



**CITY COMMISSION
WEDNESDAY, DECEMBER 6, 2023 AT 11:00 AM
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER Mayor Susan Brinkman

MEMBERS PRESENT

Vice Mayor Becky Smith
Commissioner Danny Giefer
Commissioner Erren Harter
Commissioner Jamie Sauder

PROCLAMATIONS

Proclamation Recognizing December as Universal Human Rights Month in Emporia.

Accepted by: Aaron Larson, Chair & Toni Akins, Vice Chair of the Emporia Human Relations Commission

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) Appointment of Member to the Golf Advisory Board.

Presented by: Commissioner Jamie Sauder & Commissioner Erren Harter

Recommended Action: Approve the Appointment of Brad Stewart to the Golf Advisory Board.

2) Resolution 3713 Requesting the Lyon County Commissioners make Certain Findings Regarding the Annexation of Property Adjacent to Industrial Park IV on a Portion of Road 180 & Road F.

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Approve Resolution 3713 Requesting the Lyon County Commissioners make Certain Findings Regarding the Annexation of Property Adjacent to Industrial Park IV on a Portion of Road 180 & Road F.

3) Resolution 3714 Adopting a Revised Compensation Plan.

Presented by: Trey Cocking, City Manager, and Jo Lynne Herron, Director of Human Resources

Recommended Action: Approve Resolution 3714 Adopting a Revised Compensation Plan.

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Commission Meeting Minutes for November 15, 2023.
- 2) Annual Charge Offs.
- 3) Change Order No. 2 for Mechanic Street Reconstruction Project No. PK2101.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Informational Items

GOVERNING BODY COMMENTS

Mayor Susan Brinkman

Vice Mayor Becky Smith

Commissioner Danny Giefer

Commissioner Erren Harter

Commissioner Jamie Sauder

EXECUTIVE SESSION

- 1) EXECUTIVE SESSION TO DISCUSS PERSONNEL MATTERS OF NON-ELECTED PERSONNEL. K.S.A. 75-4319(B)(1) IS THE AUTHORITY FOR THIS RECESS INTO EXECUTIVE SESSION.
Recess into Executive Session to discuss non-elected personnel for 25 minutes, stating at which time the open meeting will resume.
- 2) EXECUTIVE SESSION FOR THE PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY. K.S.A. 75-4319(B)(6) IS THE AUTHORITY FOR THIS RECESS INTO THE EXECUTIVE SESSION.
Recess into Executive Session for the preliminary discussion of the acquisition of real property for 10 minutes and to invite Jim Ubert, City Engineer, and Tayler Wash, Special Projects Director, and stating at which time the open meeting will resume.
- 3) AN EXECUTIVE SESSION FOR DISCUSSIONS RELATING TO DATA RELATED TO FINANCIAL AFFAIRS OR TRADE SECRETS OF CORPORATIONS, PARTNERSHIPS, TRUSTS, AND INDIVIDUALS RELATED TO POTENTIAL ECONOMIC DEVELOPMENT PROJECTS. K.S.A. 75-4319(B)(4) IS THE AUTHORITY FOR THIS RECESS INTO EXECUTIVE SESSION.
Recess into Executive Session to discuss confidential matters of a third party for a potential development project for 15 minutes and to invite Tayler Wash, Director of Special Projects, and stating at which time the open meeting will resume.

RECESS

Recess to Conference Room 1AB at 1:00 p.m. for Study Session.

STUDY SESSION AGENDA ITEMS

- 1) Discuss Utility Funds.
- 2) Discussion Implementation of Rental Registration and Revisions of the Current Vacant Property Ordinance.
- 3) CGI Digital Grant Program

ADJOURNMENT



PROCLAMATION

WHEREAS, the United Nations Assembly pledged December 10, 1948, as the Universal Declaration of Human Rights Day which sets out the freedoms and protected inalienable rights that everyone is entitled to as a human being.

WHEREAS, the City of Emporia is committed to the mission and intent of the Universal Declaration of Human Rights for all people who work, live, and play in the City of Emporia.

WHEREAS, during the recognition of Human Rights Day, we recognize the indispensable contributions people of all walks of life make within our community and commit to building a community where each individual's rights are protected, and respected, and emphasize the relevance of Human Rights in our daily lives.

WHEREAS, the City of Emporia is committed to dedicating ourselves to ensuring the protection of human rights along with the Emporia Human Relations Commission's continued efforts in the elimination of all forms of human injustices and recognition of individual freedoms and protections.

WHEREAS, in this spirit, human rights is a universal right and condition of life in Emporia that will be respected and achieved.

NOW THEREFORE, I, Susan Brinkman, Mayor of the City of Emporia, Kansas, on behalf of its citizens, do hereby proclaim the month of December as

"UNIVERSAL HUMAN RIGHTS MONTH"

and express the hope that this year's observance will promote the protections and recognition of human rights for all people throughout the City.

On this 6th Day of December 2023

ATTEST:

Susan Brinkman, Mayor

Kerry Sull, City Clerk



Commission Action Report

Appoint of Member to the Golf Advisory Board

Title: Appoint of Member to the Golf Advisory Board

Agenda Date: December 6, 2023

Presented By: Commissioners Jamie Sauder and Erren Harter

Background:

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

Discussion:

Applications were received, and interviews were conducted by Commissioners Sauder and Harter.

Interviewing Commissioners recommend the appointment of Brad Stewart for a 3-year term ending December 31, 2025.

Recommended action:

Approve the appointment of Brad Stewart to the Golf Advisory Board.

From: noreply@civicplus.com
To: [Sue Bryson](#); [Emporia Info](#)
Subject: Online Form Submittal: Board Application Form
Date: Thursday, August 17, 2023 1:41:44 PM

Board Application Form

Select the Board,
Commission, or
Committee applying for

Golf Advisory Board

Personal Information

First Name	Brad
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Last Name	Stewart
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Address1	1725 Del Oso Dr
----------	-----------------

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	620-757-1077
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Business Address	1725 Del Oso Dr
------------------	-----------------

Business Phone Number	620-208-5000
--------------------------	--------------

Occupation	Account Executive
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Email Address	brad@myvalunet.com
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Residency Information

Length of Residency in Emporia	45
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Are you a registered voter	Yes
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Education and Hobbies

High School	Emporia High
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College	Emporia State University
Trade or Business School	<i>Field not completed.</i>
Hobbies	Golf, Coaching
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	Emporia Basketball Academy, Emporia Presbyterian Church
Have you served on a Board, Commission, or Committee before?	No
If yes, which	SOS, Emporia Presbyterian Church
Please, list organization memberships and positions held.	Building and Grounds Committee-Chair Personnel Committee-Chair
Please, list areas of special interest.	<i>Field not completed.</i>
Please, enter basic resume information below.	Long time Emporian. I have a wife and three kids ages 18,20,22. I worked at John North Ford for 16 years and have been at ValuNet Fiber for the last 11 years.
Please, enter why you would like to be a member of this board or commission.	I am a Golf enthusiast and as a long time Emporian, The Emporia Golf Course is a bis asset to our community and I want to help it in any way I can.

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



Commission Action Report

Resolution 3713 Requesting the Board of County Commissioners of Lyon County, Kansas to Make Certain Findings Regarding the Annexation of Property

Title: Resolution 3713 Requesting the Board of County Commissioners of Lyon County, Kansas to Make Certain Findings Regarding the Annexation of Property.

Agenda Date: December 6, 2023

Presented By: Justin Givens, Planning & Zoning Administrator

Background:

The City has received a petition and consent from Emporia Enterprises, owners of Park IV Industrial Park, for annexation into the City. The City is currently in the process of designing road improvements to Road F to help serve the area and anticipate requesting annexation of the road right-of-way at a future date. Park IV is approximately 147 acres, zoned Light Industrial and the road improvements and access to city utilities will assist in making the site shovel-ready.

The City Commission has previously adopted a resolution requesting that the Lyon County Board of County Commissioners make certain findings regarding the annexation of Industrial Park IV, which would allow the property to be annexed into the city limits. County staff requested that the City provide legal descriptions for the road right of way adjacent to Industrial Park IV prior to submission to the BoCC for approval of the resolution

Staff has prepared the requested legal description, and is now ready to proceed with the annexation process for Industrial Park IV. The revised resolution includes the legal descriptions for the road right of way for a portion of Road F from US HWY 50 to Road 180 and a portion of Road 180 adjacent to the Park IV property.

Discussion:

K.S.A. 12-520c, as amended requires that when the City receives a petition and consent for annexation from a property owner and that property is not contiguous with the City, a resolution from the Governing Body must be adopted asking the Board of County Commissioners to make certain findings allow the process to move forward.

If approved by the Board of County Commissioners, an ordinance for annexation will be presented at a future meeting.

Financial considerations:

No city funds are required.

Recommended action:

Approve Resolution 3713 Requesting the Board of County Commissioners of Lyon County, Kansas to Make Certain Findings Regarding the Annexation of Property.

Attachments:

Resolution 3713
Aerial Location Map
Annexation Application & Consent to Annexation

RESOLUTION NO. 3713

A RESOLUTION OF THE CITY OF EMPORIA, KANSAS REQUESTING THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS TO MAKE CERTAIN FINDINGS REGARDING THE ANNEXATION OF PROPERTY.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS.

SECTION 1. The Governing Body of the City of Emporia, Kansas hereby finds that a request for annexation of the following described land has been presented to it by Emporia Enterprises, Inc. Revocable Trust, PO Box 807, Emporia, KS.

LOTS 1, 2, AND 3 OF PARK IV SUBDIVISION, LYON COUNTY, KANSAS, and;

A TRACT IN THE NORTHEAST QUARTER OF SECTION 11, THE NORTHWEST QUARTER OF SECTION 12, THE SOUTHWEST QUARTER OF SECTION 1, AND THE SOUTHEAST QUARTER OF SECTION 2, ALL IN TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 5TH P.M., LYON COUNTY, KANSAS, AS DESCRIBED BY AARON C DAVIS, PS 1368, ON MAY 19, 2023, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE N.01° 07' 02"W. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID NE¼ FOR 108.69 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. 50 HIGHWAY, AND THE POINT OF BEGINNING;

THENCE N.84° 04' 09"W. ON SAID NORTHERLY RIGHT OF WAY LINE FOR 45.74 FEET TO A POINT OF INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF THE COUNTY ROAD;

THENCE N.10° 34' 39"E. ON SAID WEST RIGHT OF WAY LINE FOR 125.28 FEET, TO A POINT 20.00 FEET WEST OF THE EAST LINE OF SAID NE¼;

THENCE N.01° 07' 02"W. ON SAID WEST RIGHT OF WAY LINE, AND PARALLEL WITH THE EAST LINE OF SAID NE¼ FOR 1081.57 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION 11;

THENCE S.88° 54' 53"W. ON THE SOUTH LINE OF SAID N½NE¼ FOR 20.00 FEET TO A POINT 40.00 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER;

THENCE N.01° 07' 02"W. PARALLEL WITH THE EAST LINE OF SAID NE¼ FOR 1278.52 FEET TO A POINT 40.00 FEET SOUTH OF THE NORTH LINE OF SAID NE¼;

THENCE S.88° 53' 24"W. PARALLEL WITH THE NORTH LINE OF SAID NE¼ FOR 100.00 FEET;

THENCE N.01° 07' 02"W. FOR 65.00 FEET TO THE NORTH RIGHT OF WAY LINE OF THE COUNTY ROAD, SAID POINT BEING 25.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2; THENCE N.88° 53' 24"E. ON SAID NORTH RIGHT OF LINE, AND PARALLEL WITH THE SOUTH LINE OF SAID SE¼ FOR 99.96 FEET TO A POINT 40.00 FEET WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2;

THENCE N.51° 59' 02"E. FOR 24.98 FEET TO A POINT 20.00 FEET WEST OF THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2, AND 40.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 2;

THENCE N.89° 09' 52"E. FOR 40.00 FEET TO A POINT 20.00 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1, AND 40.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1;

THENCE N.89° 26' 47"E. PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1 FOR 200.01 FEET;

THENCE S.01° 12' 39"E. FOR 80.00 FEET TO A POINT ON THE NORTH LINE OF LOT 1 IN PARK IV SUBDIVISION, SAID POINT BEING 40.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12;

THENCE S.89° 26' 47"W. ON THE NORTH LINE OF SAID LOT 1 FOR 155.08 FEET TO A POINT 65.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE S.44° 09' 53"W. FOR 35.18 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1, SAID POINT BEING 65.00 FEET SOUTH OF THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12, AND ALSO BEING 40.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER;

THENCE S.01° 07' 02"E. ON THE WEST LINE OF SAID LOT 1 FOR 2334.26 FEET TO A POINT BEING 40.00 FEET EAST OF THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 12;

THENCE S.08° 52' 25"E. ON THE EAST RIGHT OF WAY LINE OF THE COUNTY ROAD FOR 137.23 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF U.S. 50 HIGHWAY;

THENCE N.84° 04' 09"W. ON THE NORTHERLY RIGHT OF WAY LINE OF SAID U.S. 50 HIGHWAY FOR 58.97 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 4.71 ACRES

The Governing Body further finds that the above-described property does not adjoin land within the boundaries of the City of Emporia. The Governing Body further finds that such annexation, at the request of the property owner, is advisable, desirable, beneficial, and in the interest of the public.

SECTION 2. The City of Emporia, Kansas hereby respectfully requests that the Board of County Commissioners of Lyon County, Kansas, by a 2/3 vote, find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Lyon County, Kansas all as provided in K.S.A. 12-520c, as amended.

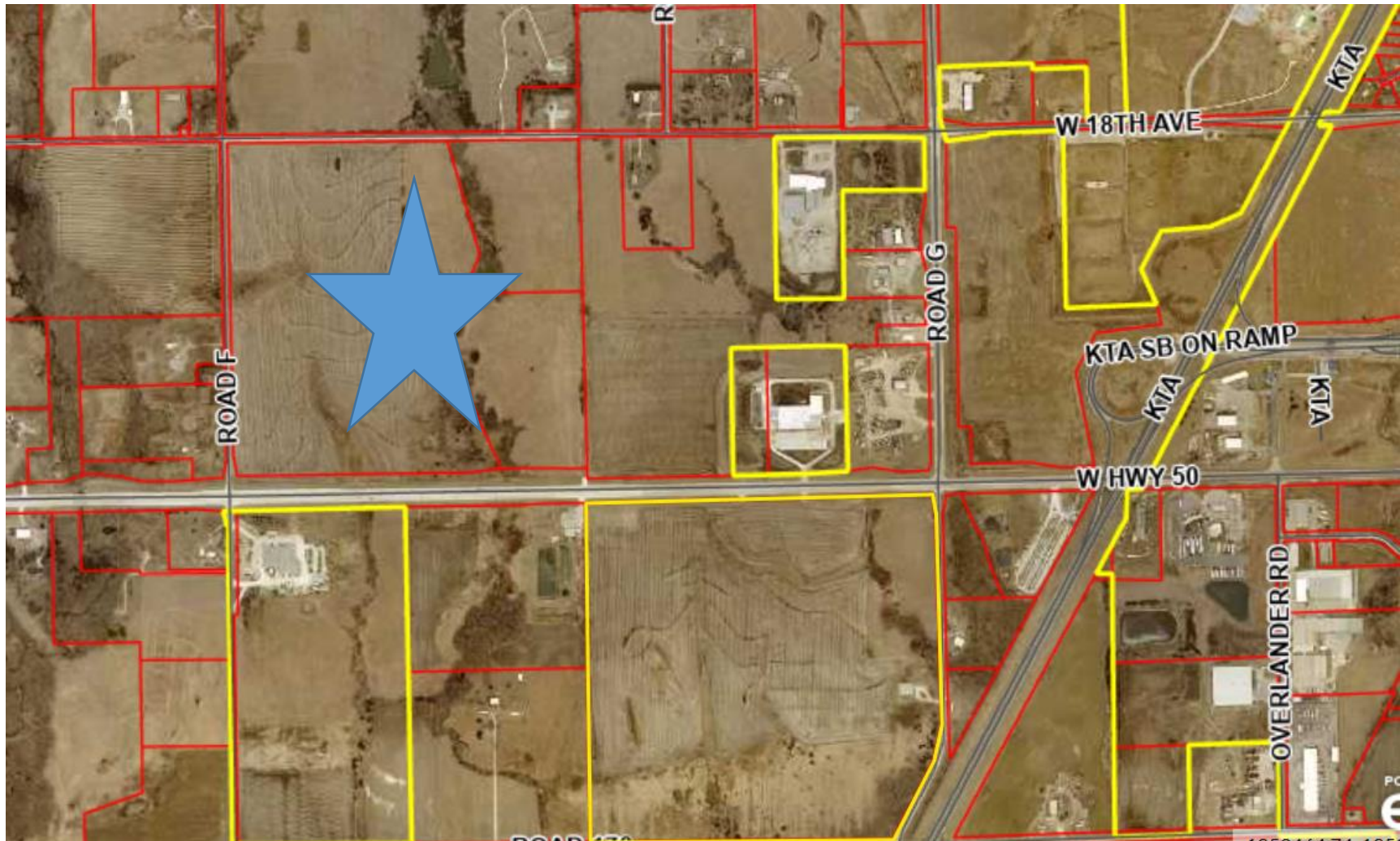
ADOPTED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 6th day of December 2023.

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk

Park IV Annexation
Aerial Map



SURVEY ALIGNMENT

ROAD F AND PART OF ROAD 180
FOR THE CITY OF EMPORIA, KANSAS
BEING IN THE NE¼ OF SEC. 11-T19S-R10E
AND THE NW¼ OF SEC. 12-T19S-R10E
OF THE 6TH P.M., LYON COUNTY, KANSAS

BENCHMARK DESCRIPTION

BM#1: Centerline Station 1+11.20, 98.90' Right
BOLT IN TOP RING BETWEEN "E" AND "L" IN "MUELLER"
ELEV.=1161.83 (NAVD88)

BM#2: Centerline Station 6+02.35, 99.78' Right
BOLT IN TOP RING BETWEEN "E" AND "L" IN "MUELLER"
ELEV.=1162.79 (NAVD88)

BM#3: Centerline Station 16+02.49, 101.21' Right
BOLT IN TOP RING BETWEEN "E" AND "L" IN "MUELLER"
ELEV.=1157.66 (NAVD88)

BM#4: Centerline Station 25+88.14, 102.84' Right
BOLT IN TOP RING BETWEEN "E" AND "L" IN "MUELLER"
ELEV.=1165.68 (NAVD88)

USGS BENCHMARK DATUM

Described by Coast & Geodetic Survey 1933
At Emporia, Lyon County, on the Atchison,
Topeka and Santa Fe Railway, 160 yards west
of the west end of the station, 200 ft. east
of signal tower 1121, 24.6 feet North of the
north rail of the most northerly passing track,
and 2 ft. Southeast of the southwest corner
of a fence around a light tower. A standard
disk, stamped P 13 1933 and set in the top
of a concrete post projected 6 in. above
ground. Note-A metal witness post was set
1 ft. east of the mark.
NAVD 88 Elev. = 1141.95

PROJECT SURVEY CONTROL

HORIZONTAL CONTROL

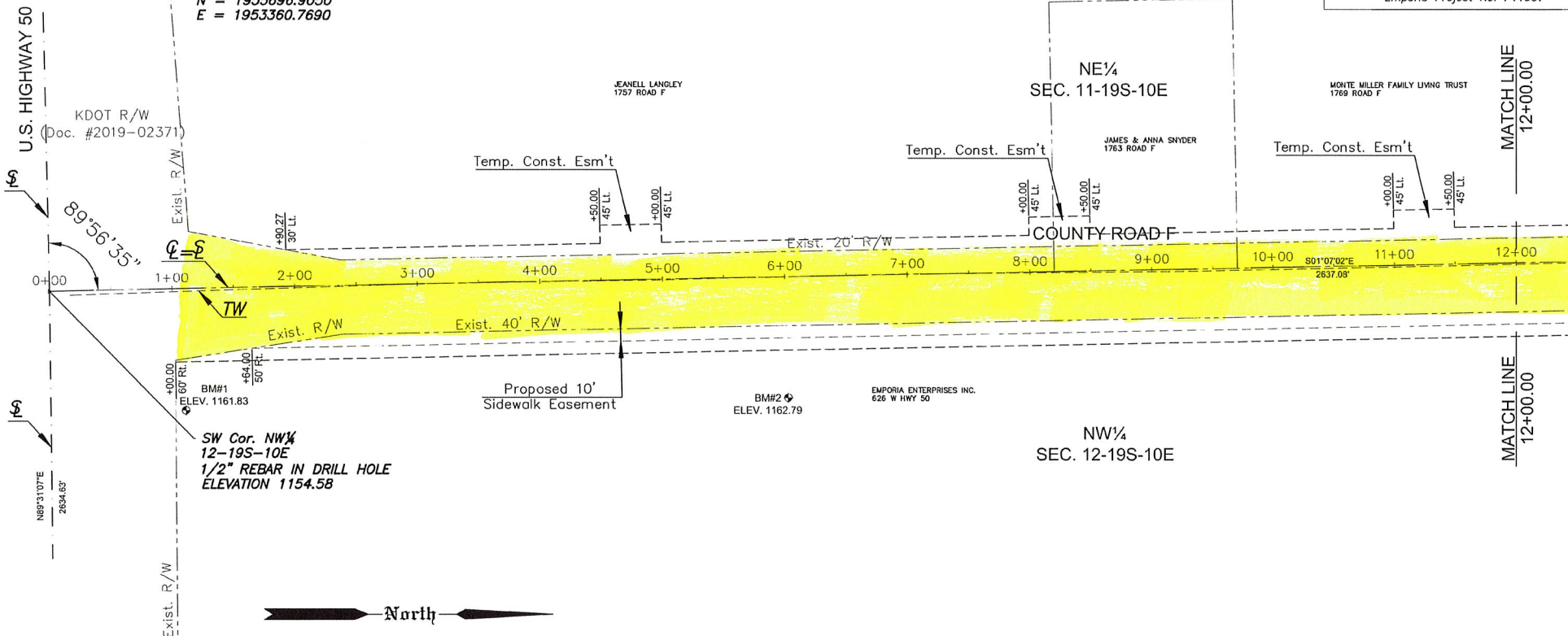
Kansas State Plane, South Zone, based on
Second Order OPUS control point with N:
1958366.142 E: 1954180.438 Z: 1180.13
on North side of Road 180 at field
entrance at top of hill and to the East of
Road F.

VERTICAL CONTROL

Being NAVD88 datum based on this same
point as Horizontal.

SW Corner NW 1/4
Sec. 12, 19S, 10E
Found 1/2" Rebar in Drill Hole

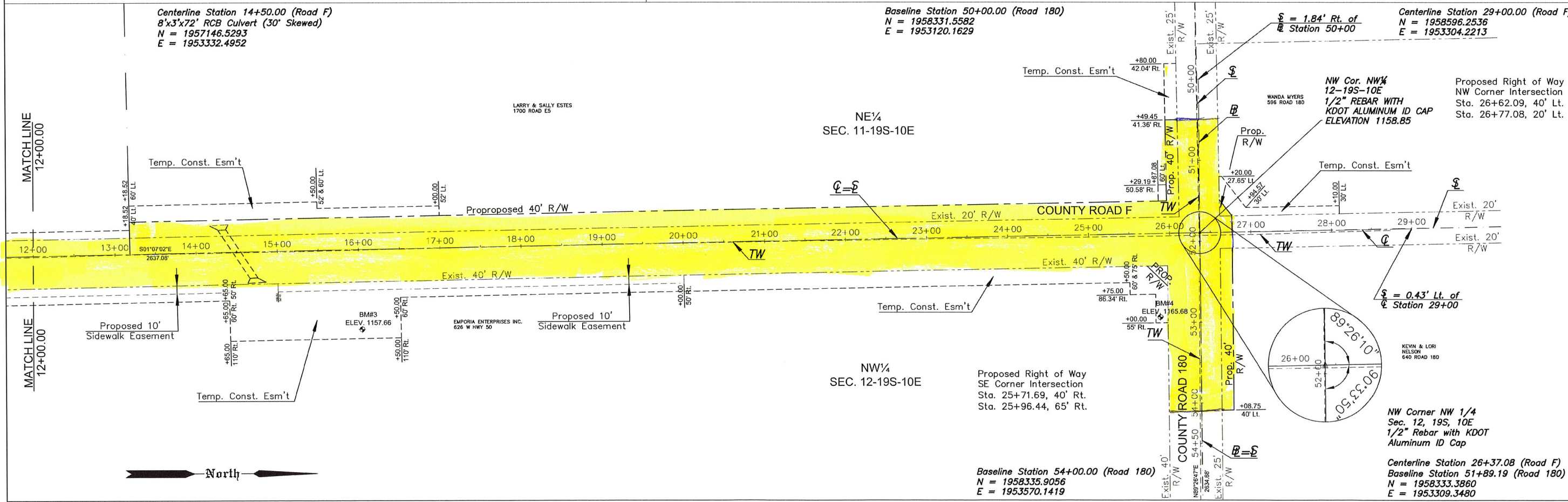
Centerline Station 0+00.00 (Road F)
N = 1955696.9050
E = 1953360.7690



Centerline Station 14+50.00 (Road F)
8'x3'x72' RCB Culvert (30' Skewed)
N = 1957146.5293
E = 1953332.4952

Baseline Station 50+00.00 (Road 180)
N = 1958331.5582
E = 1953120.1629

Centerline Station 29+00.00 (Road F)
N = 1958596.2536
E = 1953304.2213



ROAD F STA. 0+00-29+00
ROAD 180 STA. 50+00 - 54+50

SURVEY REFERENCE SHEET
LYON COUNTY





PLANNING AND ZONING DEPARTMENT
522 Mechanic Street
Emporia, KS 66801
Phone: 620-343-4268
Fax: 620-343-4262

Annexation Application

Date Submitted: April 13, 2023

***Attach a site plan map (2), drawn to scale, showing property lines, roads, driveways, existing and proposed structures, parking stalls, landscaping, fences, and other topographical features.**

(NOTE) AN INCOMPLETE APPLICATION CANNOT BE PROCESSED

	Name	Address	Phone
Applicant	Emporia Enterprises, Inc. Revocable Trust	PO Box 807 Emporia, KS 66801	620-343-8860
Owner	Emporia Enterprises, Inc. Revocable Trust	PO Box 807 Emporia, KS 66801	620-343-8860

Other Owners and Officers (corporate applications only) Chuck Scott, Director of Planning and Development of Emporia Enterprises, Inc.

Describe the Location: Three parcels totaling 147.13 acres between W. Hwy 50 and Road 180 and just east of Road F

Current Zoning District: Light Industrial

Attach or provide legal description of the property: See attached.

Current Use of property: Agricultural

Proposed Use of property: Light Industrial

Reason for Annexation Request: Access to city utilities to allow us to make the industrial park shovel ready.

The following non-conformities exist on this property: None.

By signing this application, I certify that all of the information I have provided is true and correct. I understand that additional information may be needed, or additional fees may be incurred during the rezoning application process. I understand and agree that it will be my responsibility to provide any additional information requested and to pay any additional fees incurred.



Applicants Signature
- Charles Scott,
Director of Planning

4/14/2023

Date



Owners Signature -
Steve Bell, Trustee

4/14/2023

Date

FOR OFFICE USE ONLY		
Fee	Date Paid	Receipt no.
\$0		

Application No.

Hearing Date:

CONSENT TO ANNEXATION

TO THE GOVENING BODY OF THE CITY OF EMPORIA, KANSAS:

The undersigned owner(s) of the following legally described land, located generally [INSERT GENERAL LOCATION OF PROPERTY], hereby formally consents to annexation of such land into the City of Emporia, Kansas:

SEE ATTACHED EXHIBIT WITH LEGAL DESCRIPTIONS AND FINAL PLAT

LEGAL OWNER(S)



Steve Bell, Trustee
Emporia Enterprises, Inc.; Revocable Trust

ACKNOWLEDGEMENT

STATE OF KANSAS}

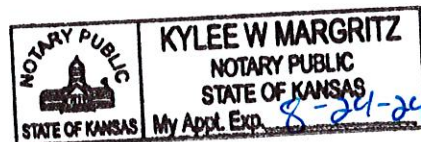
COUNTY OF LYON}

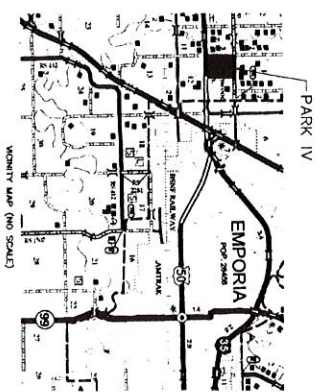
BE IT REMEMBERED, On this 14 day of April, 20 23 before me, the undersigned, a notary public in and for the County and State aforesaid, came Steve Bell such person being personally known to me to be the same person who executed the within instrument of writing and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.



Notary Public



[illegible][illegible]



Commission Action Report

Resolution to Adopt 2024 Pay Scales

Title: Resolution 3714 Adopting a Revised Compensation Plan

Agenda Date: December 6, 2023

Presented By: Jo Lynne Herron, Director of Human Resources

Background:

The City Commission declared its intention in Resolution 3653 and Resolution 3695 to review the pay scales annually, subject to budgetary constraints.

Discussion:

As people are the most important piece of making any organization work, a classification and compensation system—which defines the types of jobs in an organization and how much those types of jobs will pay—is the framework in which organizations manage their job classifications and distribute pay to employees in a manner that is fair, strategic, and competitive within a given market. Based on the current market findings and with a commitment to remain competitive for labor and talent in the region, the City should make adjustments to our pay scales. During 2024 budget discussions earlier this year, the City Commission restated their intent to adjust the pay scales by 2% effective the first paycheck in 2024 and to adjust current wages by 2% accordingly.

Financial considerations:

The 2024 Budget has been approved with \$25,226,137 in personnel expenses across all funds. This amount includes the 2% increase.

Recommended action:

Approve Resolution to Adopt 2024 Pay Scales and a 2% increase to current wages.

Attachments:

Resolution 3714 Adopting a Revised Compensation Plan
2024 Pay Scales

RESOLUTION NO. 3714

**A RESOLUTION OF THE GOVERNING BODY OF EMPORIA, KANSAS
ADOPTING A REVISED COMPENSATION PLAN**

WHEREAS, the Governing Body of the City of Emporia conducted a formal compensation study and subsequently adopted a compensation plan through Resolution 3695 on May 3, 2023 adjusting the Compensation Scales and resolving that the Compensation Scales will be reviewed annually to address changes in market conditions; and

WHEREAS, market trends indicate a robust and competitive environment with increased demands for labor in various fields, supporting an increase to the Compensation Scales; and

WHEREAS, the City Commission has determined that it is necessary and appropriate to increase the Compensation Scales in order to attract and retain a skilled and motivated work force.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS that the Compensation Plan is hereby revised to include the Salary Scales attached hereto, increasing the Compensation Scales by two percent effective December 24, 2023.

BE IT FURTHER RESOLVED that the Compensation Scales will be reviewed annually to address changes in market conditions.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS this 6th day of December, 2023.

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk



Pay Scales

Base Grade					Fire / EMS: 2080 Schedule			Fire / EMS: 2944.8 Schedule			Fire / EMS: 3238.3 Schedule			Fire / EMS: 2756 Schedule			Police - Sworn		
		Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max
Annually	10	\$29,224	\$36,920	\$44,720															
Hourly		\$14.05	\$17.75	\$21.50															
Annually	11	\$31,720	\$40,040	\$48,464															
Bi Weekly		\$1,220	\$1,540	\$1,864															
Hourly		\$15.25	\$19.25	\$23.30															
Annually	12	\$34,424	\$43,472	\$52,624															
Bi Weekly		\$1,324	\$1,672	\$2,024															
Hourly		\$16.55	\$20.90	\$25.30															
Annually	13	\$37,336	\$47,216	\$57,200															
Bi Weekly		\$1,436	\$1,816	\$2,200															
Hourly		\$17.95	\$22.70	\$27.50															
Annually	14	\$40,352	\$51,064	\$61,880															
Bi Weekly		\$1,552	\$1,964	\$2,380															
Hourly		\$19.40	\$24.55	\$29.75															
Annually	15	\$43,680	\$55,224	\$66,872															
Bi Weekly		\$1,680	\$2,124	\$2,572															
Hourly		\$21.00	\$26.55	\$32.15															

Base Grade					Fire / EMS: 2080 Schedule			Fire / EMS: 2944.8 Schedule			Fire / EMS: 3238.3 Schedule			Fire / EMS: 2756 Schedule			Police - Sworn				
		Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max	Min	Mid	Max		
Annually	30	\$39,725	\$51,255	\$62,790	30F1	\$45,287	\$58,431	\$71,581	30F2	\$45,287	\$58,431	\$71,581					30P	\$45,287	\$58,431	\$71,581	
Bi Weekly		\$1,528	\$1,971	\$2,415		\$1,742	\$2,247	\$2,753		\$1,742	\$2,247	\$2,753						\$1,742	\$2,247	\$2,753	
Hourly		\$19.10	\$24.64	\$30.19		\$21.77	\$28.09	\$34.41		\$15.38	\$19.84	\$24.31						\$21.77	\$28.09	\$34.41	
Annually	31	\$48,465	\$62,535	\$76,610	31F1	\$55,250	\$71,290	\$87,335	31F2	\$55,250	\$71,290	\$87,335	31F3	\$55,250	\$71,290	\$87,335		31P	\$55,250	\$71,290	\$87,335
Bi Weekly		\$1,864	\$2,405	\$2,947		\$2,125	\$2,742	\$3,359		\$2,125	\$2,742	\$3,359		\$2,125	\$2,742	\$3,359			\$2,125	\$2,742	\$3,359
Hourly		\$23.30	\$30.06	\$36.83		\$26.56	\$34.27	\$41.99		\$18.76	\$24.21	\$29.66		\$17.06	\$22.01	\$26.97			\$26.56	\$34.27	\$41.99
Annually	32	\$54,770	\$70,665	\$86,565	32F1	\$62,438	\$80,558	\$98,684	32F2	\$62,438	\$80,558	\$98,684						32P	\$62,438	\$80,558	\$98,684
Bi Weekly		\$2,107	\$2,718	\$3,329		\$2,401	\$3,098	\$3,796		\$2,401	\$3,098	\$3,796							\$2,401	\$3,098	\$3,796
Hourly		\$26.33	\$33.97	\$41.62		\$30.02	\$38.73	\$47.44		\$21.20	\$27.36	\$33.51							\$30.02	\$38.73	\$47.44
Annually	33	\$61,890	\$79,855	\$97,825	33F1	\$70,555	\$91,035	\$111,521	33F2	\$70,555	\$91,035	\$111,521						33P	\$70,555	\$91,035	\$111,521
Bi Weekly		\$2,380	\$3,071	\$3,763		\$2,714	\$3,501	\$4,289		\$2,714	\$3,501	\$4,289							\$2,714	\$3,501	\$4,289
Hourly		\$29.75	\$38.39	\$47.03		\$33.92	\$43.77	\$53.62		\$23.96	\$30.91	\$37.87							\$33.92	\$43.77	\$53.62
Annually	34	\$69,940	\$90,240	\$110,545	34F1	\$79,732	\$102,874	\$126,021	34F2	\$79,732	\$102,874	\$126,021						34P	\$79,732	\$102,874	\$126,021
Bi Weekly		\$2,690	\$3,471	\$4,252		\$3,067	\$3,957	\$4,847		\$3,067	\$3,957	\$4,847							\$3,067	\$3,957	\$4,847
Hourly		\$33.63	\$43.38	\$53.15		\$38.33	\$49.46	\$60.59		\$27.08	\$34.93	\$42.79							\$38.33	\$49.46	\$60.59
Annually	35	\$79,035	\$101,975	\$124,920	35F1	\$90,100	\$116,252	\$142,409	35F2	\$90,100	\$116,252	\$142,409						35P	\$90,100	\$116,252	\$142,409
Bi Weekly		\$3,040	\$3,922	\$4,805		\$3,465	\$4,471	\$5,477		\$3,465	\$4,471	\$5,477		\$3,465	\$4,471	\$5,477			\$3,465	\$4,471	\$5,477
Hourly		\$38.00	\$49.03	\$60.06		\$43.32	\$55.89	\$68.47		\$30.60	\$39.48	\$48.36		\$32.69	\$42.18	\$51.67			\$43.32	\$55.89	\$68.47

Base Grade					Fire / EMS: 2080 Schedule												Police - Sworn			
		Min	Mid	Max	Min	Mid	Max										Min	Mid	Max	
Annually	40	\$97,900	\$122,370	\$146,845	40F1	\$111,606	\$139,502	\$167,403									40P	\$111,606	\$139,502	\$167,403
Bi Weekly		\$3,765	\$4,707	\$5,648		\$4,293	\$5,365	\$6,439										\$4,293	\$5,365	\$6,439
Hourly		\$47.07	\$58.83	\$70.60		\$53.66	\$67.07	\$80.48										\$53.66	\$67.07	\$80.48
Annually	41	\$112,585	\$140,730	\$168,880	41F1	\$128,347	\$160,432	\$192,523									41P	\$128,347	\$160,432	\$192,523
Bi Weekly		\$4,330	\$5,413	\$6,495		\$4,936	\$6,170	\$7,405										\$4,936	\$6,170	\$7,405
Hourly		\$54.13	\$67.66	\$81.19		\$61.71	\$77.13	\$92.56										\$61.71	\$77.13	\$92.56
Annually	42	\$129,475	\$161,840	\$194,210	42F1	\$147,602	\$184,498	\$221,399									42P	\$147,602	\$184,498	\$221,399
Bi Weekly		\$4,980	\$6,225	\$7,470		\$5,677	\$7,096	\$8,515										\$5,677	\$7,096	\$8,515
Hourly		\$62.25	\$77.81	\$93.37		\$70.96	\$88.70	\$106.44										\$70.96	\$88.70	\$106.44

Approved by:

Print Name / Title

Signature / Date

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 15, 2023, with Mayor Brinkman presiding and Commissioners Giefer, Harter, and Smith present. Commissioner Sauder was present via phone. Also present were City Manager Cocking, Assistant City Manager Detter, 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.

**FIRE DEPARTMENT
(Crossland Construction Co., Inc.)
(Fire Station Projects)**

Brandon Beck, Fire Chief, was recognized and addressed the Governing Body. He stated the Commission previously authorized staff to enter negotiations with Crossland Construction to finalize a contract for services for the Fire Station Projects. He stated the document to be considered for approval is the American Institute of Architects (AIA) Document A133, standard form of agreement between owner and construction manager as constructor. He stated this project will be paid for utilizing the bonding authority out of the Bond and Interest Fund based on the current mill levy. Staff recommends approval of Document A133 between the City of Emporia and Crossland Construction Co., Inc.

Commissioner Harter made a motion to approve Document A133 between the City of Emporia and Crossland Construction Co., Inc. Commissioner Giefer seconded the

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

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 10-17-23)
(Application No. 2023-06 – Justin Hensley, Quick Lube, LLC)
(Rezone Properties Located at 513 and 519 Congress St.)**

The Planning Commission met in a regular session on Tuesday, September 19, 2023, with Chair Thomas presiding. Members Duncan, Barnes, Rogers, Weaver, Ogle, and Bucklinger were present.

City staff: Justin Givens was present.

Chair Thomas called the meeting to order.

2b. Consider an Application PC-2023-06 a Request for Rezoning Property Located at 513 & 519 Congress from R-3 High Density Residential to C-3 General Commercial.

Chair Thomas asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper and the property owners within 200ft of the property.

Chair Thomas asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No commissioners needed to recuse themselves due to a conflict of interest and no ex parte communications were reported.

Givens stated that since a public hearing was previously held on this matter there was no need to have another public hearing.

Givens provided the updated staff report:

**PLANNING COMMISSION / BOARD OF ZONING APPEALS
STAFF REPORT
SEPTEMBER 19, 2023
AGENDA ITEM NO. 2B**

Application #: PC 2023-06

Applicants: Justin Hensley – Quick Lube LLC

Requested Action: Consider a Request to Rezone Property Located at 513 & 519 Congress from Single-Family Attached Parcel Type to Flex Use High Parcel Types.

Purpose: The applicants desire a change in zoning to allow for the continued use of the property and the expansion of their automotive repair business and storage for Uhaul units.

Address: 513 & 519 Congress

Legal description: Lots 79 & 81 On Congress Street, Original Township

Lot Size: 13,000 sq. ft.

Existing Zoning: Single-Family Attached

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

Surrounding Zoning:

North – Flex Use High

East – Flex Use High

South – Single-Family Attached

West – Flex Use High & Single-Family Attached

Surrounding Actual Uses:

North – Commercial Building / Church / Lowther North Building

East – Lowther South Office Complex

South – Single-Family Residential and Multi-Family Residential

West – Single-Family Residential / Multi-Family Residential / Commercial Cleaner & Laundromat

Updated Analysis: The applicant's request for rezoning was approved by the Commission under the former zoning code. Since there is not a "one-for-one" exchange of new parcel types from old zoning districts, staff is asking the Commission to reconsider the application and make a revised recommendation of approval under the new parcel types.

The property is adjacent to Flex-Use High parcel types and staff feels that this would be an appropriate parcel type to assign to the properties. Flex-Use High have the following key characteristics;

Flex-Use High Parcel Type allows for the flexible use of buildings, which provides a variety of spaces to meet changing needs and promotes adaptive reuse of existing buildings. Flex-Use High Parcel Type allows for higher intensity of uses in an area with higher density. The physical characteristics of buildings on this Parcel Type should remain consistent while allowing for a range of uses.

Permitted uses in Flex-Use High parcel types may be developed as Mixed-Use, Commercial, Multi-Family, or Single-Family Attached buildings, and therefore allow the

uses applicable to the respective Parcel Type, provided that they are compatible with the size and physical characteristics of the lot, the building, and the surrounding Parcel Types.

Motor Vehicle Repair/Maintenance is a Conditional Use in Flex-Use High so the expansion of the existing automotive repair facility the owner would need to apply for a conditional use in the future. The Uhaul rental aspect of the business would be an allowed use in the Flex-Use High parcel type.

None of the factors for the property have changed and staff would still recommend the Planning Commission forward on a recommendation to the City Commission for approval based on the new parcel types.

Original Analysis: The applicant is requesting the rezoning after inquiring about expanding the existing business at 301 W 6th Ave. At that time, it was determined, that the properties addressed on Congress Street, where not in fact zoned commercial. The previous business owners have used the property exclusively for the storage of vehicles and other miscellaneous items for the automotive repair business as well as storing Uhauls, which are available for rent on the property.

For the building to expand to the south, the properties would need to be rezoned for commercial use and the applicant has chosen to pursue such rezoning. Additionally, staff would have to address the commercial uses of the property in a residential area if a rezoning was not granted.

Considerations: Factors to be Considered in 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 in classification would be consistent with the intent and purpose of these regulations; **Staff feels that the change in zoning would be consistent with the intent and purpose of the regulations. The property has been used without compliant in a commercial nature since at least 2012. The rezoning would allow for the expansion of the building that fronts 6th Street.**

2. The character and condition of the surrounding neighborhood and its effect on the proposed change; **The property has been used in a commercial nature without any negative effect on the surrounding property. If approved, the Commission should recommend that proper screening be put in place to ensure a harmonious continuance within the existing neighborhood.**

3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; **The change in ownership and the new owners desire to expand the building brought forth the realization that the property, while used in a commercial nature, was in fact not zoned commercially.**

4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification; **Staff does not anticipate any detrimental impact on any neighboring property. The property has been used in a commercial nature since at least 2012. Granting the change in zoning would allow for requirement of screening that would minimize any negative impact that may be felt from the expansion of the building and business.**

5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity; **The current uses are as intense as what would be allowed on the property now. Staff feels that any other commercial use would not have a negative impact on the immediate vicinity.**

6. The suitability of the applicant's property for the uses to which it has been restricted; **The property, as demonstrated, is suitable to commercial uses.**

7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as allowing the land to be vacant or undeveloped; **Not Applicable.**

8. Whether adequate sewer and water facilities, and all other needed public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified; **All public and private utilities are available in the area, and there would not be a negative impact on public services if the rezoning was granted.**

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development; **Commercial property in this area is built out, and there is a limited amount of commercial property available in the community overall. The rezoning would allow for the natural expansion of an existing building.**

10. The recommendations of professional staff; **Staff is supportive of the rezoning, and would recommend as a condition of approval, that sufficient screening be provided along the south and west property lines to minimize any potential impact on the neighboring property.**

11. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **By promoting infill development,**

and allowing an existing building to expand to provide more services, this rezoning would be in conformance with the Comprehensive Plan.

12. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and, **Staff does not foresee any negative impacts on the public health, safety, or general welfare if the rezoning was granted, and allowing the rezoning would increase the value of the property.**

13. Such other factors as may be relevant from the facts and evidence presented in the application.

Neighborhood Communications: At the time of writing this report, staff has spoken with one neighboring property owner, who only asked general questions, and did not have any objections to the rezoning.

Recommendation: Staff recommends the Planning Commission forward a recommendation to approve the rezoning to the Governing Body based upon a finding that the request is consistent with the future land use map and guidelines for consideration on rezoning.

Attachments: Aerial Map / Current Zoning Map / Future Land Use Map

The Commission discussed the requirement for screening especially on the west side of the property that is adjacent to the alley. Following the discussion;

Commissioner Duncan made a motion to recommend approval of the Rezoning Request to the City Commission subject to the following;

- 1. Sufficient screening being installed between the commercial and residential property on the south property line within 90 days of the rezoning being approved; and**
- 2. Equipment be parked on appropriate surfacing only.**

Commissioner Barnes seconded the motion. Motion carried 5-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owner of 513 and 519 Congress Street has requested that the property be rezoned. The applicant also owns Quick Lube, located at 302 W. 6th Avenue, and eventually wants to expand the current building. The initial application and corresponding public hearing went before the Planning Commission prior to the updated zoning regulations being adopted. The proposed rezoning would allow the property owner to continue to use his property in a legal manner and eventually expand the existing

business. Based on conditions recommended by the Planning Commission, screening will be required between the applicant's property and the residential property to the south. He stated staff re-presented the application to the Planning Commission at the October 17, 2023, meeting and the Planning Commission made a unanimous recommendation to change the parcel type of the properties from Single-Family Attached to Flex-Use High.

PLANNING AND DEVELOPMENT
(Application No. 2023-06 – Justin Hensley, Quick Lube, LLC)
(Rezone Properties Located at 513 and 519 Congress St.)
(Ordinance Number 23-35)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM SF-A SINGLE-FAMILY ATTACHED PARCEL TYPE TO FH FLEX-USE HIGH AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 23-35 was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 23-35, an ordinance to rezone properties located at 513 and 519 Congress Street from Single-Family Attached to Flex-Use High. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Brinkman aye.

BONDS
(Authorize General Obligation Bonds, Series 2023 - \$9,925,000)
(Ratify the Award of the Bid)
(Ordinance Number 23-36)

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2023, OF THE CITY OF EMPORIA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTIONS OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN CONVENANTS WITH RESPECT THERETO, to which the City Clerk assigned Ordinance Number 23-36 was presented to the Governing Body for their consideration.

Assistant City Manager Detter was recognized and addressed the Governing Body. He stated the City of Emporia is working with Greg Vahrenberg, Municipal

Financial Advisor of Raymond James and Dominic Eck, Bond Counsel of Gilmore & Bell on issuing \$9,925,000 Bank Qualified General Obligation Bonds. The projects identified in the Series 2023 General Obligation Bond issue include:

Water Tower Rehab	\$ 865,000
Replacement of Lift Station #1	\$2,800,000
Replacement of Lift Station #15	\$ 500,000
Water Meters	\$5,000,000
Replacement of Sewer Main from Logan Avenue to the south of Zoo Education Building	\$1,000.000

Greg Vahrenberg, Municipal Financial Advisor of Raymond James, was recognized and addressed the Governing Body. He stated a public sale of the City's General Obligation Bonds Series 2023 was held. He stated seven bids were received as follows:

Bidder	True Interest Cost:
Robert W. Baird & Co., Inc.	3.993883%
Piper Sandler & Co.	4.016413%
The Baker Group	4.035806%
Hilltop Securities	4.093502%
BOK Financial Securities, Inc.	4.103356%
Janney Montgomery Scott LLC	4.137199%
TD Securities	4.175714%

He stated it was determined the Bonds should be awarded to Robert W. Baird & Co., Inc. whose bid represented the lowest true interest costs to the city.

Dominic Eck, Bond Counsel of Gilmore & Bell, was recognized and addressed the Governing Body. He stated the actions that need to take place after the bond sale are to; Ratify the award of the bid; Approve the ordinance that authorizes and provides the issuance of the general obligation bonds, Series 2023; and approve the resolution that prescribes the form and details and directing the sale and delivery of general obligation bonds, Series 2023. He stated following the meeting they will finish compiling the

transcript of proceedings related to this bond issue, send it to the Attorney General's office for approval and then the bond issue will close, and the money will be deposited into the City's bank account at the end of the month as described.

Commissioner Harter made a motion to Ratify the Award of the Bid and approve Ordinance Number 23-36 authorizing and providing for the issuance of General Obligation Bonds, Series 2023. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman.

BONDS
(Authorize General Obligation Bonds, Series 2023 - \$9,925,000)
(Resolution Number 3712)

Assistant City Manager Detter was recognized and addressed the Governing Body. He stated the bond sale occurred the morning of November 14, 2023, and this resolution will prescribe the form and details of and authorize and direct the sale and delivery of General Obligation Bonds, Series 2023 and award the sale of the bonds to Robert W. Braid Co., Inc. at a true interest rate of 3.993883%.

Commissioner Harter made a motion to approve Resolution Number 3712 authorizing the sale and delivery of general obligation bonds, Series 2023 of the City of Emporia, Kansas and award the sale of the bonds to Robert W. Braid & Co., Inc. at a true interest rate of 3.993883%. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

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 October 2023 for community:

1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	
	\$ 422,658.81	\$ 577,241.03	Increase of \$154,582.22 for the month, and
YTD	\$5,013,564.19	\$5,371,922.70	Overall increase of 7.15% from year 2022.

2. City Share from County Tax

	2022	2023	Increase of \$74,708.71 for the month, and
	\$ 222,718.48	\$ 297,427.19	Overall increase of 10.24% from year 2022.
YTD	\$2,560,620.40	\$2,822,895.85	

Building Permits issued from 10/1/2023 to 10/31/2023 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	64
Total of valuations associated with those building permits:	\$ 1,257,999.00
Total number of dollars collected for Building Permit Fees:	\$ 9,123.25

Construct – Single-family dwellings	0
Demo – Single-family dwellings	1

Flint Hills Mall CID for October 2023	\$ 17,482.09
YTD	\$188,069.92

Pavilions CID for October 2023	\$ 17,966.96
CID #2	\$ 17,966.96
YTD	\$182,566.96

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on November 1, 2023.

The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, 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 DECEMBER 6, 2023, MEETING.

- Boundary Resolution.
- Award Sunset Lake.

Study Session:

- Discuss Utility Funds.
- Discuss Updates of City Park Rules.
- Discuss Approval of the New Bandstand in Fremont Park.
- Discussion Implementation of Rental registration and revisions of the current vacant property ordinance.
- Review RFQ for Water Treatment Plant Analysis.

**CITY COMMISSION
(Public Comment)**

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

EXECUTIVE SESSION

Commissioner Harter made a motion to recess into Executive Session for consultation with the City Attorney regarding a legal matter resuming the open meeting in the City Commission Meeting Room, this same date, at 12:00 p.m. and inviting Tayler Wash, Special Projects Director and Dean Grant, Public Works Director. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Upon reconvening the meeting in Regular Session, at 12:00 p.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had consultation with the City Attorney regarding a legal matter and no action was taken.

Commissioner Harter made a motion to recess the meeting until 12:20 p.m. to Conference Room 1AB. Commissioner Smith seconded the motion. The vote follows:

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

The following items were discussed at Study Session:

1. Emporia REC Commission Presentation.
2. Discuss the Process of ERP.
3. Discuss Quaker Park.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

City Surplus Real Property List

Title: Year End Charge offs
Agenda Date: December 6, 2023
Presented By: Janet Harrouff, Director of Finance

Background:

Annually, the City adjusts the uncleared checks, utility accounts, accounts receivable accounts and ambulance accounts that have been delinquent for 2 years from the accounting records.

Discussion:

All of the account balances are still owed and active collection efforts continue to be made to collect the debts. The check amounts are sent to the Kansas unclaimed property if not cashed within 5 years.

Financial considerations:

None

Recommended action:

Approve 2023 year end charge offs.

Attachments:

Each year the City of Emporia charges off open delinquent accounts that staff has been unable to collect through their aggressive collection efforts. (Details for each item are included in separate attachment.)

Ambulance Services:

	Billed		Charge-Off		Percent
2007	\$ 151,082.00	\$	151,549.17		10.03%
2008	\$ 1,532,950.00	\$	111,959.97		7.30%
2009	\$ 1,618,159.40	\$	96,511.73		5.96%
2010	\$ 1,731,446.76	\$	140,292.20		8.10%
2011	\$ 1,628,854.83	\$	140,549.84		8.62%
2012	\$ 1,659,825.66	\$	141,620.75		8.53%
2013	\$ 1,656,583.83	\$	140,383.37		8.47%
2014	\$ 1,677,207.82	\$	176,532.87		10.52%
2015	\$ 1,845,394.61	\$	273,455.99		14.81%
2016	\$ 1,897,585.89	\$	266,658.35		14.05%
2017	\$ 2,112,650.62	\$	198,507.65		9.40%
2018	\$ 2,285,029.28	\$	297,982.61		13.04%
2019	\$ 2,454,919.27	\$	309,404.90		12.60%
2020	\$ 2,407,312.66	\$	274,774.48		11.41%
2021	\$ 2,133,061.29	\$	310,502.01		14.56%

Accounting:

	Accounts Receivable	Claim Warrant checks	Petty Cash Checks	Payroll Check
2008	\$13,099.94(16 items)	\$570.00 (12 items)	\$160.28 (6 items)	\$0.00
2009	\$4,890.47 (7 items)	\$608.96 (6 itmes)	\$26.78 (2 items)	\$0.00
2010	\$830.63 (5 items)	\$518.00 (5 items)	\$124.26 (2 items)	\$4.90 (1 item)
2011	\$13,141.29 (7 items)	\$1,350.91 (8 items)	\$82.01 (5 items)	\$0.00
2012	\$3,620.32 (6 items)	\$362.35 (13 items)	\$0.00	\$0.00
2013	\$2,252.29 (7 items)	\$1,118.04 (16 items)	\$124.33 (3 items)	\$2.82 (1 item)
2014	\$13,888.25 (18 items)	\$1,390.74 (21 items)	\$0.00	\$30.41 (2 items)
2015	\$4,42.09 (12 items)	\$565.98 (11 items)	\$0.00	\$0.07 (1 item)
2016	\$1,938.60 (9 items)	\$2,766.78 (15 items)	\$0.00	\$5.65 (1 item)
2017	\$5,866.51 (11 items)	\$467.82 (11 items)	\$0.00	\$81.22 (1 item)
2018	\$11,545.92 (8 items)	\$2,408.38 (7 items)	\$0.00	\$753.88 (2 items)
2019	\$6,661.93 (15 items)	\$371.05 (6 items)	\$0.00	\$0.00
2020	\$12,337.16 (15 items)	\$3,154.67 (19 items)	\$0.00	\$0.00
2021	\$18,792.62 (12 items)	\$3,412.86 (9 items)	\$0.00	\$0.00

Utility Charge-Off's (2021)

	Water	Sewer	Refuse	Total
Billed	\$ 7,009,923.03	\$ 5,604,381.00	\$ 2,964,876.00	\$ 15,579,180.03
Chargeoff	\$ 13,985.62	\$ 12,074.21	\$ 6,827.63	\$ 32,887.46
Percent	0.1995%	0.2154%	0.2303%	0.2111%

2021 Returned Uncollected Checks:

2008	0.4797%
2009	3.7014%
2010	2.0496%
2011	0.0170%
2012	0.0451%
2013	0.0389%
2014	0.1537%
2015	0.0598%
2016	0.2356%
2017	0.0025%
2018	0.2890%
2019	0.0528%
2020	0.1575%
2021	0.3396%

Balance due on returned checks (uncollected) \$1,100.62

Total Returned for Water Payment	\$11,038.58
Total Returned for Other Departments	<u>\$1,240.62</u>
Total Returned Checks	\$12,279.20



Commission Action Report

Change Order No. 2 for Mechanic Street Parking Lot Project

Title: Change Order No. 2 for Mechanic Street Reconstruction (600 & 700 Block), Project No. PK2101

Agenda Date: December 6, 2023

Presented By: James Uberty, City Engineer

Background:

In addition to the parking provided, the 600 and 700 block of Mechanic Street parking lots serve as a community hub for large events Emporia hosts throughout the year. Both lots are in need of reconstruction due to the age and deterioration of the concrete. With the reconstruction, additional ADA-accessible parking spots will be added.

Discussion:

During the construction of the 700-block parking lot fill sand was discovered in the areas where previous houses were demoed in the 700-block parking lot. The soft subgrade (fill sand) areas were removed and additional thickness subgrade material and AB-3 was compacted in its place. This Change Order No. 2 represents the overrun of Combined Material (AB-3) that was needed, increasing the contract amount by \$30,302.90 to a total of \$838,302.75.

Financial considerations:

Funding will be provided by the Multi-Year Fund.

Recommended action:

The staff recommends approving Change Order No. 2 in the amount of \$30,302.90.

Attachments:

Change Order No. 2 with blurbs is attached.

**CHANGE IN PLANS NO. 2
ON CONTRACT WITH BRUCE DAVIS CONSTRUCTION, LLC FOR THE CONSTRUCTION OF
MECHANIC STREET PARKING LOT RECONSTRUCTION
(600 & 700 BLOCK MECHANIC STREET)
PROJECT NO. PK2101**

Date: November 27, 2023

This change in plans, made in accordance with the provisions of paragraph 9, GC-4 Changes to the Contract under the above Contract, provides for a change in the contract total due to estimated quantities being different than the actual quantities used in the construction of the Mechanic Street Parking Lot Reconstruction (600 & 700 Block Mechanic Street) Project No. PK2101.

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE IN FIGURES</u>	<u>TOTAL AMOUNT</u>
QUANTITIES DELETED:				
			Total Deleted:	\$0.00
QUANTITIES ADDED:				
1246.52	TONS	Combined Material (AB-3) @ Twenty-four Dollars and Thirty-one Cents (Lump Sum in Words)	\$24.31	\$30,302.90
			Total Added:	\$30,302.90
TOTAL ADDED TO THE PROJECT:				<u>\$30,302.90</u>

CONTRACTOR: BRUCE DAVIS CONSTRUCTION, LLC

BY: Bruce Davis
OWNER or AUTHORIZED REPRESENTATIVE

APPROVED BY: THE CITY OF EMPORIA, KS

BY: _____
MAYOR

Date: _____

Attest: _____
CITY CLERK

**Mechanic Street Parking Lot Reconstruction
(600 & 700 Block Mechanic Street)
PROJECT NO. PK2101
EXPLANATION FOR CHANGE ORDER 2**

During construction of the Mechanic Street Parking Lot Reconstruction (600 & 700 Block of Mechanic Street) Project No. PK2101, changes and adjustment of quantities were made with no additional changes added to the project. This change order results in an increase of the contract in the amount of **\$ 30,302.90**

Quantities Added to the contract:

1. Combined Material (AB-3) –

This change was added to the project for additional aggregate base. During excavation operations under the existing parking lot pavement, the existing material consisted of an unstable fill sand that needed to be removed to obtain a stable sub-base. It was agreed to by the Contractor and City Engineer to increase the depth of aggregate base and be paid for by the ton. The area of plan aggregate base was converted to tons and subtracted out from the tonnage hauled in. 2167.52 Tons of AB-3 was hauled in. 821 Tons was subtracted out and paid for by the plan Square Yards. Another 100 Tons was subtracted out for trimming and used in alley. 1246.52 Tons at \$24.31 per ton was added to the contract for an additional cost of **\$30,302.90.**

Quantities Deleted from the contract:

No Quantities Deleted from the Contract for this Change Order.



Commission Action Report

Informational Items

Title: Informational Items

Agenda Date: December 6, 2023

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 December 20, 2023.

Commission Meeting :

Public Hearing for Budget Amendment.

Ordinance Budget Amendment.

Consider Approval of the 2024 Maintenance Contract with Emporia Public Library.

Boundary Resolution

Resolution to Transfer Quaker Park to Land Bank.

Resolution in Support of the Library Board.

Approve MOU with REC Center.

Development Agreement with Fairview Hotels.

NO STUDY SESSION



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: December 6, 2023

Background:

Executive Session to discuss personnel matters of non-elected personnel. K.S.A. 75-4319(B)(1) is the authority for this recess into Executive Session.

Discussion:

N/A

Financial considerations:

No city funds are required.

Recommended action:

Recess into Executive Session to discuss non-elected personnel for 25 minutes, stating at which time the open meeting will resume.

Attachments:

None



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: December 6, 2023

Background:

Executive Session for the preliminary discussion of the acquisition of real property. K.S.A. 75-4319(B)(6) is the authority for this recess into the Executive Session.

Discussion:

N/A

Financial considerations:

No city funds are required.

Recommended Action:

Recess into Executive Session for the preliminary discussion of the acquisition of real property for 10 minutes and to invite Jim Ubert, City Engineer, and Tayler Wash, Special Projects Director, and stating at which time the open meeting will resume.

Attachments:

None



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: December 6, 2023

Background:

An Executive Session for discussions relating to data related to financial affairs or trade secrets of corporations, partnerships, trusts, and individuals related to potential economic development projects. K.S.A. 75-4319(B)(4) Is the authority for this recess into Executive Session.

Discussion:

N/A

Financial considerations:

No city funds are required.

Recommended action:

Recess into Executive Session to discuss confidential matters of a third party for a potential development project for 15 minutes and to invite Tayler Wash, Director of Special Projects, and stating at which time the open meeting will resume.

Attachments:

None

Title: Utility Fund Discussion
Agenda Date: December 6, 2023
Presented By: Janet Harrouff, Director of Finance

Background

The Utility funds are reviewed at the end of each year to determine if the rates are sufficient for the next year.

Water fund – in March a rate study was conducted by Burns and Mac with a recommendation to increase rates in April and January 1, 2024 approximately 8% and 7.5% to cover the water main projects that have been approved. The rate increase was adopted. During discussions on water rights in May the commission approved increasing the acreage feed from Council Grove Lake. The state approved the request, but a higher payment will be charged than was included in the rate study. Therefore, an additional rate increase is needed.

Wastewater fund – The reserves in this fund have been declining for several years. The full payment of the state loan started in 2019 and reserves have been used to make part of this payment. Therefore, a rate increase is needed to make the bond payments.

Discussion

Staff is proposing to increase water rates an additional 1% in 2024 and wastewater rates an additional 5% in 2024 and 2025.

Financial Considerations

The Utility funds reserve levels are projected to be below the 20% required rate at the end of 2023. Due to the aging infrastructure the expenses incurred in 2023 was higher than budget and reserves have been used to pay for these expenses. User rates need to be sufficient to cover all expenses for each utility fund.

Attachments

Power point will be available during the study session.

Title: Discuss Implementation of Rental Registration and Revision of the Current Vacant Property Ordinance

Agenda Date: December 6, 2023

Presented By: Kory Krause, Director of Building & Neighborhood Development
Jeff Lynch, Community Development Coordinator

Background

The current vacant property ordinance, which has been in effect since 2014 with a revision in 2015, has not been a useful tool for the city in trying to solve issues that are created by many of the vacant properties in this city. The effects of vacant properties consist of decreased property values, loss of property tax revenue, higher crime rate, and costs of municipality services. The Community Housing Board and Building Trades Board are in favor of a revision of the vacant property ordinance.

Rental registration has been in conversation several times over the past couple of years due to the fact that 51 percent of housing units are rental property. A rental registration program will help ensure safer rental properties, improve accountability of rental units, and also create a safer living environment due to substandard remodeling practices by the owner.

Discussion

Discuss with commission the issues that continue to be prevalent throughout our rental housing community, and our vacant properties in general. Building and Neighborhood Development and both boards feel that our community would benefit from a uniform enforcement ordinance for rental registrations and a revision of our current vacant house ordinance to be an effective program for the safety of renters and the neighbors around vacant property.

Financial Considerations

The need to hire an additional staff member in order to administer the programs and help perform inspections. Depending on rental registration fees, and bi-annual vacant property fees I believe this could be enough to fund an additional person for this project.

Recommended Action

Approve moving forward with a detailed ordinance of both the rental registration and revision of the vacant property ordinance.

Attachments

Rough draft of vacant property ordinance.

Letters of recommendation from the Building Trades Board and Community Housing Board on vacant property ordinance.

Rough draft of rental registration ordinance.

ORDINANCE 2023-

AN ORDINANCE, AMENDING CHAPTER 8, ARTICLE III, ENTITLED “ABANDONED AND VACANT BUILDINGS” BY REPEALING, IN ITS ENTIRETY AND REPLACING, IN ITS ENTIRETY, WITH CHAPTER 8, ARTICLE III TO BE ENTITLED “REGISTRATION OF FORECLOSING MORTGAGED PROPERTY AND VACANT PROPERTY”; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES AND VACANT PROPERTY BY OWNERS; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE CITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

(RECITALS)

WHEREAS, the City Commission desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the City of Emporia and maintain a high quality of life for the citizens of the City through the maintenance of structures and properties in the City; and

WHEREAS, the Commission recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as “Registrable Properties”) located throughout the City lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Commission has already adopted property maintenance codes to regulate building standards for the exterior and interior of structures and the condition of the property as a whole; and

WHEREAS, the Commission recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Commission has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the City to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected, or left unsupervised.

(RESOLUTION)

NOW THEREFORE, BE IT RESOLVED BY THE CITY:

The Commission finds that the implementation of the following changes and additions will assist the City in protecting neighborhoods and business areas from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing City regulations and laws.

- (a) That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.

- (b) That the Commission does hereby amend the City Codified Ordinances by repealing, in its entirety, Chapter 8, Article III entitled “Abandoned and Vacant Buildings” and replacing it, in its entirety, with Chapter ##, Article ## entitled “Registration of Vacant Property and Foreclosing Mortgaged Property” to read as follows.

REGISTRATION OF VACANT PROPERTY AND FORECLOSING MORTGAGED PROPERTY

PURPOSE AND INTENT.

It is the purpose and intent of the Commission to establish a process to address the deterioration, crime, and decline in value of City neighborhoods and business districts caused by property with foreclosing or foreclosed mortgages and owner vacated property located within the City, and to identify, regulate, limit, and reduce the number of these properties located within the City. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential or commercial areas where the properties are located. It is the Commission’s further intent to establish a registration program as a mechanism to help protect neighborhoods and area’s from becoming blighted through the lack of adequate maintenance of properties that are vacant and/or in Foreclosure or Foreclosed.

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.

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any building official, zoning inspector, code enforcement officer, fire inspector, building inspector, law enforcement officer or other person authorized by the City to enforce the applicable code(s).

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead the Chief Building Inspector or one of his/her appointed officers to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

Foreclosure or Foreclosure Action shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm’s length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities as the assignee or owner.

Owner shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

Property Manager shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the City limits.

Registrable Property shall mean:

- (1) Any commercial or residential property that is vacant, meaning any building or structure intended for residential or commercial use which does not appear to be occupied or in use by the owner or tenant on a permanent, nontransient basis for more than 180 days and/or not used as intended by the City adopted Zoning Ordinance.
- (2) Any real property located in the City, whether vacant or occupied, that meets any of the following conditions:
 - (a) The property is the subject of a foreclosure action filed by the mortgagee;
 - (b) A judgment of foreclosure has been entered;
 - (c) A foreclosure sale has occurred and title transferred to the beneficiary of a mortgagee; or
 - (d) The property has been transferred to a mortgagee under a deed in lieu of foreclosure/sale.

The designation of a property as "registrable" shall remain in place until such time as the property is sold to a bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.

Registry shall mean a web-based electronic database of searchable Real Property records, used by the City to allow Mortgagees and Owners the opportunity to register properties as required in this Chapter.

Renovation activities shall mean actions that demonstrate that property is being repaired, remodeled, or rehabilitated and subject to all requirements pertaining to the cities adopted building and zoning ordinances with all permitting requirements adhered to. Such activities shall include, but not be limited to, painting, roofing, wallpapering, tiling, carpeting, installing cabinets/counter tops, installing heating/cooling systems, and repairs to any part of the structure including, but not limited to, the foundation, windows, doors, siding, and porches.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all City codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any building or structure intended for residential or commercial use which does not appear to be occupied or in use by the owner or tenant on a permanent, nontransient basis. Evidence that a property is vacant shall include any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property has not been occupied or in use for at least 180 days. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings.

APPLICABILITY AND JURISDICTION

This Chapter applies to Vacant and Foreclosing, Foreclosed property within the City of Emporia.

ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section ## the City, or its designee, shall establish a registry cataloging each Registrable Property within the City, containing the information required by this Chapter.

VIOLATIONS AND PENALTIES

Any person who fails to file a registration statement, amendment or other statement required by this division or violates the provisions of sections "INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE", "INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE", shall be issued a violation for a Class C misdemeanor and shall be punished by a fine not exceeding five hundred dollars (\$500.00), or by confinement in the county jail for a definite term not exceeding one month, or by both such fine and confinement. No portion of the minimum fine shall be paroled by the court. Each property and/or parcel owned shall constitute a separate offense. A citation may be issued under this section every 30 days by any enforcement officer until such registration statement, amendment or other statement required by this division is filed.

INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE

- (a) Any Mortgagee who holds a mortgage on Real Property located within the City shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the City Registry, and, at the time of registration, indicate whether the property is Vacant, and if so, shall designate in writing a Property Manager to inspect, maintain, and secure the Real

Property subject to the mortgage under a Foreclosure Action when legally possible. Separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.

- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of one hundred dollars (\$150.00) for each residential property or two hundred dollars (\$200.00) for each commercial property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of one hundred dollars (\$150.00) for each residential property or two hundred dollars (\$200.00) for each commercial property are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the City's Department dedicated to the cost of implementation and enforcement of this Ordinance and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.
- (f) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (g) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.
- (h) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (i) Properties subject to this section shall remain subject to the Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (j) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the City.
- (k) If any property is in violation of this Chapter, the City may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

- (l) Registration of foreclosure property does not alleviate the Mortgagee and/or Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes. Acquisition of required licenses permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. Mortgagee and/or Owner is expected to update the status of the property in the event of a Mortgagee managed rental.

INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE

- (a) Any Owner of Vacant property located within the City shall within one hundred eighty (180) days after the property becomes Vacant, register the Real Property with the City Registry.
- (b) If the owner resides outside a 45-mile radius of the City limits, the owner shall appoint an agent who resides within the City limits. The owner shall provide the agent's full name, property management company name (if applicable), email address (if applicable), telephone number and mailing address.
- (c) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.

Name of Owner: _____
Mailing Address of Owner: _____
E-mail Address: _____
Telephone/Cell Phone Number: _____

Name of Property Manager: _____
Mailing Address of Property Manager: _____
E-mail Address of Property Manager: _____
Telephone/Cell Phone Number of Property Manager: _____

- (d) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee at the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of one hundred dollars (\$150.00) for each residential property or two hundred dollars (\$200.00) for each commercial property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of one hundred dollars (\$150.00) for each residential property or two hundred dollars (\$200.00) for each commercial property. Said fees shall be used to offset the costs of:
- (1) registration and registration enforcement,
 - (2) code enforcement and mitigation related to vacated properties,
 - (3) for any related purposes as may be adopted in the policy set forth in this Chapter.

Said fees shall be deposited to a special account in the City's Department dedicated to the cost of implementation and enforcement of this Ordinance and fulfilling the purpose and intent of this Chapter.

- (f) Properties subject to this section shall remain subject to the Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.

- (g) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the City.
- (h) If any property is in violation of this Chapter, the City may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (i) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

MAINTENANCE REQUIREMENTS

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable codes of the City. Pursuant to a finding and determination by the city attorney, the city may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) and the International Property Maintenance Code of the City.

SECURITY REQUIREMENTS

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

- (b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by proper re-glazing the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the City.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the City Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:
- THIS PROPERTY IS MANAGED BY _____.
- AND IS INSPECTED ON A REGULAR BASIS. _____.
- THE PROPERTY MANAGER CAN BE CONTACTED _____.
- BY TELEPHONE AT _____.
- OR BY EMAIL AT _____.
- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the City. The city may take the necessary action to ensure compliance with this section and recover costs and expenses in support thereof.

EXCEPTION TO THE FEE PROVISIONS

In the case in which a registered vacant property does not receive any violations for a minimum of one (1) year, as set forth in this ordinance, meets all maintenance and security requirements, also the registered vacant property shall be compliant with Emporia currently adopted International Property Maintenance Code. The Chief Building Inspector, or an appointed officer may grant the owner of the vacant property a reduction of fees semi-annual required by section “INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE (e)”.

If all requirements of this ordinance are complied with the semi-annual fees will be reduced to \$50.00 for residential and \$150.00 for commercial properties. Failure of the property owner to comply with the maintenance and security requirements set forth in sections "INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE", "INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE", the semi-annual registration fee for vacant property will immediately be re-instated.

PROVISIONS SUPPLEMENTAL

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the City from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

PUBLIC NUISANCE

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the City.

ADDITIONAL AUTHORITY

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner and may bring the violations before the Chief Building Inspector, City Manager or City Attorney as soon as possible to address the conditions of the property. Nothing herein shall limit the City from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Chief Building Inspector, code enforcement officer, or city attorney shall have the authority to require the Owner or Mortgagee affected by this ordinance, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Chief Building Inspector, code enforcement officer, or city attorney may direct the City to abate the violations and charge the Mortgagee or Owner with the cost of the abatement. If the vacant property is or becomes a life safety hazard, then the city shall use *K.S.A. 12-1756. Same; immediate hazard; action to protect public; notice not required*; to abate the structure and charge the owner with the cost of abatement.
- (d) If the Mortgagee or Owner does not reimburse the City for the cost of temporarily securing the property, or of any abatement directed by the Chief Building Inspector, code enforcement officer, or city attorney, within thirty (30) days of the City sending the Mortgagee or Owner the invoice then the City may lien the property with such cost, along with an administrative fee as determined in the City's fee ordinance to recover the administrative personnel services. In addition to filing a lien the City may pursue financial penalties against the Mortgagee or Owner.
- (e) The City may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the City contracted with for that purpose.

OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

IMMUNITY OF ENFORCEMENT OFFICER

Any Enforcement Officer or any person authorized by the City to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

PENALTIES

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

AMENDMENTS

Registration fees and penalties outlined in this Article may be modified by resolution, administrative order, or an amendment to this Article, passed and adopted by the Commission.

SEVERABILITY

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

REPEALER

All ordinances or parts of ordinances in conflict herewith, are hereby repealed and replaced.

CODIFICATION

It is the intention of the Commission, that the provisions of this Ordinance shall become and be made a part of the City Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "chapter", or such other appropriate word or phrase in order to accomplish such intentions.

EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption.



October 23, 2023

City Commissioners,

The members of Emporia' Building Trades Board continuously strive to ensure the upmost betterment of our building trades and the adopted codes for this city. These members ensure that safe and quality structures are maintained within the city limits. During a survey in 2020 ProChamps estimated that Emporia had over 400 vacant properties in the city which included residential and commercial structures. Knowing that a vacant structure deteriorates faster when not occupied or is being taken care of properly. Therefore, the need to keep neighborhoods free from blight, crime, overall dilapidation of structures and stop the negative perception of deteriorating residential and commercial areas in the city, the Building Trades Board does support looking into a new revision of the vacant property ordinance, to help keep the city more appealing.

The Building Trades Board is aware of the current vacant building ordinance, but due to non-enforceable wording and understaffing this ordinance has had little to no effect since its adoption. Conversations concluded that in order to be more effective in fighting the dilapidation of residential neighborhoods and commercial area's the current vacant property ordinance would have to be improved or rewritten to ensure the ability to properly act on vacant properties. City staff have been working on an updated ordinance which the members of the building trades board have had a chance to review. The board supports looking into a new vacant property ordinance and agrees that this would be a critical tool in creating a healthier, cleaner and a more appealing place for the citizens of Emporia and the visitors passing through or have gathered to attend one of our city's events.

Sincerely,

Building Trades Board

Building Trades Board



Community Housing Board/ 521 Market St. / P.O. Box 928/ Emporia, KS 66801 620-343-4285

October 11, 2023

City of Emporia City Commission
104 E. 5th Ave./ P. O. Box 928
Emporia, KS 66801

RE: Vacant Building Ordinance

Dear Commissioners,

We, the Community Housing Board, are dedicated to the betterment of the city's housing stock so that our citizens may have safe and desirable housing which they can live in. A recent survey indicated there are approximately 500 vacant buildings throughout our city. Our own observation has revealed that over 100 single family houses remain vacant. In many cases these structures are not well maintained, or even checked on a regular basis by the owners. Vacant buildings are causing, and continue to create, negative influences across our neighborhoods and commercial districts in a dramatic way.

Although the city currently has a vacant building ordinance, because of legal loopholes and understaffing, our code has had little or no effect. The code, and enforcement process, will need to be improved in order to be effective. After reviewing the updated ordinance drafted by city staff, we firmly support this proposal as an effective tool to attack the blighting influence of vacant houses and buildings. We fully support the proposed vacant building code as a critical tool to make our city an attractive place to live, work and shop.

Sincerely,

Matt Lowery
Chairman, Community Housing Board

ARTICLE IV. RENTAL DWELLING UNIT REGISTRATION PROGRAM

Sec. 8-30. Purpose; Definitions:

(a) Purpose:

Whereas the City Commission recognizes the need to provide current and accurate contact information of the property owner and/or his agent in order to provide an efficient and timely system of communication in order to achieve best practice situations for the health, safety and welfare of the citizens living within the city limits of Emporia.

(b) Definitions:

Agent shall mean a person or persons eighteen years or older who has agreed to serve as the agent for owner, to the extent and only for the purposes described in this article, and whom the owner has designated as the agent on the rental registration form.

Dwelling unit shall mean a distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which rent or a remuneration of any kind is paid to the owner. Single-family residences, condominiums, duplexes, apartments, rooming houses, congregate residence, dormitory, and fraternity/sorority, may all contain and be classified as residential rental dwelling units.

Family shall mean either (a) an individual or two or more persons related by blood, marriage or adoption, or under foster care established by governmental action, living together as a single housekeeping unit; or (b) a group of not more than four persons, some of which are not related by blood, marriage, or adoption, living together as a single housekeeping unit. There shall be a rebuttable presumption that five or more people living together as a single housekeeping unit are not a family.

Mailing address shall mean a commercial or residential address at which an owner or agent receives U.S. mail or packages, but it shall not include a post office box.

Owner shall mean any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court. In the absence of substantial evidence to the contrary, the county ownership records shall be conclusive evidence of ownership.

Owner-occupied dwelling unit shall mean a dwelling unit which is the primary place of residence for an owner of the dwelling unit, and such owner occupies the dwelling unit for more than 275 days of the calendar year.

Registrant shall mean the individual who submits the rental dwelling registration form required by this article and who is an owner of a rental dwelling unit.

Rent or rented shall mean to rent, lease, sublease or a remuneration of any kind is paid for a dwelling unit to another person or to advertise or offer for rent, lease, sublease or a remuneration

of any kind is paid for a dwelling unit to another person, for a period of 30 or more consecutive days.

Rental dwelling unit shall mean a dwelling unit that is rented, leased, or subleased to another person or that is advertised, or offered for rent, lease, or sublease a dwelling unit to another person for a period of 30 or more consecutive days.

Sec. 8-31. Establishment of a registry;

Pursuant to the provisions of Section 8-32 the City, or its designee, shall establish a registry cataloging each Rental Property within the City, containing the information required by this Article.

Sec. 8-32. Registration required; fines

- (a) Beginning and after July 1 2023, each rental dwelling unit located within the city limits shall be registered pursuant to this article. An owner of a registered rental dwelling unit shall submit and maintain accurate, complete and current registration information for the rental dwelling unit. The registrant shall update the registration information within 30 days of change in information required on the building official's registration form. If a registrant transfers the rental dwelling unit to a new owner, the new owner shall within 30 days:
 - (1) notify the city that the old owner no longer rents the dwelling unit; and
 - (2) update the registration information for the dwelling unit. If the rental dwelling unit has multiple owners, any one of the owners may register the rental dwelling unit. If an entity owns the rental dwelling unit, an authorized partner or officer shall register the unit.
- (b) The registrant shall submit the following information, for each rental property, on the form provided on the cities website or by a form provided by the Building and Neighborhood Development department:
 - (1) Rental dwelling unit address or addresses and number of dwelling units associated with a building address;
 - (2) Owner's name and registrant's contact information (full name, date of birth, mailing address, e-mail address and telephone number, cell phone and land line, if available);
 - (3) The registrant's certification that the registration contains information that is complete and correct.
- (c) Any person who fails to file a rental registration statement, or other statement required by this article or violates the provisions of this article shall be issued an administrative citation and be required to pay a civil penalty. Each property and/or parcel owned shall constitute a separate offense. A citation may be issued under this section every 30 days by any enforcement officer until such registration statement, amendment or other statement required by this division is filed.
- (d) No person shall rent or permit or allow another person to rent or to occupy, a rental property that has been converted from a single-family dwelling to a rental property and/or remodels an existing rental property without first being inspected and approved to occupy by a building inspector working for the City of Emporia. Each day that any person rents, or

permits or allows another person to rent or to occupy a rental dwelling unit in violation of this article shall be considered a separate offense.

- (e) No person shall rent, or permit or allow another person to rent or to occupy, a rental dwelling unit that is not registered or updated in accordance with this article. Each day that any person rents, or permits or allows another person to rent or to occupy a rental dwelling unit in violation of this article shall be considered a separate offense.
- (e) A violation of subsections (c) & (d) shall be fined as follows:
 - (1) For a first conviction within the preceding 12-month period, the person shall be punished by a fine of at least \$250.00, but not exceeding \$500.00, per structure.
 - (2) For a second conviction within the preceding 12-month period, the person shall be punished by a fine of at least \$500.00, but not exceeding \$1000.00, per structure.
 - (3) For a third or subsequent conviction within the preceding 12-month period, the person shall be punished by a fine of \$1000.00, per structure. In addition, the person may be punished by a term of imprisonment for a period not exceeding six months.
- (f) Nothing contained in this article shall be interpreted or construed to relieve the owner or person responsible from the responsibility to comply with all applicable laws or city codes. No portion of the minimum fine shall be paroled by the court. Each property and/or parcel owned shall constitute a separate offense.

Sec. 8-33. Exceptions.

- (a) The provisions of this article shall not apply to an owner-occupied dwelling unit.
- (b) The following are not considered to be rental dwelling units subject to the requirements of this article:
 - state-licensed hotels and motels.
 - state-licensed or regulated living facilities, including, but not limited to:
 - adult care homes,
 - group homes,
 - community mental health centers,
 - residential treatment facilities,
 - residential care facilities,
 - parish houses,
 - rectories or dwelling units provided, for no compensation, by a religious organization to the religious organization's clergy or leaders,
 - bed and breakfasts,
 - hospitals.

Sec. 8-34. Appointment of a local agent.

If the registrant resides outside a 40-mile radius of Emporia, then the registrant must appoint an agent who is located within 40 miles of Emporia. If the registrant resides within the 40-mile radius of Emporia, the registrant may appoint an agent, at the registrant's option. If a registrant appoints an agent, the registrant must provide the agent's full name, property management company name (if applicable), e-mail address (if applicable), phone number and mailing address on the registration form. The agent's purpose under this article is to receive notification of any code or zoning violation notice sent to an owner, to serve as a local contact in the event of an emergency, and to facilitate contact between the city and the owner. The appointment of an agent pursuant to this article does not make the agent legally responsible for violations of code or zoning with respect to the owner's property, nor does it make the agent legally responsible for the owner's lack of compliance with this article.

Sec. 8-35. Authority of the building official.

- (a) The building official or a designated person shall develop and provide a rental dwelling unit registration form to obtain the registration information required by this article. The building official may produce and furnish written and electronic applications for registration, which may include a consolidated registration form for multiple rental dwelling units owned by a single owner.
- (b) The building official or a designated person shall have the authority to develop and maintain an education program to implement the purposes of this article and to protect the public health, safety and welfare through the promotion of safe rental housing, the preservation of the character and stability of residential neighborhoods, and the protection of property values.

Sec. 8-36. Remedies in this article not exclusive.

The remedies provided in this article are not exclusive. Any remedy sought pursuant to this article shall be in addition to, and do not supersede or preempt other remedies available to the city, including, but not limited to, vacation of a dwelling unit, condemnation, or criminal prosecution for the violation of the substantive provision of a city code or ordinance. Further, the remedies in this article do not supersede or affect the legal rights and remedies of landlords or tenants provided under federal, state or local law.

Secs. 8-37 – 8-44. Reserved:

Title: CGI Digital Grant Program

Agenda Date: December 6, 2023

Presented By: Matt Fowler, TGT Advisory Board Chair and
Christine Torrens, Communications Manager

Background:

The City of Emporia initiated a project with CGI Digital to create a series of five videos showcasing the City and its facilities. These video links will be incorporated on the official City of Emporia website but are hosted on the CGI Digital platform. As part of this project, local businesses were given the chance to be involved by purchasing advertising space on the City of Emporia's CGI Digital video page.

This approach benefits both the City and local businesses. The City acquires professionally produced videos to promote the municipality and facilities, which can enhance tourism and local pride. Meanwhile, local businesses can use the advertising space to reach a broader audience through the videos, potentially increasing their customer base and visibility.

Discussion:

This collaborative effort between the City, CGI Digital, and local businesses, could have positive effects on the community, the economy, and the overall image of Emporia.

During the September meeting, City staff introduced the CGI Digital Grant Program, supported by the Transient Guest Tax. However, the discussion on this matter was postponed at that time because a quorum was not present.

The TGT Advisory Board vetoed the creation of the CGI Digital Grant Program at their November meeting on November 21, 2023. The TGT Advisory Board expressed the view that this program did not align with their strategy for promoting tourism.

Financial Considerations:

\$50,000 annually from TGT Funding, to be reviewed after two (2) years

Attachments:

[City of Emporia CGI Digital Contract \(PDF\)](#)