



**CITY COMMISSION
WEDNESDAY, AUGUST 27, 2025 AT 11:00 AM
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER Mayor Erren Harter

MEMBERS PRESENT

Vice-Mayor Becky Smith
Commissioner Susan Brinkman
Commissioner Tyler Curtis
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) Public Hearing for CDBG Soccer Complex Improvements

Presented by: Mark Detter, Deputy City Manager

Recommended Action: Conduct Public Hearing for CDBG Soccer Complex Improvements

2) Resolution No. 3768 Authorizing Application for CDBG Grant

Presented by: Mark Detter, Deputy City Manager

Recommended Action: Approve Resolution No. 3768 authorizing application for CDBG Grant for \$1,500,000 for improvements at the DeBauge Soccer Complex at 4201 W. 18th Avenue

3) Resolution No. 3769 Authorizing CDBG Grant for Operation and Maintenance of Soccer Complex

Presented by: Mark Detter, Deputy City Manager

Recommended Action: Approve Resolution No. 3769 assuring the Kansas Department of Commerce that funds will be continually provided for the operation and maintenance of improvements to the Soccer Complex

4) Contract for Administrative Services for CDBG Soccer Complex Improvements Project

Presented by: Mark Detter, Deputy City Manager

Recommended Action: Approve contract with Western Consultants for CDBG grant administration for Soccer Complex Improvements Project

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

GOVERNING BODY COMMENTS

Mayor Erren Harter

Vice-Mayor Becky Smith

Commissioner Susan Brinkman

Commissioner Tyler Curtis

Commissioner Jamie Sauder

EXECUTIVE SESSION

NO STUDY SESSION

ADJOURNMENT



Commission Action Report

Public Hearing for CDGB Soccer Complex Improvements

Title: Public Hearing for CDBG Soccer Complex Improvements

Agenda Date: August 27, 2025

Presented By: Mark Detter, Deputy City Manager

Background:

The City of Emporia, Kansas, is submitting a grant application for the 2025 Kansas Small Cities Community Development Block Grant Program under the Kansas Department of Commerce. The purpose of the Grant is to make improvements to the DeBauge Soccer Complex.

Discussion:

The City of Emporia is applying for the CDBG Small Cities Community Development Block Program. It is a federal program with a significant number of requirements. The Grant Application will include a description of the project, which currently includes improvements to existing soccer field facilities, including a new turf field, a new grass field, lighting for turf fields, a concession stand/restroom building, a storage building, and other site improvements.

Governmental Assistance Services will be the Grant Administrator, making applications and administering the Grant (if awarded).

Financial considerations:

The Grant request will be for \$1,500,000. The Rec Commission will match at least \$1.5 million, and a donation from a private donor of \$1.5 million over ten years. The entire project is estimated at just under \$4.5 million.

Recommended action:

Conduct Public Hearing for CDBG Soccer Complex Improvements

Attachments:

Affidavit of Publication

CDGB Information: Opinion of Probable Project Cost-Soccer Complex Improvements

See Proof on Next
Page

The Emporia Gazette
109 W. 6th Ave
(620) 342-4800

I, Bettina Shank, of lawful age, being duly sworn upon oath, deposes and says that I am the Operations Manager of The Emporia Gazette, a publication that is a "legal newspaper" as that phrase is defined for the city of Emporia, for the County of Lyon, in the state of Kansas, that this affidavit is Page 1 of 2 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:

Aug. 19, 2025

Notice ID: d2T13Z3GOLhXag8AwFY7

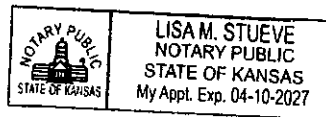
Notice Name: Public Hearing Notice CDBG Soccer Complex

PUBLICATION FEE: \$44.00

Bettina Shank
Operations Manager

VERIFICATION

STATE OF KANSAS
COUNTY OF LYON



Signed or attested before me on this

19th day of August, A.D. 2025.

[Signature]
Notary Public

(First Published in the Emporia Gazette on August 19, 2025).

Public Hearing Notice

Community Improvement Application
The City of Emporia, KS will hold a public hearing on Wednesday, August 27, 2025, at 11:00 AM in the City Commission Chambers located at 518 Mechanic St, Emporia, KS 66801, for the purpose of considering an application to be submitted to the Kansas Department of Commerce for Small Cities Community Development Block Grant funds under the Community Facilities Large Grants category.

A specific project application to be considered is a Soccer Complex Improvements Project that will consist of improvements to the existing soccer field facilities including grading and site prep, storm water management, site paving, field and lighting improvements, fencing, new restroom/concession facility, maintenance facility, and other miscellaneous appurtenances related to construction activities.

All project activities will occur at 4201 West 18th Avenue, Emporia, KS 66801. The estimated project cost is \$4,495,492, with the grant request for \$1,500,000 of the project cost.

Other project proposals introduced at the hearing will be considered. Oral and written comments will be recorded and become a part of the City of Emporia's CDBG Citizen Participation Plan. If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact Brandi Galbreath, ADA Coordinator at least 48 hours before the public hearing at 620-343-4291 or at bgalbreath@emporia-kansas.gov.

CDBG Information: Opinion of Probable Project Costs for Soccer Complex Improvements

Estimate Prepared

8/13/2025

Scenario 1: Soccer Complex Sustainment

This scenario includes construction on property currently owned by the City, with site and infrastructure improvements, accessible site paving, construction of (2) refurbished soccer field with associated field lighting. Additional amenities will provide for a maintenance building and modernization to create accessible restrooms. This scenario is not recommended for CDBG application.

Scenario 2: Soccer Complex Modernization

This scenario includes construction on property currently owned by the City, with site and infrastructure improvements, accessible site paving, construction of (1) turf soccer field and (1) refurbished soccer field with associated field lighting, and perimeter field fencing. Additional amenities will provide for a maintenance building and universally accessible restrooms with supporting spaces. This scenario is recommended for grant funding and aligns with the intent of CDBG to improve quality of life.

Scenario 3: Relocated Soccer Complex

This scenario includes construction on an alternative property, to be purchased or otherwise re-purposed by the City, with site and infrastructure improvements, accessible site paving, construction of (1) turf soccer field and (1) refurbished soccer field with associated field lighting, and perimeter field fencing. Additional amenities will provide for a maintenance building and universally accessible restrooms with supporting spaces. This scenario may require land procurement and/or utility infrastructure needs which may exceed project funding capabilities and is not recommended for CDBG application.

Construction Costs (Direct Costs Related to Construction)

Grading and Site Prep	\$259,105
Storm Water Management	\$0
Site Paving for Accessibility	\$100,000
Soccer Fields, Sports Lighting (2 Refurbished Grass Fields)	\$1,141,056
Soccer Field Perimeter Fencing	\$0
Restroom Facility Modernization	\$122,400
New Maintenance Facility	\$265,000

\$ 1,887,561

Construction Costs (Direct Costs Related to Construction)

Grading and Site Prep	\$445,000
Storm Water Management	\$710,000
Site Paving for Accessibility	\$100,000
Soccer Fields, Sports Lighting (1 Turf Field + 1 Refurbished Grass Field)	\$1,876,000
Soccer Field Perimeter Fencing	\$225,000
New Restroom/Concession Facility	\$335,000
New Maintenance Facility	\$265,000

\$ 3,956,000

Construction Costs (Direct Costs Related to Construction)

Grading and Site Prep	\$770,000
Storm Water Management	\$710,000
Site Paving for Accessibility	\$100,000
Soccer Fields, Sports Lighting (1 Turf Field + 1 Refurbished Grass Field)	\$1,876,000
Soccer Field Perimeter Fencing	\$225,000
New Restroom/Concession Facility	\$335,000
New Maintenance Facility	\$265,000

\$ 4,281,000

Project Soft Costs (Indirect Costs Related to Construction)

Topographic Surveying	\$20,000
Geotechnical	\$8,000
Legal / Financing for Local Match	\$20,000
Design and Engineering	\$357,194
Construction Contract	\$89,298
Grant Administration	\$45,000
	\$ 539,492

Total Project Budget (Construction Costs + Project Soft Costs) \$ 4,495,492

Soccer Complex Options for Scenario 2

Option 1 : Upgrade the refurbished soccer field to be an artificial turf field

Construction Costs (Direct Costs Related to Construction)

Soccer Field (Upgrade from Grass to Artificial Turf)	\$900,000
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Subtotal \$	900,000
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Project Soft Costs (Indirect Costs Related to Construction)

Design and Engineering	6.400%	\$57,600
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Construction Contract	1.600%	\$14,400
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Subtotal \$	72,000
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Project Total for Option 1 \$	972,000
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Option 2: Install Scoreboards

Construction Costs (Direct Costs Related to Construction)

(2) Scoreboards and Associated Work	\$39,750
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Subtotal \$	39,750
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Project Soft Costs (Indirect Costs Related to Construction)

Design and Engineering	6.400%	\$2,544
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Construction Contract	1.600%	\$636
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Subtotal \$	3,180
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Project Total for Option 2 \$	42,930
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Date of Issue:
08.12.25



Commission Action Report

Resolution No. 3768
Authorizing Application for CDBG Grant

Title: Resolution No. 3768 Authorizing Application for CDBG Grant
Agenda Date: August 27, 2025
Presented By: Mark Detter, Deputy City Manager

Background:

The City of Emporia, Kansas, is submitting a grant application for the 2025 Kansas Small Cities Community Development Block Grant Program under the Kansas Department of Commerce. The purpose of the Grant is to make improvements to the DeBauge Soccer Complex.

Discussion:

The City of Emporia is applying for the CDBG Small Cities Community Development Block Program. It is a federal program with a significant number of requirements. The Grant Application will include a description of the project, which currently includes improvements to existing soccer field facilities, including a new turf field, improved grass field, lighting for soccer fields, concession stand/restroom building, storage building, and other site improvements..

GSA will be the Grant Administrator making applications and administering the Grant (if awarded).

Financial considerations:

The Grant request will be for \$1,500,000. The Rec Commission will match at least \$1.5 million, and a donation from a private donor of \$1.5 million over ten years. The entire project is estimated at just below \$4.5 million.

Recommended action:

Approve Resolution No. 3768 authorizing application for CDBG Grant for \$1,500,000 for improvements at the DeBauge Soccer Complex at 4201 W 18th Avenue.

Attachments:

Resolution No. 3768
CDGB Information: Opinion of Probable Project Cost-Soccer Complex Improvements
Anti-Displacement-Plan
App disclosure report
Determination of Level of Review
Statement of Assurances and Certifications

THE CITY/COUNTY OF _____, KANSAS

RESOLUTION NO. _____

RESOLUTION CERTIFYING LEGAL AUTHORITY
TO APPLY FOR THE 2025 KANSAS
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FROM THE KANSAS DEPARTMENT OF COMMERCE
AND AUTHORIZING THE MAYOR/COMMISSIONER
TO SIGN AND SUBMIT SUCH AN APPLICATION

WHEREAS, The City/County of _____, Kansas, is a legal governmental entity as provided by the laws of the STATE OF KANSAS, and

WHEREAS, The City/County of _____, Kansas, intends to submit an application for assistance from the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby certifies that the City/County of _____, Kansas, is a legal governmental entity under the status of the laws of the STATE OF KANSAS and thereby has the authority to apply for assistance from the KANSAS SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby authorizes the MAYOR/COMMISSIONER of _____, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

THE APPLICANT hereby dedicates \$_____ in cash funds toward this project and \$_____ in force account labor for same.

APPROVED BY THE GOVERNING BODY OF THE CITY/COUNTY OF _____
KANSAS, this ____ day of _____, 20____.

APPROVED _____
MAYOR/COMMISSIONER

ATTEST _____

(SEAL)

THE CITY/COUNTY OF _____, KANSAS

Project Soft Costs (Indirect Costs Related to Construction)

Topographic Surveying	\$20,000
Geotechnical	\$8,000
Legal / Financing for Local Match	\$20,000
Design and Engineering	\$357,194
Construction Contract	\$89,298
Grant Administration	\$45,000
	\$ 539,492

Total Project Budget (Costruction Costs + Project Soft Costs) \$ 4,495,492

Soccer Complex Options for Scenario 2

Option 1 : Upgrade the refurbished soccer field to be an artificial turf field

Construction Costs (Direct Costs Related to Construction)

Soccer Field (Upgrade from Grass to Artificial Turf)	\$900,000
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Subtotal \$	900,000
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Project Soft Costs (Indirect Costs Related to Construction)

Design and Engineering	6.400%	\$57,600
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Construction Contract	1.600%	\$14,400
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Subtotal \$	72,000
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Project Total for Option 1 \$	972,000
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Option 2: Install Scoreboards

Construction Costs (Direct Costs Related to Construction)

(2) Scoreboards and Associated Work	\$39,750
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Subtotal \$	39,750
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Project Soft Costs (Indirect Costs Related to Construction)

Design and Engineering	6.400%	\$2,544
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Construction Contract	1.600%	\$636
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Subtotal \$	3,180
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Project Total for Option 2 \$	42,930
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Date of Issue:
08.12.25

(Minimum required by all applicants for funding – must be submitted with application)

**Residential Anti-displacement and Relocation Assistance Plan
under Section 104(d) of the
Housing and Community Development Act of 1974, as Amended**

The jurisdiction will replace all occupied and vacant occupiable low- and moderate-income dwelling units demolished or converted to a use other than as low- moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR Part 570.488.

All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the [jurisdiction] will make public and submit to the Kansas Department of Commerce the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low- and moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as Section 104(d) replacement dwelling units;
5. The source of funding and a time schedule for the provision of Section 104(d) replacement dwelling units; and
6. The basis for concluding that each Section 104 (d) replacement dwelling unit will remain a low- and moderate-income dwelling unit for at least ten years from the date of initial occupancy.

The jurisdiction will provide relocation assistance, as described in Section 570.488 to each low- and moderate-income household displaced by the demolition of housing or by the conversion of a low- and moderate-income dwelling to another use as a direct result of assisted activities.

Consistent with the goals and objectives of activities assisted under the act, the jurisdiction will take the following steps to minimize the displacement of persons from their homes:

Based on initial review of project, the following occupied dwellings (by address) will be demolished with grant funds (should contain proposed demolitions):

As chief official of the jurisdiction, I hereby certify that the above plan was officially adopted by the jurisdiction of _____ on the _____ day of _____, _____.

Date: _____ Signature – Chief Elected Official: _____

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing
and Urban Development

OMB Number: 2501-0017
Expiration Date: 1/31/2026

Public Reporting Burden Statement: This collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of the requested information. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to: U.S. Department of Housing and Urban Development, Office of the Chief Data Officer, R, 451 7th St SW, Room 8210, Washington, DC 20410-5000. Do not send completed HUD-2880 forms to this address. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid OMB control number. This agency is authorized to collect this information under Section 102 of the Department of Housing and Urban Development Reform Act of 1989. The information you provide will enable HUD to carry out its responsibilities under this Act and ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. This information is required to obtain the benefit sought in the grant program. Failure to provide any required information may delay the processing of your application and may result in sanctions and penalties including of the administrative and civil money penalties specified under 24 CFR §4.38. This information will not be held confidential and may be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. §552). The information contained on the form is not retrieved by a personal identifier, therefore it does not meet the threshold for a Privacy Act Statement.

Applicant/Recipient Information

* UEI Number:

* Report Type:

1. Applicant/Recipient Name, Address, and Phone (include area code)

* Applicant Name:

* Street 1:

Street 2:

City:

State Abbreviation:

* Zip Code:

County:

* Country:

* Phone:

2. Employer ID Number (do not include individual social security numbers):

3. HUD Program Name:

4. Amount of HUD Assistance Requested/Received: \$

5. State the name and location (street address, City and State) of the project or activity

Project Name:

* Street 1:

Street 2:

City:

State Abbreviation:

* Zip Code:

County:

* Country: USA: UNITED STATES

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity?

These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. For further information see 24 CFR Sec. §4.3.

☐ Yes

☐ No

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1-Sep. 30)? For further information, see 24 CFR §4.9.

☐ Yes

☐ No

If you answered "**No**" to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form. However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested/Expected Sources and Use of Funds. Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name	Department/State/Local Agency Name
* Government Agency Name:	* Government Agency Name:
Government Agency Address:	Government Agency Address:
* Street 1:	* Street 1:
Street 2:	Street 2:
City: State Abbreviation: * Zip Code:	City: State Abbreviation: * Zip Code:
County:	County:
Country:	Country:
* Type of Assistance:	* Type of Assistance:
* Amount Requested/Provided: \$	* Amount Requested/Provided: \$
* Expected Uses of the Funds:	* Expected Uses of the Funds:

Note: For Part 1, use additional pages if necessary. Add Attachment:

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for assistance or in the planning, development, or implementation of the project or activity.

* Alphabetical list of all persons with a reportable financial interest in the project or activity (for individuals, give the last name first)	* Unique Entity ID	* Type of Participation in Project/Activity	* Financial Interest in Project/Activity (\$ and %)			
			\$			%
			\$			%
			\$			%

2. Any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

* Alphabetical list of all persons with a reportable financial interest in the project or activity (for individuals, give the last name first)	* City of Residence	* Type of Participation in Project/Activity	* Financial Interest in Project/Activity (\$ and %)			
			\$			%
			\$			%
			\$			%

Note: For Part 2, use additional pages if necessary. Add Attachment:

Certification:

I/We, the undersigned, certify under penalty of perjury that the information provided above is true and correct.

Warning: Anyone who knowingly submits a false claim or makes a false statement is subject to criminal and/or civil penalties, including confinement for up to 5 years, fines, and civil and administrative penalties. (18 U.S.C. §§ 287, 1001, 1010, 1012, 1014; 31 U.S.C. §3729, 3802).

* Signature:

* Date: (mm/dd/yyyy):

Kansas Department of Commerce
Community Development Block Grant (CDBG) Program
1000 S.W. Jackson St., Suite 100
Topeka, KS 66612-1354

DETERMINATION OF LEVEL OF REVIEW

ENVIRONMENTAL REVIEW RECORD (ERR)

Grantee Name & Project Number: _____

Project Location: _____

Project Description:

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” and the following determination with respect to the project is made:

- ☐ Exempt from NEPA review requirements per 24 CFR 58.34(a)(____)
- ☐ Categorical Exclusion NOT Subject to §58.5 authorities per 24 CFR 58.35(b)(____)
- ☐ Categorical Exclusion SUBJECT to §58.5 authorities per 24 CFR 58.35(a)(____)
- ☐ An Environmental Assessment (EA) is required to be performed.
- ☐ An Environmental Impact Statement (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

_____ Chief Elected Official (print name/title)	_____ Chief Elected Official's Signature
_____ Date	

STATEMENT OF ASSURANCES AND CERTIFICATIONS

The applicant hereby assures and certifies with respect to the grant that:

- (1) It possesses legal authority to make a grant submission and to execute a community development and housing program.
- (2) Its governing body has duly adopted or passed as an official act a resolution, motion, or similar action authorizing the person identified as the official representative of the grantee to submit the final statement, all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the grantee to act in connection with the submission of the final statement and to provide such additional information as may be required.
- (3) Prior to submission of its application to Commerce, the grantee has met the citizen participation requirements, prepared its application of community development objectives and projected use of funds, and made the application available to the public, as required by Section 104(a)(2) of the Housing and Community Development Act of 1974, as amended, and implemented at 24 CFR 570.486.
- (4) It has developed its final statement (application) of projected use of funds so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight; the final statement (application) of projected use of funds may also include activities that the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available.
- (5) Its chief executive officer or other officer of the grantee approved by Commerce:
 - (a) Consents to assume the status of a responsible federal official under the National Environmental Policy Act of 1969 and other provisions of federal law as specified in 24 CFR 58.1(a);
 - (b) Is authorized and consents on behalf of the grantee and himself/herself to accept the jurisdiction of the federal courts for the purpose of enforcement of his/her responsibilities as such an official; and
- (6) The grant will be conducted and administered in compliance with the following federal and state regulations (see Appendix A: Applicable Laws and Regulations):

- (a) Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), and implementing regulations issued at 24 CFR Part 1;
- (b) Fair Housing Amendments Act of 1988, as amended, administering all programs and activities relating to housing and community development in a manner to affirmatively further fair housing; and will take action to affirmatively further fair housing in the sale or rental of housing, the financing of housing, and the provision of brokerage services;
- (c) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.602);
- (d) Section 3 of the Housing and Urban Development Act of 1968, as amended; and implementing regulations at 24 CFR Part 75;
- (e) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60;
- (f) Executive Order 11063, as amended by Executive Order 12259 and implementing regulations at 24 CFR Part 107;
- (g) Section 504 of the Rehabilitation Act of 1973 (Pub. L. 93-112), as amended and implementing regulations when published for effect;
- (h) The Age Discrimination Act of 1975, as amended, (Pub. L. 94-135), and implementing regulations when published for effect;
- (i) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the implementing regulations at 24 CFR 570.488;
- (j) Anti-displacement and relocation plan requirements of Section 104(d) of Title I, Housing and Community Development Act of 1974, as amended;
- (k) Relocation payment requirements of Section 105(a)(11) of Title I, Housing and Community Development Act of 1974, as amended.
- (l) The labor standards requirements as set forth in 24 CFR 570.603 and HUD regulations issued to implement such requirements;
- (m) Executive Order 11988 relating to the evaluation of flood hazards and Executive Order 11288 relating to the prevention, control, and abatement of water pollution;

- (n) The regulations, policies, guidelines and requirements of 2 CFR Part 200 as they relate to the acceptance and use of federal funds under this federally assisted program;
 - (o) The American Disabilities Act (ADA) (P.L. 101-336: 42 U.S.C. 12101) provides disabled people access to employment, public accommodations, public services, transportation, and telecommunications;
- (7) The conflict of interest provisions of 24 CFR 570.489 apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or sub recipients which are receiving CDBG funds. None of these persons may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter, and that it shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this certification;
 - (8) It will comply with the provisions of the Hatch Act that limits the political activity of employee;
 - (9) It will give the state, HUD, and the Comptroller General or any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant;
 - (10) It will comply with the lead-based paint requirements of 24 CFR Part 35 Subpart B issued pursuant to the Lead-Based Paint Hazard Elimination Act (42 U.S.C. 4801 et seq.).
 - (11) The local government will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by low- and moderate-income persons unless: (a) CDBG funds are used to pay the proportion of such assessment that relates to non CDBG funding or; (b) the local government certifies to the state that, for the purposes of assessing properties owned and occupied by low- and moderate-income persons who are not very low-income, that the local government does not have sufficient CDBG funds to comply with the provision of (a) above.
 - (12) It accepts the terms, conditions, selection criteria, and procedures established by this program description and that it waives any right it may have to challenge the legitimacy and the propriety of these terms, conditions, criteria, and procedures in the event that its application is not selected for CDBG funding.

- (13) It will comply with the regulations, policies, guidelines, and requirements with respect to the acceptance and use of federal funds for this federally assisted program.
- (14) It will comply with all parts of Title I of the Housing and Community Development Act of 1974, as amended, which have not been cited previously as well as with other applicable laws.

The applicant hereby certifies that it will comply with the above stated assurances.

_____ Signature, Chief Elected Official	_____ Name (typed or printed)
_____ Title	_____ Date

To Whom It May Concern:

As Chief Elected Official of the City/County of _____, I hereby certify that I have knowledge of all activities in the above-referenced application. I also certify that I am aware that the regulations of the CDBG program prevent the use of any facility built or rehabilitated with CDBG funds, or any portion thereof, to be used for the conduct of official business. I therefore certify that no portion of the above application violates this regulation.

Mayor/County Commission

ATTEST:

City/County Clerk



Commission Action Report

Resolution No. 3769 Authorizing CDBG Grant for
Operation and Maintenance of Soccer Fields

Title: Resolution No. 3769 Authorizing the CDBG Grant for Operation and Maintenance of Soccer Fields

Agenda Date: August 27, 2025

Presented By: Mark Detter, Deputy City Manager

Background:

The City of Emporia, Kansas, is submitting a grant application for the 2025 Kansas Small Cities Community Development Block Grant Program under the Kansas Department of Commerce. The purpose of the Grant is to make improvements to the DeBauge Soccer Complex.

Discussion:

The City of Emporia is applying for the CDBG Small Cities Community Development Block Program. The Grant requirements include specifying the operations and maintenance annual budget. The estimated costs for Operation and Maintenance are \$35,003 yearly.

Financial considerations:

The complex estimated construction price is just under \$4.5 million. The estimated yearly maintenance is \$35,003.

Recommended action:

Approve Resolution No. 3769 assuring the Kansas Department of Commerce that funds will be continually provided for the operation and maintenance of improvements to the Soccer Complex.

Attachments:

Resolution No. 3769

THE CITY/COUNTY OF _____, KANSAS

RESOLUTION NO. _____

A RESOLUTION ASSURING THE KANSAS DEPARTMENT OF COMMERCE THAT FUNDS WILL BE CONTINUALLY PROVIDED FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS TO THE _____ SYSTEM TO BE FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, The City/County of _____ is applying for Small Cities Community Development Block Grant funds under the Community Facility Category, as administered by the Kansas Department of Commerce; and,

WHEREAS, The City/County of _____ wishes to utilize this funding for the purpose of constructing improvements to the City's/County's _____ system, as described in the Community Development Block Grant application submitted to the Kansas Department of Commerce; and,

WHEREAS, The City/County of _____ has determined that the annual operation and maintenance costs of the _____ improvements are anticipated to be approximately \$ _____; and,

WHEREAS, The annual _____ budget has been determined to be adequate to fund the operation and maintenance of the _____ improvements,

NOW, THEREFORE, BE IT RESOLVED THAT: The Governing Body of the City/County of _____, Kansas, hereby assures the Kansas Department of Commerce that sufficient funds will be provided for the continued operation and maintenance of the above described improvement; that these operation and maintenance costs will be reviewed annually; and that the budget will be adjusted, when necessary, to reflect and cover any increase in costs.

ADOPTED BY THE GOVERNING BODY OF THE CITY/COUNTY OF _____, KANSAS THIS ____ DAY OF _____, 20____.

ATTEST:

MAYOR/COMMISSIONER

CITY CLERK/COUNTY CLERK

(SEAL)



Commission Action Report

Contract for Administrative Services
for CDBG Soccer Complex Improvements Project

Title: Contract for Administrative Services for CDBG Soccer Complex Improvements Project

Agenda Date: August 27, 2025

Presented By: Mark Detter, Deputy City Manager

Background:

Garrett Nordstrom with Western Consultants will be performing the Grant Administration on the CDBG Grant associated with the Soccer Complex Improvements Project.

Discussion:

Western Consultants is entering into a contract with the City of Emporia for Grant Administration on the soccer complex improvements project, contingent upon a grant award. This is a community improvement project, and the grant requires the services of a qualified Administrator to operate within federal and state guidelines.

Financial considerations:

Governmental Administrative Services' costs for Grant Administration shall not exceed \$40,000.00 and a one-time fee of \$5,000.00 for completion of the Environmental Assessment.

Recommended action:

Approve contract with Western Consultants for CDBG grant administration for Soccer Complex Improvements Project.

Attachments:

Grant Administration Contract for CDBG Soccer Complex Improvements Project

CONTRACT FOR ADMINISTRATION SERVICES
FOR THE CITY OF EMPORIA, KANSAS
CDBG SOCCER COMPLEX IMPROVEMENTS PROJECT

THIS CONTRACT made this 27th day of August 2025, between WESTERN CONSULTANTS, PO Box 187, Lawrence, Kansas 66044 (THE CONSULTANT), and the CITY OF EMPORIA, KANSAS (THE CITY), **contingent upon grant award**.

WHEREAS, THE CITY is engaged in a CDBG Community Improvement project, and,

WHEREAS completion of this project requires the services of a qualified Administrator.

NOW, THEREFORE, THE CITY engages the services of THE CONSULTANT upon the following terms and conditions:

1. TERMINATION OF CONTRACT

A. FOR CAUSE

If, through any cause, either party shall fail to fulfill, in a timely and proper manner, their obligations under this Contract, or if either party shall violate any of the covenants, agreements, or stipulations of this Contract, the other party shall thereupon have the right to terminate this Contract by giving written notice to the breaching party of such termination and specifying the effective date thereof. This notice shall not be less than fifteen (15) days prior to the effective date.

B. FOR CONVENIENCE

The CITY may terminate this Contract, in whole or in part, at any time by written notice to THE CONSULTANT.

In event of termination, all finished or unfinished documents, studies and reports prepared by THE CONSULTANT, under this Contract, shall remain the property of THE CONSULTANT until THE CONSULTANT receives just and equitable compensation for any work satisfactorily completed hereunder, in accordance with this Contract, whereupon said documents, studies and reports shall become the property of THE CITY.

2. CHANGES

THE CITY may from time to time, request changes in the scope of services of THE CONSULTANT to be performed hereunder. Such changes, including any increase or decrease in the amount of THE CONSULTANTS' compensation, which are mutually agreed upon by both parties shall be incorporated in written amendments to this Contract.

3. PERSONNEL

- A. THE CONSULTANT represents that it has, or will secure at its own expense, all personnel required in performing the services under this Contract. Such personnel shall not be the employees of or have any contractual relationship with THE CITY.
- B. All of the services required hereunder will be performed by THE CONSULTANT or under its supervision and all personnel shall be fully qualified to perform such services.
- C. None of the work or services covered by this Contract shall be subcontracted without the prior approval of THE CITY. Any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.
- D. Suspension and Debarment
 - 1. THE CONSULTANT certifies that neither it nor any of its principals (as defined in 2 C.F.R. § 180.995) is presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency. THE CONSULTANT further certifies that it will not knowingly award a subcontract to any person or entity that is debarred, suspended, proposed for debarment, or declared ineligible for the award of Federal contracts.
 - 2. Pursuant to the requirements of 2 C.F.R. Part 180, Subpart C, THE CONSULTANT agrees to check the Excluded Parties List System (EPLS) at www.sam.gov before entering into any subcontract to ensure that no subcontractor is debarred, suspended, or ineligible.
 - 3. If, during the term of this contract, THE CONSULTANT or any of its principals becomes debarred, suspended, or declared ineligible, THE CONSULTANT agrees to immediately notify the contracting officer and take appropriate action, including possible termination of this contract.
 - 4. Failure to comply with these provisions may result in the termination of the contract and any other legal remedies available to the Federal Government.

4. SERVICES OF THE CONSULTANT

Services outlined in this Contract are those necessary to effectively administer the project. The following summary of services is not intended to limit the scope of service but is intended to illustrate the work and services to be provided by THE CONSULTANT.

These services will include, but are not limited to the following:

- Preparation of reports and paperwork to be submitted to State agencies involved in the project.
- Perform necessary accounting procedures related to this project, until project is completed.
- Assist the City and contractors with adherence to Affirmative Action rules and regulations.
- Prepare documentation for procurement procedures.
- Review payment requests and check these against invoices.
- Process payment requests promptly.
- Prepare the Environmental Review Report.
- Prepare documentation relating to Release of Funds from State agencies involved.
- Prepare “No Significant Impact” certificate.
- Work closely with City staff throughout entire project.
- Attend Meetings that are project related.
- Report schedule changes to Governing Body.
- Assist City in project related public hearings required throughout the entire project.
- Work closely with all State agencies and furnish additional information they may request.
- Attend monitoring visits set up by State agencies.
- Perform additional duties as may be required.
- Assist City in securing qualified audit firm.
- Apply for any necessary time extensions.
- Provide proper close-out requested by State agencies involved in project.
- Assist the City in developing a financial management system which will meet State and local standards.

- Operate within Federal and State guidelines, specifically:

**All Civil Rights Laws, Executive Orders and Regulations
as listed in the attached Appendix A.**

- Comply with all applicable laws, ordinances, and codes for the State and Local governments.
- Will not discriminate against any employee or applicant for employment because of race, sex, creed, color, or national origin. THE CONSULTANT will take Affirmative Action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to their race, creed, sex, color, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

THE CONSULTANT agrees to post, in conspicuous places, available to employees and applicants for employment, notices to be provided by the CITY, setting forth the provisions of this non-discrimination clause.

5. AUDIT

THE CITY will be responsible for having the records relating to this project audited by a Certified Public Accountant at the completion of this project. The expense for this audit will be a responsibility of the CITY.

6. INTEREST OF THE CITY'S GOVERNING BODY

No member of the Governing Body of the CITY, and no other officer, employee or agent of the City who exercises any functions or responsibilities in connection with the planning and carrying out of the program shall have any personal financial interest, direct or indirect, in this Contract, and THE CONSULTANT shall take appropriate steps to ensure compliance.

7. INTEREST OF THE CONSULTANT AND EMPLOYEES

THE CONSULTANT covenants that it presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest of its service hereunder. THE CONSULTANT further covenants that in the performance of this Contract no person having any such interest shall be employed.

8. FEES

THE CITY agrees to pay THE CONSULTANT a fee for the services outlined.

The fee, for these services, will be as follows:

Services will be billed at \$150.00 per hour not to exceed \$40,000.00 for the administration. If the project has an additional time extension past the projected 24-month completion date, and the \$40,000.00 has been expended for administration hours worked, all additional work hours will be billed at the current accepted rate of \$150.00.

In addition, the CITY will be charged a one-time fee of \$5,000.00 for completion of the Environmental Assessment to acquire the Release of Funds.

In no way can the contract be changed without a written amendment approved by the CITY.

IN WITNESS WHEREOF, the parties have signed this Contract the day and year first mentioned above.

ATTEST: _____
City Clerk

Mayor

Garrett Nordstrom
Garrett Nordstrom – Western Consultants

(SEAL)

**SUMMARY OF CIVIL RIGHTS LAWS, EXECUTIVE ORDERS, AND REGULATIONS
FOR PROFESSIONAL SERVICE CONTRACTS**

CDBG grantees must ensure all project activities will be administered in compliance with all civil rights laws and regulations. The following are summaries of those parts of the civil rights laws and regulations applicable to CDBG activities for professional service contracts.

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, because of race, color, religion, sex (including gender, gender identity, sexual orientation, and sexual harassment), familial status, national origin, and disability. It also requires that all federal programs relating to housing and urban development be administered in a manner that affirmatively furthers fair housing.

Section 503 of the Rehabilitation Act of 1973, as amended, prohibits federal contractors and subcontractors from discriminating against individuals with disabilities in employment, requiring them to take affirmative action to recruit, hire, promote, and retain qualified people with disabilities across all levels of employment; essentially, it mandates that companies doing business with the federal government must actively work to employ individuals with disabilities and provide equal employment opportunities for them.

Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified individual shall, by reason of his or her handicap, be solely excluded from participation (including employment), denied program benefits, or be subjected to discrimination under any program or activity receiving federal assistance funds.

Americans with Disabilities Act (ADA) (P.L. 101-336; 42 U.S.C. 12101) ADA provides disabled people access to employment, public accommodations, public services, transportation, and telecommunications. The ADA extends Section 504's mandate of non-discrimination based on disability to most of the private sector and to state and local government agencies not covered by section 504.

Architectural Barriers Act (ABA) of 1968, as amended, stipulates that all buildings which are (1) financed with Federal funds, and (2) intended for use by the public or which may result in employment or residence therein of physically handicapped persons, be designed and constructed in accordance with standards prescribed by the ABA to ensure that such buildings are fully accessible to and usable by handicapped individuals.

Section 109, Housing and Community Development (HCD) Act of 1974, as amended, provides that no person in the United States shall, on the grounds of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under Title I of the Housing and Community Development Act of 1974.

Kansas Act Against Discrimination. It is a policy of the State of Kansas that requires all employers, labor organizations, employment agencies, realtors, financial institutions, or other persons covered by this Act to assure equal opportunities and encourage every citizen regardless of race, religion, color, sex, age, physical disability, national origin, or ancestry, to secure and hold – without discrimination, segregation, or separation – employment in any field of work or labor for which they are properly qualified, the opportunity for full and equal public accommodations, and to assure full and equal opportunities in housing.

Age Discrimination Act of 1975. No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of or subjected to discrimination under, any program or activity receiving federal financial assistance.

Section 109, Housing and Community Development (HCD) Act of 1974, as amended, provides that no person in the United States shall, on the grounds of race, color, national origin, religion, or sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any program or activity funded in whole or in part with community development funds made available pursuant to Title I of the Housing and Community Development Act of 1974.

Executive Order 11246, as amended, provides that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in any phase of employment during the performance of federal or federally assisted construction contracts in excess of \$10,000. The following civil rights requirements also apply to CDBG grantee performance: grantees shall comply with Executive Order 11246, as amended by Executive Order 12086, and the regulations issued pursuant thereto (41 CFR Chapter 60) which provide that no person shall be discriminated against on the basis of race, color, religion, sex, sexual orientation, gender identity or national origin in all phases of employment during the performance of federal or federally-assisted construction contracts. As specified in Executive Order 11246 and the implementing regulations, contractors and subcontractors on federal or federally assisted construction contracts shall take affirmative action to ensure fair treatment in employment, upgrading, demotion or transfer, recruitment or retirement advertising, layoff or termination, rates of pay or other forms of compensation and selection or training and apprenticeship. (**Executive Order 11375** amended Executive Order 11246 by adding sex as a protected category from discrimination in employment.)

E-Verify - CFR 52.222-54 requires federal contracts committing government contractors (subcontractors) to use the USCIS E-Verify system to verify that all the contractors' employees, (existing and new), directly performing work under federal contracts, are authorized to work in the United States.

Build America, Buy America (BABA) Act, 41 USC 8301 (2 CFR 184) Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee's infrastructure project. This agreement is for services related to a project that is subject to the Build America, Buy America (BABA) Act, 41 USC 8301 note, and all applicable rules and notices, as may be amended. Absent an approved waiver and following the guidance of phased implementation, all iron, steel, manufactured products, and construction materials used in this project must be produced in the United States.

This agreement is for professional services related to a project that is subject to the Build America, Buy America Act (BABA) requirements under Title IX of the Infrastructure Investment and Jobs Act ("IIJA"), Pub. L. 117-58. While professional services are not subject to BABA, the Provider understands that they are responsible for ensuring that, absent a waiver by the Department of Housing and Urban Development, Provider shall not approve for use in this project, any iron, steel manufactured products, or construction materials unless such materials have been produced in the United States. Provider shall obtain all necessary compliance certificates for work that is within provider's scope of work. Failure to do so shall be a default under this agreement. Guidance on complying with BABA is outlined by Office of Management and Budget's Memorandum M-24-02, Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure.