waste Management Plan for Chase County, Lyon County, and the City of Emporia by the Emporia City Commission upon publication.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS this 7th Day of December 2022.

ATTEST:


Kerry Sull, City Clerk




Becky Smith, Mayor

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 400
Topeka, KS 66612-1367



Phone: 785-296-1535
Fax: 785-559-4264
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

December 19, 2022

Mr. Keith Senn
Solid Waste Manager
1220 Hatcher St.
Emporia, KS 66801

RE: Lyon Chase County SWMP Annual Review Approval

Dear Mr. Senn,

The 2022 Lyon/Chase County Solid Waste Management Plan Annual Review was approved. Please submit the 2023 5-Year SWMP Update by November 1, 2023.

The SWMP 5-year Update Worksheet which was recently emailed to you can be used as a guide or the actual SWMP that is submitted to KDHE.

If you require assistance or have any questions, feel free to contact me at 785-291-3764 or Jeff.Walker@ks.gov

Sincerely,

Jeff Walker, Environmental Scientist
Waste Reduction and Local Assistance

C. Lyon Chase Co. Solid Waste File



Kansas Don't Spoil It!

Kansas Department of Health and Environment
Bureau of Waste Management



What is KDSI?

Environmental Information

Kids Place

Newsroom

Brochures & Publications

Business

Public Officials

Communities

Calendar Contest

Teachers

KDHE Gateway

Contact Us

KDSI Homepage

Kansas is a clean state, and we want to keep it that way. We began the KDSI campaign, an awareness and education program, to encourage Kansans to reduce, reuse and recycle waste and keep their state in a beautiful condition.



We aim to keep the Kansas environment top-of-mind so that every Kansan will do what's needed to "keep it clean" to minimize the amount of waste entering the environment.

Our goal is to teach citizens of Kansas how to make a difference in a variety of easy and meaningful ways. Every Kansan is able to make large or small efforts to keep their state environmentally sound. It then becomes each individual's responsibility to get involved.

Designed to reach both general and targeted audiences, the KDSI message has been introduced at the Kansas State Fair, seen on billboards and displayed on posters at recycling centers throughout Kansas. Additionally, KDSI has been communicated through pamphlets, fact sheets, newspaper ads, news releases, broadcast public service announcements and promotional items.

Further, KDSI has developed school curricula that enable educators to deliver a comprehensive message of environmental stewardship to children K-8.

We realize the incredible potential Kansas kids have in effecting a long-term consciousness about the environment. We've started with the new generation because they will carry the campaign into the future.

Your local waste management company is charged a dollar-per-ton tipping fee, which is allocated for the Kansas Bureau of Waste Management. While most of those funds go directly to grants, less than five percent is dedicated to public education.

For more information, contact your local solid waste service providers, including:

- Kansas Department of Health and Environment, Bureau of Waste Management (785.296.1600)
- Solid Waste Planning Committee
- City/County Public Works
- Private collection/disposal companies
- Elected officials
- Kansas Business and Industry Recycling Program, Inc. (BIRP) (785.273.6808)

KANSAS DEPARTMENT OF HEALTH & ENVIRONMENT - BUREAU OF WASTE MANAGEMENT
1000 SW Jackson, Suite 320 Topeka, KS 66612-1366 www.kdheks.gov/waste Phone: (785) 296-1600 Fax: (785) 296-6909

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http://www.kdheks.gov/kdsi/what_is.html

2/10/2010

**"Turn left
at the old sofa
on the side
of the road"
is not a
wise direction.**

Illegal dumping.
It hurts the environment, scars
the landscape and violates our
civic pride. Kansas is a clean state,
a beautiful state — and it's up to us
to make sure it stays that way.
For information on proper disposal
methods, call the KDHE
at 913-296-1600.

**KANSAS
DON'T SPOIL IT!**

A public awareness
initiative from your
Kansas Department of
Health and Environment

**Parents,
we thought you
ought to know
your kids are
talking trash.**

**Public education. It's important
to the "Kansas: Don't Spoil It!"
program. Teachers are helping
us spread the word: We're all
responsible for our environment.
So don't be surprised if your kids
come home saying, "Reduce, reuse,
recycle." They'll be talking trash.
And it's about time.
For more information, call the KDHE
at 913-296-1600.**

**KANSAS
DON'T SPOIL IT!**

A public awareness
initiative from your
Kansas Department of
Health and Environment

**"Turn left
at the old sofa
on the side of
the road"
is not a wise
direction.**

**Illegal
dumping.**
Find out what you can
do to keep our state
beautiful. Call the
KDHE at 913-296-1600.

**KANSAS
DON'T SPOIL IT!**

A public awareness
initiative from your
Kansas Department of
Health and Environment

**Parents,
we thought you
ought to know
your kids are
talking trash.**

**Public
education.**
It's part of the program.
Call the KDHE at
913-296-1600.

**KANSAS
DON'T SPOIL IT!**

A public awareness
initiative from your
Kansas Department of
Health and Environment

Appendix 13.h Hazardous Waste Facility

Lyon County Hazardous Waste Facility
3000 West South Avenue
Emporia KS 66801

Hours M-F 8-4

WHAT TO BRING

Household Hazardous Materials can be categorized into four groups: paints, household cleaners, garden and pest control products and automotive products. It is best to use and recycle products. As a last resort, bring materials to the site in the original containers, so active ingredients can be identified.

HOUSEHOLD/CLEANING PRODUCTS

Oven Cleaners
Toilet Cleaners
Photographic Chemicals
Disinfectants
Drain Cleaners
Rug & Upholstery Cleaners
Floor and Furniture Cleaners
Bleach Cleaners
Mothballs
Pool Chemicals
Ammonia Based Cleaners
Abrasive Cleaners or Powders

PAINT/FINISHING PRODUCTS

Paints
Enamel or Oil Based Paints
Rust Paints
Thinners and Turpentine
Furniture Strippers
Wood Preservatives Stain/Finishes

GARDEN/PEST CONTROL PRODUCTS

Pesticides/Household Insecticides
Fungicides
Arsenicals (Contain Lead)
Botanicals (Made of Plants)
Carbonates
Chlorinated Hydrocarbons
Organo-Phosphates
Roach and Ant Killers
Rat and Mice Problems
Herbicides

AUTOMOTIVE PRODUCTS

Antifreeze
Transmission Fluids
Brake Fluids
Waste Oil

**Lyon County Hazardous Waste Facility
3000 West South Avenue
Emporia KS 66801**

Hours M-F 8-4

What Not To Bring

Unknown Materials (No Label)

PCB's

Infectious Waste

Radioactive Waste

Compressed Gas Cylinders (Pressurized Cans)

Laboratory Chemicals

Asbestos

Brush Killers w/ 2,4,5-T, or 2,4,5-TP

Kepone (Found In Older Insecticides)

Silvex

Dioxins

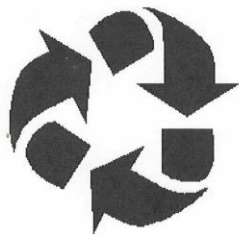
Chlorophenoxy Derivative Acids

Wood Preservatives w/Tri, Tetra, or Penta – Chlorophenols or any derived form

Before Bringing Products to Collection Site

- Check Containers – Make Sure Lids Are Tight
- Make Sure Products Are Labeled. Don't Bring Unknown Products
- Pack Each Toxic Waste In A Sturdy Container; Such As A Tub Or Box. Line The Bottom And Pack Sides with Newspaper or Other Absorbent Material
- Wrap Leaking or Dirty Individual Containers In A Clear Plastic Bag and Pak Each Item In A Larger Container With Absorbent Material, Such As "Kitty Litter" to Soak Up Leaks.
- Transport The Materials In Your Automobile Trunk or Truck Bed

Each participant will be limited to eighty (80) pounds or five (5) gallons of liquid waste per residential household visit unless prior arrangements have been made.



RECYCLING DIRECTORY

Prepared by the Natural Resources Advisory Board
Please note that the hours, phone numbers and addresses
were checked carefully but are subject to change. To be
included in future directories please contact the City of
Emporia Public Works office At 340-6339

How to recycle in Emporia for residents of Lyon and Chase Counties plus the surrounding area

The removal of recycled materials from the waste
stream has saved the City of Emporia thousands of
dollars in transfer fees. The volunteer efforts of local
individuals and businesses have helped expand this
recycling program throughout the region.

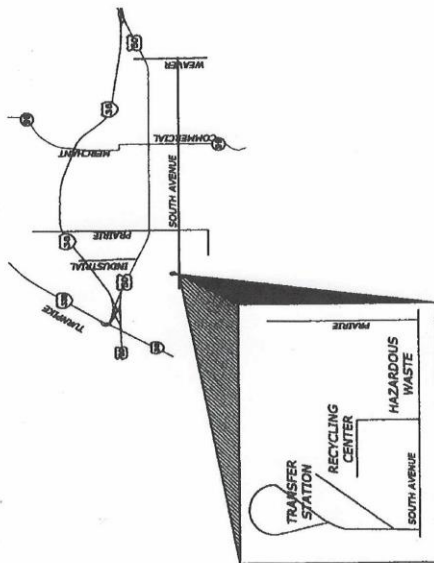
Recycling awards

The Natural Resources Advisory Board annually
recognizes area individuals and groups who have
made outstanding contributions to recycling. The
awards, presented in conjunction with Earth Day,
recognize efforts in one or more of the following
categories:

- *Recycling of non-renewable or renewable resources
- *Reuse of spent materials or those used in processing products or services
- *Unique decreases in the waste stream of the facility
- *Unusual and effective conservation measures involving recycling or materials reuse
- *Any innovative recycling application which contributes to restoring, improving or enhancing the environment

State of Kansas
Recycling Directory is
available by city, county,
or material at www.getcaughtrecycling.org

Revised and printed on recycled paper 2018



Other Lyon and Chase County Recycling Sites

Recycling trailers provided by The Flint Hills Resource Conservation and Development Council are transported to various sites by Lyon and Chase Counties on a set schedule. 620-340-8220 (Holidays are the exception.)

Lyon County

- Admire, 1st & 3rd Tues.
- Americus, 1st & 3rd Wed.
- Hartford, 2nd & 4th Wed.
- Neosho Rapids, 2nd & 4th Tues.
- Northern Heights, 2nd & 4th Thurs.
- Olpe, Every Mon.
- Reading, 1st & 3rd Thurs.

Chase County

- Cedar Point, Tues. before 2nd Thurs.
- Cottonwood Falls, 2nd & 4th Thurs.
- Matfield Green, Tues. before 4th Thurs.
- Strong City, 1st & 3rd Thurs.
- Lake Kahola, Memorial Day weekend, July 3 & 4, plus Labor Day weekend

Recyclables Collected

1. Cardboard
2. Glass
3. Junk Mail
4. Magazines
5. Newspapers
6. Plastic Milk Jugs & Pop Bottles
7. Plastics, #1 & 2
8. Tin Cans

Chase County

Hazardous Waste

Satellite Facility

202 Walnut, Cottonwood Falls, PH
620-273-8464, 1st & 3rd Thursdays 9 a.m. - 3 p.m.

Recycle with the City of Emporia

City of Emporia Recycling Center

3100 W. South Ave., Emporia, ph. 340-6360

Hours: Mon. - Sat. 8 a.m. - 5 p.m. Sun. 1 p.m. - 5 p.m.
Hours subject to change. Closed holidays.

The Center accepts the following items-

Catalogs

Cell Phones

Corrugated & All Other Cardboard-including cereal and other food boxes plus paper grocery bags (Emporia businesses may call 340-6339 for details on pick up services.)

Glass (Rinse, no need to remove labels. Put metal lids with tin cans.)

"Junk Mail" and More-business and personal letters, carbonless copies, copy paper, bills and envelopes, sales slips (except those with solid black carbons), old tax documents, neon paper

Magazines-Catalogs, & other glossy/slick paper

Newspapers-Newspapers & inserts

Paper Bags

Paper-White or Pastel Office Paper

Phone Books

Plastics #1-#7

*(Rinse bottles & discard lids)

Tin Cans(Rinse, no need to remove labels)

Recycling Trailer

at Dillons East, 902 E. 12th, Thurs. noon - Sat. 10 a.m.
Accepts clean and sorted cardboard, glass, junk mail, magazines, newspapers, office paper, plastic milk jugs, pop bottles, and tin cans.

Emporia/Lyon Co. Transfer Station

3100 W. South Ave., Emporia, ph. 340-6360
Mon. - Sat. 8 a.m. - 5 p.m. Sun. 1 p.m. - 5 p.m.

The Transfer Station accepts the following-

Christmas Trees

(no tipping fee)

Grass Clippings and Leaves-There is no tipping fee for leaves & clippings hauled to the Emporia/Lyon County Transfer Station year-round.

Tree Limbs

There is no tipping fee for tree limbs

Waste Oil

Hazardous Waste Department

Accepted at the Lyon Co. Hazardous Waste Department 3000 W. South Ave. (East of the Transfer Station), 340-6365, Mon. - Fri. 8 a.m. - 4 p.m.

See back page for information about the Chase Co. Satellite Facility

Recycle Locally

All require that you deliver materials to the recycler except where stated that pick up service is available. See directory at right for business information.

Aluminum Cans

Advantage Metals, 302 Graham, ph. 342-1122, Mon.-Fri. 8 a.m.-4:30 p.m. Sat. 8 a.m.-noon.

Aluminum Recycling

Amend Girl Scout Center, 1200 Burlingame Rd., ph. 342-

Scout Center, Advantage Metals

6th, ph. 343-1188, Mon.-Fri. 8:30 a.m.-5 p.m. Sat. 8:30 a.m.-1 p.m.

Scout Center, Advantage Metals

Group, Hedinger Developmental Services Inc.

Ammunition & Components

Jim Hill, ph. 342-4826

Antiques, Collectables, & Jewelry

Dalton Gang Antiques, Poehler

Merchandise, Poehler

4532-Aluminum cans only. Bins

Appliances

Advantage Metals

Auto batteries

Advantage Metals

Auto Bodies & Parts

Advantage Metals

Batteries Household

Nickel/Cadmium rechargeable- Wal-

Mart, Hazardous Waste

Books, Emporia Public Library,

Paperback Shack, Salvation Army,

Goodwill

Cars

Advantage Metals

Cats & Dogs

The H. Dale Buck

Cell Phones

Lyon County Dept. on

Aging, Recycling Center, Staples

Clothing, General

New for You,

Salvation Army, Goodwill

Clothing, Maternity & Infants

Birthright of Emporia, Family Life

Services

Electric Motors

Advantage Metals

Furniture

Salvation Army,

Goodwill, New for You

Household Goods

Salvation Army,

Goodwill

Magazines

Emporia Public Library

Metals

Advantage Metals accepts

iron, tin, copper, brass, aluminum,

stainless steel, more.

Plastic Bags (clean only)

Salvation

Army, Wal-Mart, Dillons, Staples

Printer Cartridges

Staples

Scrap Metal

Advantage Metals,

Aluminum Recycling, Westside Auto

Salvage

Waste Oil

Auto Zone, S & S Oil, (10

Business Directory

(Area Code 620 for all

Phone Numbers)

Advantage Metals 302 Graham,

ph. 342-1122, Mon.-Fri. 8 a.m.-

4:30 p.m. Sat. 8 a.m.-noon.

Aluminum Recycling 702 W.

6th, ph. 343-1188, Mon.-Fri. 8:30

a.m.-5 p.m. Sat. 8:30 a.m.-1 p.m.

(Call ahead to see if they're

buying batteries)

Amend Girl Scout Center 1200

Burlingame Rd., ph. 342-

4532-Aluminum cans only. Bins

behind the building are accessible

any time

Auto Zone 825 W. 6th, ph. 341-

9471, Mon.-Sat. 8 a.m.-9 p.m.

Sun. 9 a.m.-7 p.m.

Birthright of Emporia 702

Commercial (3rd floor of the Kress

Center), ph. 342-8600, Please call

first. Mon., Wed., Fri. 11 a.m.-4

p.m.

Dalton Gang Antiques 502 S.

Paperback Shack, ph. 342-9217, Tues-

Sat. 10 a.m.-6 p.m. Sun. 1 p.m.-5

p.m.

Emporia Public Library 110 E.

6th Ave., ph. 342-6524, Winter

Hrs: Mon.-Thurs. 9 a.m.-8 p.m.,

Fri. 9 a.m.-6 p.m. Sat. 11 a.m.-5

p.m. Summer Hrs: Mon., Tues.,

Thurs., Fri. 9 a.m.-6 p.m., Wed.,

9 a.m.-8 p.m., Sat. 11 a.m.-5 p.m.

Family Life Services Pregnancy

Center 615 Congress, ph. 342-

2244, Tues. 1-5 p.m., Wed. 2-

4 p.m., Thurs. 1-6 p.m.

Flint Hills Battery 615 Graham,

ph. 342-2842, Mon.-Fri. 8 a.m.-5

p.m., Sat. 8 a.m.-noon. (No longer

buys batteries, but they will

accept them to be recycled)

Goodwill 904 E. 12th Ave., ph.

343-3564, Mon.-Sat. 10 a.m.-6

p.m.

Hedinger Developmental

Services Inc 707 S. Commercial,

ph. 342-1087, Mon.-Fri. 8 a.m.-3

p.m.

Jim Hill ph. 342-4826

Lyon County Dept. on Aging-

402 Commercial, ph. 342-6119,

Mon.-Fri. 8 a.m.-5 p.m.

New for You 612

Commercial, ph. 342-

2038, Tues.-Sat. 11 a.m.-5

p.m.

Paperback Shack 1103

Commercial, ph. 342-

7108, Mon.-Fri. 10 a.m.-

5:30 p.m. Sat. 10 a.m.-4

p.m.

Poehler Mercantile

Antique Mall 301

Commercial, ph. 341-

9092, Tues.-Sat. 10 a.m.-5

p.m. Sun. 1-5 p.m.

Salvation Army 520

Constitution, ph. 343-

3166, Mon.-Sat. 9:30 a.m.-

5:30 p.m. (Deliver or call

to arrange pick up for

FURNITURE ONLY)

Spic-N-Span Cleaners 17

W. 4th, ph. 342-7484,

Mon.-Fri. 7 a.m.-6 p.m.

Staples 2200 Industrial

Rd., ph. 342-5200, Mon.-

Fri. 9 a.m.-7 p.m. Sat. 10

a.m.-7 p.m. Sun. 12-6 p.m.

The H. Dale Buck

Animal Welfare

Memorial Fund, Inc. Call

343-3377

S & S Oil & Propane

2608 W. Hwy. 50, ph. 342-

2835, Mon.-Fri. 8 a.m.-

5:30 p.m.

Wal-Mart Auto

Service/Electronics 2301

Industrial Rd., ph. 343-

7813, Mon.-Sat. 8 a.m.-7

p.m.

Westside Auto Salvage

3401 W. 6th Ave., ph. 342-

9083, Mon.-Fri. 8 a.m.-

5:30 p.m. Sat. 9 a.m.-1

p.m.

Appendix 13.j C&D Landfill Operations Report

City of Emporia/Lyon County C & D Landfill "Operations Report"

General: City of Emporia/Lyon County plans to operate a **Construction and Demolition Landfill**, otherwise known as **C & D Landfill** within the site the City of Emporia/Lyon County owns located in the Northwest Quarter of Section 17, Township 19 S, Range 11 E. The C&D Landfill will serve all citizens within City of Emporia/Lyon County and Chase County whether from incorporated or unincorporated cities, the townships, or the county at large. All businesses operating within the counties and all citizens of the counties may participate in the use of the landfill. The facilities water source is the local six-inch waterline main from the City of Emporia. Water service is available at the site office and is intended for sanitary and drinking purposes. Depending on the season, water from the contact water retention basin may be used for fire fighting. There are multiple fire hydrants located at the facility. A fire hydrant is located northwest and another south of the transfer station building. In addition to these two hydrants there is one west of the recycling building and another near the entrance to the landfill facility. This appendix will cover three utilized areas within the facilities boundaries, the actual C&D disposal site, an area for yard waste, brush and tree limb debris, and finally, an area for white goods/salvageable materials to be collected in a roll off container, including sheet metal, rebar, miscellaneous metal parts excluding motor vehicles etc., to be stockpiled for periodical removal by scrap dealers.

Facility Signage: The C&D Landfill shall post a permanent sign at the entrance to the facility with information for the public to determine operations and acceptable wastes and all other information deemed necessary by KDHE.

Dates & Hours of Operation: The C&D Landfill will be open for use Monday through Sunday, excluding holidays, 52 weeks a year. Special arrangements may be made for use on other days or outside of operating hours on an individual basis, if personnel are available. The landfill will be available for use as needed if emergencies occur, such as unusual storm damage. The hours of operation will be:

Hours of Operation:

8:00 AM to 5:00 PM Monday thru Saturday

The hours of operation change with daylight saving time and are subject to change. The hours of operation are posted on the facility sign located at the Southern edge of the property. The site has a perimeter fence with a locking gate to prevent unauthorized dumping during closed hours.

Items Accepted:

The current definition of C&D waste according to K.S.A. 65-3402 (u) is: "solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities; untreated wood and untreated sawdust from any source; treated wood from construction or demolition projects; small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles, and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act; solid waste consisting of motor vehicle window glass; and solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm related cleanup. Such wastes include, but are not limited to, bricks, concrete, and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging*."

*According to K.S.A. 65-3402 (dd), "'construction related packaging' means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. 'Construction related packaging' does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging generated during maintenance of existing structures."

Under certain circumstances furniture may be allowed in the C&D Landfill. Furniture does not include computer monitors or other computer components, TVs, VCRs, stereos, or other similar waste electronics. Furniture shall only be accepted in the C&D area when designated by the solid waste director. An example of such an instance when furniture may be accepted would be a natural disaster of a small magnitude or any other special circumstance that could render an abundance of furniture type waste.

In addition to the items *explicitly* identified as C&D waste in K.S.A. 65-3402 (u), the Kansas Department of Health and Environment (KDHE) considers the following materials as *acceptable* for disposal in a C&D landfill:

1. Wooden pallets;
2. Street sweepings (litter must be removed; concentrations of metals, VOCs, and other compounds must be below regulatory levels);
3. Floor tile, siding, and roofing material containing non-friable asbestos. This material should be:
 - a. handled so it remains non-friable (e.g., may have to be manually removed prior to demolition of structure);
 - b. transported wet (covered with a mist spray to suppress dust) or transported with tarp cover; and
 - c. covered immediately at the landfill;
4. Trees, brush, sod, and incidental quantities of leaves and grass;
5. Metal scrap (e.g. tie strapping);
6. Processed wood which is not considered to present a significant risk of adverse impacts to groundwater quality, including coated wood (e.g., painted, stained, varnished) from any source and engineered wood (e.g., plywood, laminated wood, oriented-strand or particle board) from any source, except as noted in item 3 below;
7. Mobile homes and trailers (except the tires and fuel tanks). KDHE encourages the recycling of metal components. Dry mud trap solids (those that pass the paint filter test, EPA method SW 846/9095) from commercial car washes may be applied as cover at a C&D landfill.

Certain wastes are unacceptable for disposal in a C&D landfill. K.S.A. 65-3402 (u) states: " 'construction and demolition waste' shall not include waste material containing friable asbestos, garbage, appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities." In addition to the items *explicitly* identified in K.S.A. 65-3402 (u) as not being C&D waste, KDHE considers the following wastes *unacceptable* for disposal in a C&D landfill:

1. Processed tires - i.e. cut or baled;
2. Mud trap wastes from businesses other than commercial car washes;
3. Processed wood which is considered to present a significant risk of adverse impacts to groundwater quality, including wood disposed from industrial manufacturing processes where the wood is treated with creosote, oilborne preservatives (e.g., pentachlorophenol or copper naphthenate) or waterborne preservatives (e.g., chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), or ammoniacal copper quarternary compound (ACQ));
4. Bagged or bulk quantities of leaves and/or grass clippings;
5. Trash bags unless demonstrated to contain only acceptable wastes.

Clean rubble and rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste. All vehicles will be inspected upon arrival at the C&D office and any loads not meeting the above description will be rejected, (see procedure below).

Procedures: All loads will be screened, logged in, weighed, and inspected by the operator to ensure wastes entering the C&D disposal area are appropriate and acceptable C&D wastes. The operator has the right to refuse any materials prior to the load being unloaded. The screening area shall be cleared of waste no more than 24 hours after the waste has been deposited. The landfill fees will be collected on acceptable materials and the individuals given a receipt, unless other prior arrangements are made with the Public Works Office. All moneys collected and the receipt log will be turned in to the City Treasurer on a daily basis. If acceptable, the vehicles will be directed to the appropriately designated areas for dumping.

Waste material containing non-friable asbestos shall be handled so it remains non-friable. The material shall be transported wet or with a tarp cover from the scale house to the disposal area and, once identified, will be covered immediately at the landfill.

C&D debris will be screened on a daily bases. The C&D debris will be placed a short distance, having a distinct

visual separation, from the active face of the C&D landfill to be inspected. Once a month on a randomly selected day, a truck entering the C&D disposal area, will be inspected more thoroughly by dumping the entire load away from the active face of the C&D disposal and sifting through the contents with machinery. Screening may be increased for haulers and individuals who try to dump and/or dispose of illegal or unacceptable wastes. These individuals may be refused service. If a load is rejected because it contains non-C&D waste, landfill personnel will document the date and time of refusal, the driver's name, the delivery vehicle license, the origin of waste, the hauling company's name and address, the load's size or the amount of waste rejected, the reason for rejection, and the inspector's name. The rejection information shall place in the landfill's operating log. If a rejected load contains regulated hazardous waste, regulated PCB waste, or medical waste, or if such waste are discovered while screening acceptable materials, then personnel will notify KDHE (785) 296-1600 within one business day of the specifics of the rejected load. Non-C&D waste that is screened from incoming loads, that is not recyclable, and does not require KDHE notification will be rejected or given the option of paying a fee and placing the waste in the transfer station to be transported by the contracting trash hauler to a sub-title D landfill. Scrap metal generated by screening will be placed away from the C&D operating area and transferred daily to the scrap metal area. If the material rejected does not leave the site (sent to transfer station or recycled) it is not necessary to record the load rejection information.

Waste will be compacted into the working face at least once daily and when the screening area is full. The daily compaction shall consist of a minimum of two compaction passes over the waste. The areas requiring cover will be leveled and compressed with landfill equipment. The working face of the landfill pit shall be covered with a minimum of 12 inches of intermediate cover to be applied at least once every 120 days or every 2000 tons of waste disposed, but not to exceed once a week. The wood chip, compost and soil mixture may be used as intermediate cover (or other covers as outlined in the Yard Waste Brush and Limp Materials Section of this document) or between applications of 120 day/2,000 ton cover to limit air intrusion, litter control and to limit vector harborage. Wooden pallets will be stockpiled and ground to reduce volume in the landfill, the wooden pallets grindings will not be used for cover material. The operator shall maintain a log outlining the dates intermediate cover is applied (See Recordkeeping and Reporting requirements).

Temporary berms within the current phase of the landfill shall be placed to divert storm water around the active face of the landfill. The active face of the landfill shall be separated with a twelve inch (12") berm graded to drain at a minimum slope of 0.5%. Storm water from the intermediate cover is not considered contact water and may be diverted from the contact water basin, however great care shall be used when determining the coverage limits and drainage directions.

Landfill personnel will apply water to site roads and to the cell area as necessary to control dust. When it is available, contact water will be used. Contact water will not be used in a manner that allows it to enter site ditches or other surface water, or leave the site. The water will be applied by a tank trailer with a spreader bar.

The C&D Landfill will be developed in phases; the sequence is seen in the attached drawing. Placement of the waste will start at the farthest point from the contact water retention facility. The waste will be placed on the working face with a maximum lift of five feet and will not exceed a maximum slope of 3:1. The working face of the waste will move toward the cell limits attaining maximum capacity. At no time shall there be vertical edges of newly placed or compacted waste.

A copy of the daily logs and inspection reports shall be maintained for inspection by KDHE personnel at the landfill office and copies sent with the associated tonnage fees to KDHE each year as required in the construction-demolition permit compliance requirements. Records will be kept both on site and in the public works office.

Upon completion of filling within the C&D disposal area the final site shall be constructed to the approved C&D landfill closure plan. Final grades and elevations shall comply with the established C&D disposal area closure plan. KDHE will be given notice that the facility will close at least 60 days prior to ceasing to accept waste. Upon closure, a "closed" sign will be placed at the landfill gates and regular haulers will be notified.

Estimated Daily Volume and Capacity: A rough estimate of daily tonnage or volume of construction and demolition waste would be forty (40) tons/day. With a disaster, such as a tornado or severe storm, this volume could be much more. The proposed C & D landfills' capacity is 203,000 cubic yards, which at the anticipated waste receipt rates will be expected to last approximately 7.4 years.

Machinery and Equipment: The following machinery and equipment will be consigned to the proposed C & D landfill; 1 semi-truck, 1 pickup truck, 1 brush hog, 1 mower, 1 track loader, 1 wood grinder, 1 tractor, 1 water pump, 1 backhoe, 1 bobcat, 1 scales, 1 office building, and miscellaneous office supplies. Additionally 1 water truck is available from the City's Public Work Department. Supplementary equipment from the County's Road and Bridge Department or the City's Public Works Department may be used throughout the year.

Facility Drainage System: Storm water shall be diverted around the active phases by the berms presented in the design drawings and allowed to surface flow away or around the active phase of the landfill. The run-on control berms will be maintained in sufficient condition to exclude a 25 year-24 hour storm event discharge from flowing onto the active portion of the landfill. Erosion control measures shall be used to control run-off on all disturbed portions of ground. The erosion control used shall comply with KDOT standards. An example of KDOT approved erosion control methods are illustrated on Sheet 10 of the "CITY OF EMPORIA & LYON COUNTY C & D LANDFILL OPERATING & CLOSURE PLANS" dated July, 2006.

C&D Contact Water: The C&D landfill site will have drainage confined to the immediate area with a collection basin. The screening area will be sloped toward the working face. The retention pond shall serve as both a sedimentation basin and contact water collection system. After collection, the C&D contact water that does not evaporate from the retention basin will be used to irrigate the vegetation on the facility's property, and for dust control on both the access roads and in the landfill areas. The collection basin shall provide an emergency overflow. If the C&D contact water management system fails, landfill personnel will notify KDHE by the end of the next business day at (785) 296-1600. If pollutants enter the waters of the state, either from the storm water run-off control system or the contact water management system, landfill personnel will immediately notify KDHE.

Final Closure: When an area becomes full or C&D landfill closure becomes necessary this will be covered with an 18" layer of low permeability soil-compacted, on-site. Afterwards a 12" vegetative soil-on-site layer will be utilized to cover this and seeding and mulching will be performed, (see closure plan).

Yard Waste/Brush and Limb Materials: The majority of limbs and brush will be ground into mulch via an industrial grade wood grinder. The mulch will be given away to the public or used in the construction and demolition landfill. The wood chip mulch will be mixed with compost and soil for a mixture that will be used as cover material. Possible uses in the construction and demolition landfill would be as intermediate cover, sub-cover, temporary cover, or occasional cover. Any of these uses would be for litter control, smoothing the landfill surface, or provide fill over rough waste and reduce soil cover loss in voids. Material which is too large to grind or in case of mechanical failure of the grinder or in case of an overwhelming disaster, or emergency, the material will be burned or disposed of in another acceptable manner.

White Goods/Salvageable Materials: Although not a part of the C&D landfill, the facility will continue to process and stockpile white goods/salvageable materials at the facility's site. Only appliances that have been evacuated and tagged will be accepted for disposal in the C&D Landfill, appliances that arrive without tags will be assumed to contain CFCs and processed with the appliances known to contain CFCs. Appliances that arrive either without tags, with CFCs and if the facility chooses, tagged appliances shall be shipped from the site. White goods/salvageable materials should not be stored in areas where water will accumulate. White goods/salvageable materials are to be stored in a manner that prevents injury from collapse on the public or landfill personnel. The estimated generation of white goods/salvageable materials is four tons a year. White goods/appliances are placed in a 40 cubic yard container along with scrap iron at the designated location and transported to a local scrap iron recycler as needed (typically once per week). White goods, which have not or cannot be recycled, must be disposed of at a permitted municipal solid waste landfill, transfer station, or construction & demolition landfill, once ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act. All white goods that cannot be recycled shall be re-weighed, disposed of and documented for facility records. Landfill personnel shall reference the KDHE Technical Guidance Document SW 95-02 concerning the management of the white goods for guidance and information. The collection site is remote from the C&D Landfill. The primary white goods collection site is clearly marked. It is a large roll off container located near the transfer station. Drainage at this location has slopes/grades that ensure storm water does not leave the transfer station compound.

The secondary white goods storage area is located east of the Transfer Station tipping building and north of the lot

on the concrete slab on a dead end access road. This area is only used when/if the local scrap iron recycler is unable to accept scrap iron and an alternate scrap iron recycler is used. White goods and scrap iron are stored until a sufficient amount of scrap iron is accumulated. A scrap iron recycler then loads and transports the material off site (typically once every 6 to 8 weeks). The storage area allows for proper drainage of storm water away from the white goods and is located in an area that will not allow the water to leave the compound.

As a last resort, white goods will be stored at the primary storage area. A certified contractor who has proper training and equipment will be contracted to remove and properly dispose of chemicals (i.e. – CFC's, HCFC's, PCB's, mercury and oils). The white goods would then be disposed of in the on-site construction demolition landfill, in accordance with KDHE regulations and provisions of the federal clean air act.

Safety: This section will deal with the safety and health of the landfill employees and City/County residents using the facilities. This will include training and measures the City will provide for the employees.

The City shall continue to implement health awareness and safety training for all landfill employees. This will include continuing to send employees to the KDHE safety and health meetings when offered and continuing to send staff to training courses on a regular basis. This operations plan shall be reviewed by all landfill staff on an annual basis. The City will continue a monthly safety and health meeting to be held for all landfill employees. Each employee shall be aware and responsible for their own safety and the safety of the public at large. Each employee shall wear the appropriate personal protective equipment when required. This may include steel toe boots, hard hats, gloves, safety glasses, hearing protection or any other applicable equipment. Landfill staff shall wear the designated personal protective equipment as required by certain tasks in and around the landfill facility. Additionally, all permanent landfill heavy construction equipment shall have an enclosed compartment for the operator and little to no handwork shall be done when separating, hauling and compacting waste materials. The City shall post warning signs, as deemed necessary by the Solid Waste Director, to inform the public and employees of possible safety hazards. The City shall conduct a safety audit once a year to review any incidents, current procedures and employee training used at the facility to better improve the safety for the employees and the public at large.

In the event of an on-site emergency the operator shall assess the situation and immediately contact the appropriate authorities. Emergency calls shall be routed through radio or by any communication available. Emergency contact phone numbers shall be readily available to all landfill staff (See Emergency Contact Phone Numbers).

Emergency: This section will deal with emergency situations and operations of the City of Emporia/Lyon County Construction and Demolition Landfill Facility. This section will disclose possible methods of handling selected emergency situations. Items to be addressed in the portion of the manual will deal with circumstances that are not normally encountered during standard operations of the facility. In the event of an emergency the operator shall assess the situation and IMMEDIATELY contact EMERGENCY SERVICES by radio or by any communication available and then contact the remaining appropriate authorities.

Emergency Contact Phone Numbers:

Solid Waste Supervisor	(620) 340-6332
Sheriff/Police	911
Fire	911
Ambulance	911

The C&D Landfill may be temporarily closed for site emergencies. In the event that the C&D Landfill is rendered inoperable for whatever reason, vehicles delivering waste to the facility should be accommodated. Depending upon the magnitude of the event and the estimated time required to reopen the C&D Landfill, the delivering vehicles may be made to wait until the landfill is reopened. If the facility is to be closed for an extended period of

time, upon the decision of the Solid Waste Director, all solid waste that was handled by the landfill shall be either disposed in the transfer station or direct hauled by the haulers to another permitted C&D landfill.

Fire: Within the facility there are instances when certain controlled fires and burning is allowed at specific locations and under strict regulations by trained staff. Items such as brush and timber are allowed to be disposed at the current time by combustion. However, in the event that an uncontrolled fire breaks out within the facility, it is recommended that the staff follow the procedure outlined below. In the event of an unauthorized fire within the facility, all staff members should be directed to contact EMERGENCY SERVICES IMMEDIATELY by radio or by any communication available. A determination should be made as to the magnitude of the event. If the combustion cannot be contained by readily available fire prevention equipment, the staff should clear all individuals from the area of the blaze and wait for firefighting professionals to arrive.

If the fire is determined as “containable”, personnel may attempt to control the fire by utilizing available firefighting equipment. It is recommended that all staff members be made aware of the locations of all firefighting equipment within the facility. Fire extinguishers and fire hydrants are located throughout the facility. Use of the equipment should be limited to controlling the fire of a known origin. If there exists any doubt about the nature of the fire, staff personnel should clear the area and wait for fire fighters to arrive.

In the case of any fire situation and in accordance with K.A.R. 28-29-308(c) the following shall be observed:

1. All fire fighting methods shall continue until all smoldering, smoking and burning cease.
2. KDHE shall be notified within one business day and submit a written report within one week.
3. Upon completion of fire fighting activities, cover and regrade each disruption of finished grades, covered surfaces, or completed surfaces.

Explosion: In the event of an explosion occurring within the facility, all personnel should be removed from the area of the blast. Immediately contact EMERGENCY SERVICES and wait for their arrival.

Enter the area of the explosion only if there exists an immediate threat to the life of a victim, and then, only if the individual’s personal safety is reasonably assured.

Hazardous Material Spills: In the event that hazardous material is accidentally discharged, the landfill staff should immediately notify the local EMERGENCY SERVICES. The staff may, if they choose and if no immediate threat exists to any individuals, elect to try and contain the spill. Under no circumstances shall the staff put themselves or the public in danger. If the material enters a drainage ditch, soil should be placed downstream from the spill to contain the contamination. No steps should be taken by the staff to collect or remove the contamination without the authorization of the proper individuals. Spills of materials that could be hazardous to water quality or cause soil contamination will be immediately reported to the KDHE Bureau of Environmental Remediation at (785) 296-0614.

Non-Hazardous Material Spills: Any spill or accidental discharge whether hazardous or non-hazardous should be handled with great care. Under no circumstances shall the staff put themselves or the public in danger. In the event of a non-hazardous spill the landfill staff shall assess the situation and contact the appropriate authorities to determine the best method to control the spill.

Mechanical Breakdowns: The possibility of a mechanical breakdown is likely. In the event that the equipment used within the facility experiences mechanical failure, staff shall contact the Solid Waste Director about temporary

use of alternate equipment within the facility. Supplementary equipment from the County's Road and Bridge Department or the City's Public Works Department may be used if the Solid Waste Director deems it necessary.

Personnel Emergencies: It is anticipated that operations may be suspended for any number of personnel emergencies. If anyone is in immediate danger Emergency Personnel shall be contacted immediately by radio or by any communication available and then contact the remaining appropriate authorities. All landfill staff shall be aware of the location of all first aid stations.

C&D Landfill Closure: Construction and Demolition cell or landfill closure shall be constructed whenever a cell becomes full or landfill closure is necessitated. The C&D Landfill may also be temporarily closed for site emergencies. The largest area to be closed at any one time shall be confined to 2.0 acres. The total waste to be deposited within all the permitted limits of the C&D Landfill facilities will be 405,426 cubic yards. Final closure shall be placed within six months after waste filling operations have ceased. KDHE shall be notified at least 60 days prior to the closure. Prior to actual closure of the C&D landfill an approved plan for alternate disposal of C&D materials previously disposed of at the site shall be approved by KDHE. All areas will be covered with 18" of a *Low Permeability Soil Layer (permeability of 1×10^{-5} centimeters per second or less)*. This will be compacted and leveled and thereafter a 12" topsoil layer (*Vegetative Soil*) will be added, leveled and *Seeding and Mulching* carried out. Thus, the total depth of cover over the C&D waste should be 30". The C&D Landfill is scheduled to be filled and closed in phases. The adjoining slopes of phases shall not receive a final closure layer, but shall receive a 12" uniform layer of compacted soil. All surface slopes shall have a minimum grade of at least 2%, but no greater than 3:1. Depending upon the time of year and weather conditions, the area will either be seeded with fescue or native grass seed and a 1" straw mulch layer applied. Temporary seeding shall be applied until permanent seeding application is within the recommended season. Seeding mixtures and applications can be seen in the design drawings. The closure procedures will be completed within 180 days and the site will be turned back into native pasture ground. The closure will need to be inspected and the materials and construction certified by a Kansas licensed engineer. Refer to the Construction Quality Assurance (CQA) Plan in the appendix for guidelines for the testing and inspection. The accompanying construction and demolition construction plans will include the final site plan with final contours and construction details for the closure. Once closure activities have been completed, KDHE shall be notified for inspection and post-closure care implementation. Post-closure access will remain the same as current operating access control (as shown on sheet 2 of the Operating and Closure Plans).

The closure cost estimate for the C&D Landfills are submitted yearly and are available by request from the City of Emporia Public Works Administrator's Office and/or the Kansas Department of Health and Environment-Bureau of Waste Management.

C&D Landfill Post Closure: The City of Emporia/Lyon County shall maintain the surface of the closed site, repairing erosion and maintaining quality vegetative cover for 30 years. The City of Emporia/Lyon County shall make quarterly documented inspections of the site and continue all monitoring as required by KDHE. The reports shall be kept at the landfill for a minimum of five years. The City of Emporia/Lyon County will meet all post closure KDHE requirements as required by KDHE (K.A.R. 28-29-12).

Inquires or reports on the C&D Landfill post closure shall be submitted to the Solid Waste Supervisor.

Public Works Department
Solid Waste Supervisor
1220 Hatcher St.
Emporia, Ks 66801
(620) 340-6332

Recordkeeping and Reporting Requirements: This section will summarize the recordkeeping and reporting requirements to meet KDHE regulations. Additional records may be required internally or by other agencies.

Recordkeeping: The County shall keep records of the following information.

- The operator shall keep a record of each day that waste is screened at the landfill.
- The operator shall keep a record and maintain information for each load of C&D waste that is placed in the landfill. The information included in this record shall consist of the tons or volume of C&D waste, state in which the waste was generated, and if the waste is exempt from the state solid waste tonnage fee and reasoning for exemption if warranted.
- The operator shall keep a record and maintain information for all waste diverted by the landfill for recycling. The information included in this record shall consist of the type of waste, the tons or volume of each type of waste, the state in which the waste was generated, and the name and address of the facility to which the waste was sent for recycling.
- The operator shall keep a record and maintain information of the dates on which cover material is applied to the waste.
- The owner shall retain all documents concerning the landfill permit and landfill construction for a minimum of five years after the completion of the post closure care period. The documents shall be stored in the public works office and shall be readily available to KDHE personnel. These documents shall be:
 - The permit application and all supporting information;
 - Renewal documents;
 - CQA Plans and Reports;
 - Additional information as required by the conditions of the permit; and
 - The following documents, which shall be stored at the facility while the facility is active: current permit, permit conditions, design plans, operations plan, contingency plan, closure plan, and post closure plan.
- The owner or operator shall retain all documents concerning the operations at the landfill for a minimum of five years after the event occurs. The documents shall be stored at the facility and shall be readily available to KDHE personnel. These documents shall be:
 - The waste screening records;
 - The records of refused and returned waste;
 - The records of all waste disposed of, whether on-site or offsite;
 - The records of waste recycled;
 - Employee training records;
 - Gas Monitoring results, if applicable;
 - Groundwater monitoring results, if applicable;
 - Documentation of post closure inspection; and
 - Additional information as required by the conditions of the permit.

Reporting: The County shall report the following information to KDHE on forms provided by the department.

- C&D waste disposal that is placed in the landfill. The information included in this record shall consist of the tons or volume of C&D waste and the state in which the waste was generated.
- Recycling information included in this record shall consist of the type of waste, the tons or volume of each type of waste, the state in which the waste was generated, and the name and address of the facility to which the waste was sent for recycling.
- The operator shall keep a record and maintain information of the dates on which cover material is applied to the waste.
- Information required for permit renewal.
- Additional information as required by the conditions of the permit.
- If there is a fire at the site the operator shall notify KDHE within one business day and submit a written report to KDHE within one week.
- Accidental discharge of pollutants or materials which are detrimental to the quality of waters of the state or tend to cause pollution to the soil shall be immediately reported to KDHE.

- Notification within one business day to KDHE if regulated hazardous, regulated polychlorinated biphenol (PCB) waste, or medical waste is brought to the facility. Notification shall include whether the waste was accepted or rejected, type, amount, and source of the waste. The waste shall be managed in accordance with the hazardous waste, PCB, or medical waste regulations, as appropriate.
- Notification in writing at least sixty (60) days before the closure of each disposal unit/phase at the landfill and the final closure of the C&D landfill.
- Following completion of the post closure care period for the C&D landfill the owner shall submit a certification to the Secretary of the Kansas Department of Health and Environment. The certification shall be sign by a professional engineer licensed in Kansas and shall verify that the post closure care requirements have been fulfilled in accordance with the post closure plan.

CITY OF EMPORIA/LYON COUNTY C&D LANDFILL
RANDOM INSPECTION LOG

DATE _____(mo/day/year) LANDFILL ATTENDANT____(initial)

TIME _____ AM PM (circle)

LOCATION OF INSPECTION: (check one)

In Vehicle _____

On Tipping Floor _____

In Burn Area _____

In CD Landfill Area _____

In Recyclable Storage Area _____

CONTENTS OF LOAD:

C&D Waste _____

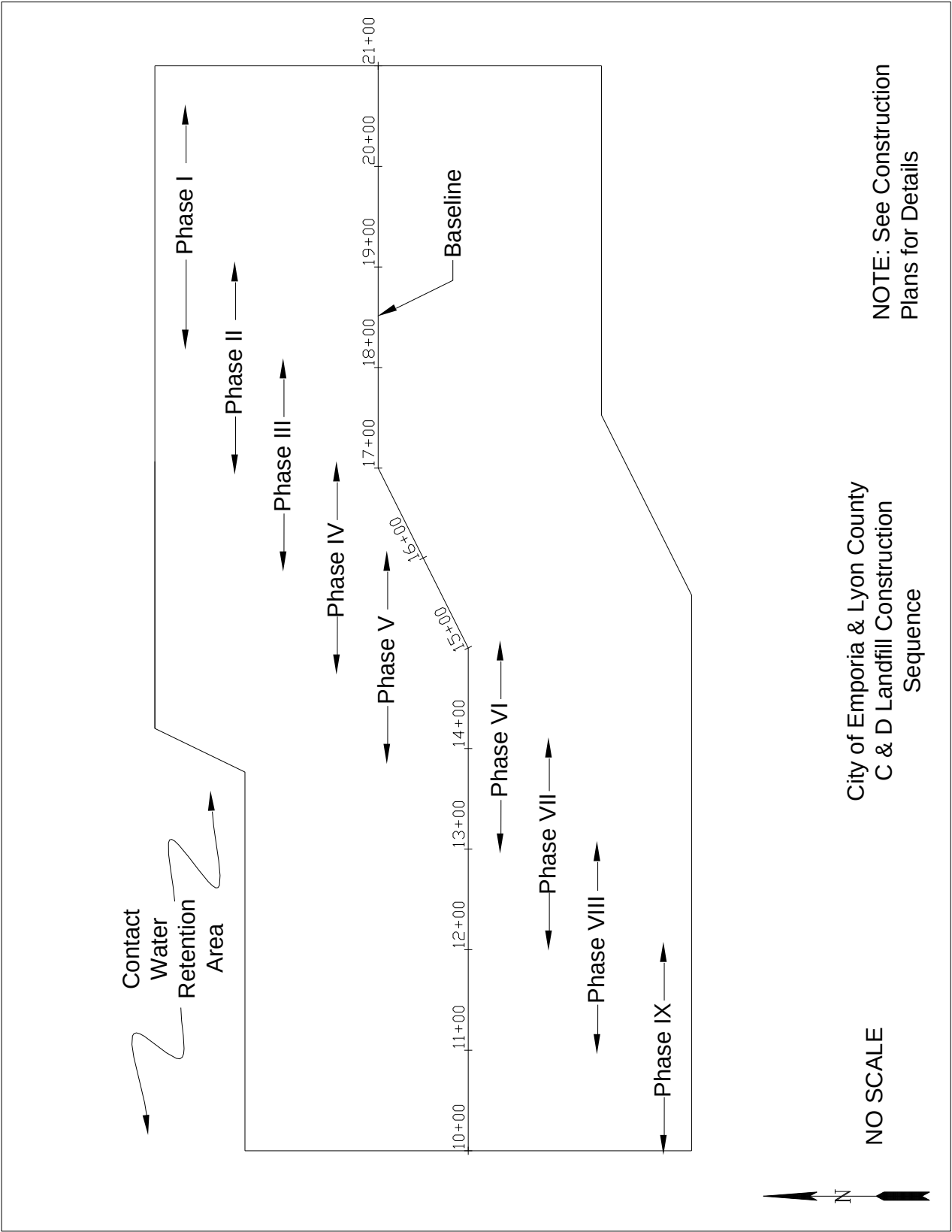
Municipal Solid Waste _____

Other (explain)_____

Items rejected or not allowed to be processed at facility:

Waste disposer's name & address:

Vehicle description & tag number:



Appendix 13.k CONSTRUCTION AND DEMOLITION LANDFILL CLOSURE

CONSTRUCTION QUALITY ASSURANCE PLAN (CQA Plan)

June, 2006

**Last Update:
(4/23/2007)**

CONSTRUCTION QUALITY ASSURANCE PLAN

1.1 INTRODUCTION

Each phase at the City of Emporia/Lyon County Construction & Demolition (C&D) Landfill will be constructed in accordance with the requirements of the construction quality assurance (CQA) plan described in the following sections.

1.2 PERSONNEL

Contractor will designate a quality assurance (CQA) officer. The CQA officer will be a professional engineer registered in the State of Kansas. The CQA officer will supervise and be responsible for all inspections, testing, and other activities required to be implemented as part of the CQA plan. The CQA officer will be responsible for, and provide direct supervision to, a staff of engineers and/or engineering technicians performing the testing, sampling, and inspections required by the CQA plan. The CQA officer will be present during major undertaking, and at critical times during construction. The CQA officer's staff shall be on-site full-time for any of the construction activities specified herein.

1.3 INSPECTION ACTIVITIES

It is required that the CQA officer, or his/her designated representative, be present during the following construction activities to inspect and document the following:

1. Prepare "As Built" drawings of the permitted waste area, this shall include horizontal limits of the disposal area along with base and side elevations prior to waste placement.
2. Excavation, grading, and preparation of the subbase to design parameters (if required).
3. Topographic data collection of the disposal pits and final closure when applicable.
4. Placement of the compacted low permeability layer during final cover.
5. Placement of the vegetative/protective layer during final cover.
6. Construction of permanent contact water management structures.
7. Construction of permanent storm water management structures.

1.4 SAMPLING PLAN AND TESTING REQUIREMENTS

1.4.1 Subbase Grade Preparation

Testing for subbase fill will be performed as shown on Table 1. Subbase fill material (if required) will be placed in maximum 10-inch lifts and compacted. The completed subbase will be surveyed on a 50-foot grid and at each break in slope. The documented subbase grades will be included in the construction documentation report.

1.4.2 Compacted Low Permeability Layer Testing Requirements for Final Cover

1.4.2.1 Soil Prequalification Testing

The earthen material proposed for use as low permeability layer material will be prequalified prior to low permeability layer construction. Prequalification testing will be performed as shown on Table 1. This plan will evaluate material index properties, moisture-density relationship, and hydraulic conductivity and establish the density/moisture versus permeability relationship.

1.4.2.2 Field Testing

Testing of the low permeability layer during construction will be performed as shown on Table 1. Moisture and density testing by nuclear methods will be conducted at a minimum frequency of 3 tests per half acre per 6 inches of material placed. The soil will be placed in 8-9 inch loose lifts and compacted to 6 inches thick. Moisture and density testing will be considered failed if either one falls beyond the limits specified in Table 1. Materials failing moisture contents testing will be rewetted or dried to specified moisture levels and recompacted. Materials failing density testing will be recompacted until a passing test is achieved. Additional tests will be required when:

1. Earthen materials from different sources are proposed for use.
2. To isolate areas of failing work.

To ensure accuracy and reproducibility of testing of the earthen low permeability layer for density and moisture content all nuclear density gauges will be certified to calibration and recertified and calibrated every year. Test holes needed during construction shall be backfilled with bentonite material and hand tamped in 4 inch lifts. Samples will be obtained and testing in the laboratory for moisture and density to confirm field test results as outlined in Table 1.

1.4.2.3 Low Permeability Layer Thickness Verification

Testing of the low permeability layer thickness during construction will be performed by hand auger. The thickness shall be verified by a minimum of 3 tests (in random locations) per half acre of closure area. Test holes shall be backfilled with bentonite material and hand tamped in 4 inch lifts. Additional soil shall be placed and compacted or excess soil removed in failing areas until the specified thickness and slope is attained. No negative tolerance from the specified thickness is allowed.

1.4.2.4 Construction Laboratory Testing

Low permeability layer samples will be obtained during construction at a frequency of one sample per 6,600 cubic yards of material placed. Laboratory testing will include moisture/density relationship (proctor testing), hydraulic conductivity, Atterberg limits determination, and grain size distribution. A hydraulic conductivity test will be considered failed if the results indicate a hydraulic conductivity greater than 1×10^{-5} cm/sec. In the event of a failing test, 1) the soil may be removed, or 2) recompacted and retested until a passing result is obtained, or 3) the soil immediately above and below the test specimen from the same Shelby tube may be tested. If both tests pass, the low permeability layer is accepted. If either test fails, that portion of the low permeability layer will be rejected and it will be reconstructed and retested until it passes.

1.4.3 Vegetative/Protective Layer Sampling Plan

The final earthen cover will be constructed to protect the low permeability layer and support native vegetation. The compaction requirements will be Type B – MR 90 (KDOT Specifications, 1990 edition). There will be no permeability requirements.

The earthen material for the final cover will be 12-inches vegetative topsoil. Boring using a hand auger to test the thickness will be performed a minimum of 3 tests (in random locations) per half acre of closure area. Test holes shall be backfilled with the topsoil that was removed during testing and hand tamped in 4 inch lifts. The thickness requirement will be considered met if the tested thickness is ≥ 12 inches. A topographic survey shall be performed to verify final contour elevations.

1.4.6 Surface Water Management System Sampling Plan

Construction of surface water management features consists primarily of earthwork and, therefore, shall be monitored with methods similar to those specified for the low permeability layer and vegetative/protective layer systems. Soil berms will be compacted to Type B-MR 90 requirements.

1.4.7 Notification of Closure

The CQA Officer shall notify the Kansas Department of Health and Environment at least 60 days prior to closure commencing.

1.4.8 Certification of Closure

The CQA Officer shall submit a CQA report with certification for each construction event including cell development, closure, or partial closure. Each CQA report shall certify the cell(s) were closed to approved specifications, construction drawings and in accordance to State and Federal regulations. CQA reports shall include:

- Written summary of construction activities;
- Representative photographs;
- Field notes;
- Test Results;
- As-Built drawings stamped by a Kansas Registered Land Surveyor;
- Kansas Licensed Professional Engineer's certification that construction was completed in accordance with approved plans (or descriptions of deviations).

Table 1
Material Testing and Frequency
City of Emporia/Lyon County Construction & Demolition Waste Landfill

Material/Activity	Test	Requirement	Nominal Frequency	Method Reference
Subbase Preparation	Survey	Design Subbase ± 0.2 feet	50-foot grid	-----
Prequalification of Low Permeability Layer Material	Grain Size Distribution	$\geq 50\%$ P200	Change in soil type	ASTM D422
	Atterberg Limits	LL ≥ 20 , PI ≥ 10	Change in soil type	ASTM D4318
	Moisture/Density	Proctor Test (5 point test)	Change in soil type	ASTM D698
	Hydraulic Conductivity	$\leq 1.0 \times 10^{-5}$ cm/sec $\leq 1.0 \times 10^{-5}$ cm/sec (low permeability layer)	At each Proctor point	ASTM D5084
Compacted Low Permeability Layer Construction	Field Moisture and Density	Relationship based upon proctor versus K	3 per half acre per 6 inch compacted layer	ASTM D3017 and D2922
	Proctor Test (Grab Sample)	-----	1 per 5,200 cy placed or Change in soil type	ASTM D698
	Hydraulic Conductivity (undisturbed sample)	$\leq 1.0 \times 10^{-5}$ cm/sec $\leq 1.0 \times 10^{-5}$ cm/sec (low permeability layer)	1 per 6,600 cy placed or Change in soil type	ASTM D5084
	Atterberg Limits (Grab Sample)	LL ≥ 20 , PI ≥ 10	1 per 1,000 cy placed	ASTM D4318
	Grain Size Distribution (Grab Sample)	$\geq 50\%$ P200	1 per 1,000 cy placed	ASTM D422
	Liner Thickness	1.5' min.	3 per half acre	Hand Auger

Vegetative/Protective Layer Construction	Density	Type B-MR90	-----	KDOT Spec., 1990 ed.
	Cover Thickness	1.0' min.	3 per half acre	Hand Auger
	Survey	Final Contours ± 0.2 feet	50-foot grid	-----



Commission Action Report

Informational Items

Title: Informational Items

Agenda Date: January 8, 2025

Presented By: Trey Cocking, City Manager

Background:

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight the organization's accomplishments.

Discussion:

At the time this Agenda was prepared, the following items were in the works for the tentative Agendas of the upcoming meetings on Wednesday, January 22, 2025.

Commission Meeting :

- Proclamation Recognizing the Week of January 26-February 1 as Catholic Schools Week
- Proclamation Recognizing the 100th Anniversary of Girl Scouts of the Kansas Heartland Council.
- Proclamation Recognizing January 23rd as the Sertoma Club's 100th Anniversary.
- Ordinance Vacating A Platted Alley West of 12th Avenue Baptist Church.
- Reject Lift Station No. 1 Bid.
- City of Emporia Legislative Policy

Public Building Commission Meeting

- Establish Officers
- Resolution of Intent for PBC Revenue Bonds
- Authorization to Sell PBC Revenue Bonds

NO STUDY SESSION



Commission Action Report

Business Meeting

Title: Business Meeting

Agenda Date: January 8, 2025

1. 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.

2a. Elect a Vice-Mayor for the coming year. In the past, this position has been filled based on the results of the most recent local election. Once again, no statutory requirement exists for this process.
2. Approve surety bonds for the City Manager Cocking, City Clerk Sull, and City Treasurer Harrouff. The City has obtained the Surety Bonds from Cincinnati Insurance Co. for the 2025 fiscal year.
3. 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 hearings and meeting notices, emergency orders, and other official notices must be published in the official newspaper.
4. 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
 - Capital Federal



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: January 8, 2025

Recommended Action:

Recess into executive session for 30 minutes inviting pertinent city staff to discuss confidential data of a third party relating to economic development. The justification for the executive session is provided by K.S.A. 75-4319(b)(4) to protect financial affairs and trade secrets of third parties. The open meeting will resume in this room at approximately __:____ a.m./p.m.

Title: 2025 Legislative Policy Statement
Agenda Date: January 8, 2025
Presented By: Trey Cocking, City Manager

Background:

Each year, the City Commission formalizes its legislative stance by adopting a position paper outlining the City's objectives for the upcoming state legislative session.

Discussion:

The 2025 Legislative Policy Statement outlines the City's stance on the following topics:

- Home Rule
- Rural Hospital Funding
- Rural Housing Incentive Loan Fund
- Housing
- Tax Policy & Spending
- Property Taxes
- League of Kansas Municipalities

Attachments:

2025 Legislative Policy Statement

CITY OF EMPORIA 2025 LEGISLATIVE POLICY STATEMENT

HOME RULE - We believe the governing of public affairs should be as close to the people as possible and that Home Rule is essential to vigorous, effective and responsible local government under our representative system. Home Rule is crucial to the continued ability of locally elected officials to solve problems in ways most appropriate to local needs and conditions. Legislation which affirms the ability to pass local laws on the same subject is strongly supported.

RURAL HOSPITAL FUNDING - Emergency medical services and public hospitals must provide medical services without regard to the ability of patients to pay. The expansion of Medicaid in Kansas would allow medical providers to be at least partially compensated for some medical services to economically disadvantaged citizens. We support the expansion of Medicaid in Kansas.

RURAL HOUSING INCENTIVE LOAN FUND -We support the creation of a State low interest revolving loan fund to finance development in Reinvestment Housing Incentive Districts.

HOUSING – The City of Emporia supports programs that encourage access to quality housing, including but not limited to, the Housing Investor Tax Credit Act, the Kansas Affordable Housing Tax Credit Act, the Kansas Rural Home Loan Guarantee Act, guaranteeing appraisals in rural counties, the Historic Kansas Act, and the Kansas Rural Housing Incentive District Act.

TAX POLICY & SPENDING - Local spending and taxing decisions are best left to local officials representing the citizens that elected them. We oppose state-imposed limits on the taxing and spending authority of cities. Changes to tax policies should not be undertaken without a full understanding of the overall impact on all taxpayers, taxing entities, and the sources and amounts of revenues generated or eliminated by such policy changes.

PROPERTY TAXES - All property taxing authorities, including cities, counties, the state, school districts, special districts, and community colleges should be transparent, and abide by the same limitations, restrictions, and requirements. Any additional transparency measures should not be burdensome or costly. We encourage the state and local governments to make government more efficient and recognize the need to work together on innovative approaches to reduce property taxes.

LEAGUE OF KANSAS MUNICIPALITIES – In addition, the City of Emporia supports the League of Kansas Municipalities Statement of Municipal Policy. The policy is a crucial framework supporting local autonomy and effective governance. It emphasizes the importance of Home Rule, allowing municipalities to address unique local needs effectively. This policy advocates for empowering local officials, who are intimately aware of their community's challenges and opportunities, ensuring that decisions are made closest to the people they affect.

APPROVED by the Emporia City Commission, this 8th day of January 2025.

Erren Harter, Mayor

Susan Brinkman, Vice-Mayor

Tyler Curtis, City Commissioner

Jamie Sauder, City Commissioner

Becky Smith, City Commissioner

Title: Appoint City Commission Members to Boards
Agenda Date: January 8, 2025

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. Sauder is the City Commission's current representative.
- **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. Sauder 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. Mayor Harter is the City Commission's current representative.
- **Transient Guest Tax Advisory Board**-appoint one person to serve as the City Commission liaison to the Transient Guest Tax Advisory Board. The City is entitled to one appointee from the Commission. Mayor Harter is the City Commission's current 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. Curtis 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. Curtis is the current City Commission representative.
- **Emporia Main Street-** appoint one person to serve as the City Commission liaison to the Emporia Main Street Board. The City is entitled to one appointee from the Commission. Currently, Comm. Smith is the City Commission's current representative.
- **Emporia Public Library Board-** as per statute the current Mayor is always appointed to serve as the City Commission representative on the Emporia Public Library Board. Comm. Brinkman is the City Commission's current representative.
- **Recreation Commission Steering Committee** -appoint one person to serve as the City Commission liaison to the Recreation Commission Steering Committee. The City is entitled to one appointee from the commission. Currently, Comm. Brinkman is the City Commission's current representative.