

COMMISSION MEETING

11:00 A.M.

AUGUST 17, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, August 17, 2022, with Mayor Smith presiding and Commissioners Brinkman, Giefer, Harter and Sauder present. Also present were City Manager Cocking, 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. Hate speech, profanity, and defamation are not allowed. Please stated your name and address prior to making comments.

Steve Hollar, 909 West Street, was recognized and addressed the Governing Body. He stated he had concerns about properties that are not mowed in a timely manner, overgrown weeds, city's weed ordinance, and overall look of town due to this concern.

Consensus of the Commission was discussion of the current weed ordinance and the possibility of improvement to the process.

**CITY COMMISSION
(Board Appointments)**

Library Board:

It was moved by Commissioner Brinkman seconded by Commissioner Harter that Heather Caswell and Sarah Wyrick be appointed to fill expired terms to the Emporia Library Board that expire April 30, 2024. Jesse Lobb was appointed to fill an unexpired term that expires April 30, 2023. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Approve Brownstone/Red Brick Emporia, LLC)
(Tax Increment Redevelopment District & CID Development Agreement)**

Jim Witt, Special Project Manager, was recognized and addressed the Governing Body. He stated the Brownstone/Red Brick Investment project, south travel plaza, has completed the process for the Tax

Increment Financing (TIF) and Community Improvement District (CID) incentives under Kansas Statutes. The Commission previously held public hearing on the TIF and CID and a requirement for the TIF and CID ordinances to be effective is the formalization of the Development Agreement. The Development Agreement outlines the City's participation in the paving of Brownstone Boulevard and Martin Drive. The developer has secured a travel plaza, lifestyle RV park and a letter of intent for a hotel. A local real estate firm represented Red Brick, LLC and is responsible for marketing the restaurant and retail pad sites. The attorneys representing the City and Developer have reviewed the Agreement and were given the opportunity to make minor changes for the City to continue to request that action be taken. He stated within the Agreement the City's share of the two streets is capped at \$1,000,000.00, which represents the cost of concrete surfaces only on the two streets. The City will be reimbursed through the collection of the 2% CID tax approved by the Commission. Based on the Developer's estimates and revisions it is anticipated the City will be repaid in a period of 8 - 10 years. The range is dependent on the development of all facets of the site and is a conservative estimate based on the project plan adopted on June 1, 2022. This estimate does not take into account general sales tax collections paid directly to the City. He stated staff was recommending approving the Development Agreement for Brownstone/Red Brick, LLC.

Following further discussion, Commissioner Sauder made a motion to approve the Development Agreement with Red Brick, LLC. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

CITY COMMISSION
(Designating Main Trafficways & Main Trafficway Connections)
(Ordinance Number 22-36)

AN ORDINANCE AMENDING, SUPPLEMENTING AND RESTATING ORDINANCE NO. 20-18 DESIGNATING MAIN TRAFFICWAYS AND MAIN TRAFFICWAY CONNECTIONS IN THE CITY OF EMPORIA, KANSAS PURSUANT TO K.S.A. 12-685 ET SEQ., AND REPEALING ORDINANCE NO. 22-30, to which the City Clerk assigned Ordinance Number 22-26, was presented to the Governing Body for their consideration.

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated the City of Emporia has previously approved Main Trafficway and Main Trafficway Connections in the corporate limits. Bond Counsel has advised the City to re-designate all previous Main Trafficway and Main Trafficway Connections in the City of Emporia. The city will be issuing bonds for the work done on Brownstone Boulevard and Martin Drive. Both of the streets will be classified as Main Trafficway Connections. In order to issue bonds for the streets, they must be listed as Main Trafficway Connections. He stated this ordinance will provide the procedure to issue general obligation bonds for Brownstone Boulevard and Martin Drive. He stated staff was recommending amending the designation of main trafficway and main trafficway connections.

Commissioner Sauder made a motion to approve Ordinance Number 22-36, and ordinance amending, supplementing and restating main trafficways. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

BONDS
(Authorize General Obligation Bonds - \$1,000.000.00)
(Street Improvements Brownstone Blvd & Martin Dr.)
(Ordinance Number 22-37)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY OF MAKE CERTAIN STREET IMPROVEMENTS; AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN AN APPROXIMATE PRINCIPAL AMOUNT OF

\$1,000,000.00 TO PAY A PORTION OF THE COSTS OF THE IMPROVEMENTS, to which the City Clerk assigned Ordinance Number 22-37, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated this ordinance authorizes the issuance of general obligation bonds up to \$1,000,000.00 to fund the street improvements of Brownstone Boulevard from US Highway 50 to its intersection with Martin Drive, and Martin Drive from its intersection with Overlander Street, all located within Brownstone Addition and Brownstone Second Addition.

Following further discussion, Commissioner Giefer made a motion to approve Ordinance Number 22-37, an ordinance authorizing general obligation bonds in the amount of \$1,000,000.00 for street improvement of Brownstone Boulevard and Martin Drive. Commissioner Harter seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

CITY COMMISSION
(Repealing Charter Ordinance No. 39)
(Relating to Bonding Authority)
(Charter Ordinance Number 41)

A CHARTER ORDINANCE EXEMPTING THE CITY OF EMPORIA, KANSAS, FROM THE PROVISIONS OF K.S.A. 13-1204a AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT RELATING TO GENERAL IMPROVEMENT AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING FOR SAID IMPROVEMENTS; AND REPEALING CHARTER ORDINANCE NO. 39 OF THE CITY, to which the City Clerk assigned Ordinance Number 39, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City previously utilized its Home Rule Authority to establish Charter Ordinance No. 27 exempting the City of Emporia from the provision and K.S.A. 13-1204a relating to bonding authority and providing substitute provisions. She stated in 2018, the City adopted Charter Ordinance No. 39 repealing Charter Ordinance No.

27 and creating alternate provisions. The proposed Charter Ordinance No. 41 was prepared by Garth Herrmann with public finance law firm Gilmore Bell. The charter ordinance would exempt the City of Emporia from the provisions of K.S.A. 13-1024a, provide a substitute provision in place thereof, and repeal existing Charter Ordinance No. 39. The provisions of this charter ordinance will provide broad authority for a wide variety of public improvements, including as a mechanism to assist with public improvements relating to housing. She stated the City would utilize this on a case-by-case basis to authorize projects by resolution of the City Commission. If Charter Ordinance No. 41 is approved, it will be published for two (2) consecutive weeks and becomes effective sixty-one (61) days after final publication. She stated staff was recommending approval of Charter Ordinance No. 41.

Commissioner Sauder made a motion to approve Charter Ordinance No. 41, relating to bonding authority. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

**WATER MAINTENANCE
(Engineering Services Agreement)
(BG Consultants, Inc.)
(2021 Potable Waterline Improvement)
(24th Avenue - Pump Station to 18th Avenue)
(Supplement Agreement No. 1)**

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated the City has previously entered into an agreement with BG Consultants for the design of the first phase of a 24-inch waterline that is from the Water Treatment Plant to 18th Avenue and Prairie Street. This supplemental agreement would replace both the 20-inch and the 16-inch waterlines that are currently in Prairie Street. Since the contract for design for the first phase was signed, there have been two (2) waterline breaks in the 20-inch line. He stated staff feels that the two (2) phases should be completed at the same time to replace the aging lines. This would amend the current

design contract to include the second phase at an estimated cost of \$184,850.00, bringing the total contract cost to \$416,925.00. The cost is reimbursable with funds from the State Revolving Loan Fund. Staff is recommending approve of Supplement Agreement No. 1 with BG Consultants, Inc., for the second phase of the 24-inch waterline for \$184,850.00.

Commissioner Brinkman made a motion to approve Supplement Agreement No. 1 with BG Consultants for the 24" waterline design in the amount of \$184,850.00. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

BONDS
(Authorizing Series 2022 General Obligation Bonds)
(Principle Amount of \$7,135,000.00)
(Resolution Number 3676)

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated this resolution will authorize the City's General Obligation Bonds, Series 2022, in the principal amount of \$7,135,000.00 for the following debt:

Aviation Fuel Truck	\$ 130,000
30 th Avenue	\$ 170,000
Bucket Truck	\$ 165,000
Street Sweeper	\$ 290,000
Backhoe - Street	\$ 115,000
Highland Street	\$ 750,000
Industrial Park Land - Smoots	\$1,000,000
Red Brick paving agreement	<u>\$1,000,000</u>
TOTAL B&I	\$3,620,000
Americus Road Sewer Main	\$ 630,000
Arundel Street Sewer Main	<u>\$ 800,000</u>
TOTAL SEWER	\$1,430,000
Actuators	\$ 550,000
Turbidity Meters	\$ 300,000
Vactor	\$ 460,000

Water Intake & Dam Repair	\$ 700,000
TOTAL WATER	\$2,010,000
Bond Issuance Costs	\$ 75,000
GRAND TOTAL	\$7,135,000

She stated items and projects have been approved previously and this bond issue will authorize the issuance of general obligation bonds to pay costs.

Commissioner Giefer made a motion to approve Resolution Number 3676, a resolution authorizing general obligation bonds, Series 2022, in the principal amount of approximately \$7,135,000.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 7-19-22)
(Application No. 2022-09 - Request of Speculative Holding, LLC)
(Rezone Property at Southwest Corner of Riley Ave. & Whittier St.)
(Final Plat for Mahtropolis Addition)

The Planning Commission met in a regular session on Tuesday, July 19, 2022, with Chair Thomas presiding. Members Bucklinger, Weaver, Colson, Duncan, and Barnes were present. City staff: Justin Givens and Moriah Keen were present.

Chair Thomas called the meeting to order, six members were present.

1- Considered the minutes of the June 21, 2022 and May 17, 2022 Planning Commission Meetings. Commissioner Duncan made a motion to approve both of the minutes. Commissioner Barnes seconded. Approved 5-0-1, Colson abstain.

Old Business:

2a. Consider an Application PC 2022-09 Requesting a Planned Unit Development - Mahtropolis Addition - Action Tabled From June 21, 2022 Meeting

Givens gave the staff report:

Application #: PC 2022-09

Applicants: Speculative Holdings, LLC

Owners: New Covenant Church, Speculative Holdings, LLC
(under contract)

Requested Action: Consider an application for a Planned Unit Development/Final Plat

Purpose: Applicant desires to create a Planned Unit Development that would allow for the development of 27 single-family detached residential homes.

Address: Southwest Corner of Riley Ave. & Whittier St.

Legal description: ALL THAT PART OF LOTS 5 AND 7 IN GOODRICH'S SUBDIVISION LOCATED IN THE SE1/4 OF THE NW1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, LYING SOUTH OF RILEY AVENUE AND LYING NORTH OF THE NORTHERLY RIGHT OF WAY OF I-35 BY-PASS.

Area Size: 5.50 Acres

Existing Zoning: R-1 Low Density Residential District

Surrounding Zoning:

North - R-1 Low Density Residential

East - R-1 Low Density Residential

South - Abuts Interstate 35

West - A-L Agricultural

Surrounding Actual Uses:

North - Detached Single-Family Residences

East - Detached Single-Family Residences

South - Interstate 35

West - Farmstead

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

Updated Analysis: Following the discussion of the Final PUD for Mahtopolis and motion to table any action, the City Engineer has provided a traffic study of the area. His analysis is based on the existing conditions as well as post development potential traffic.

His recommendation is that parking be restricted to one side of Riley Ave. **based on the existing conditions** of traffic generated from Trusler Sports Complex and the Sunflower Meadows Sub-Development.

The City Engineer also correctly points out that the area does have a secondary access point to Burlingame Road. Residents in the area can travel north/south on Whittier St. and access Burlingame Rd. from E. 18th Ave. During discussions at last month's meeting, it was stated that there was only one point of ingress/egress to this development.

The public hearing for this project gave the residents in the

area the opportunity to express their concerns about the existing traffic conditions within the area, but staff does not feel that the additional traffic created by the proposed development will significantly increase the issues between Burlingame Rd. and Whittier St. on Riley Ave. The requested increase in density (an additional 5 lots) will also not create a significant impact as opposed to what could be developed per current regulations on the property.

Staff maintains its position that the Planning Commission make a favorable recommendation to the City Commission to approve the development as proposed.

Analysis: The applicant is proposing a 27-lot single-family detached Planned Unit Development. The development is being proposed under the general guidance of R-1 Low Density District zoning regulations, with some modifications to minimum lot size, density, and rear yard setback.

At the May 17th meeting several members of the public spoke about density and traffic concerns with this new development. Staff analyzed the development in terms of lot width and found that the developer will have two additional lots along Riley Ave. than what could be developed under straight R-1 density. 11 lots will be built along Mahtropolis Ave. with 60 ft. lot widths, which is only three more than what would be allowed with 80 ft. lot widths.

A second concern dealt with the traffic and parking along Riley Ave between Whittier and Burlingame Rd. Staff looked at right-of-way width and actual road width and found that the road is built according to local street standards and we would be hesitant to create parking restrictions within the area at this time. Staff will continue to monitor on-street parking and additional traffic based on the new development and determine if parking restrictions would be necessary. The right-of-way width and roadway width are consistent with traditional neighborhoods in Emporia.

Neighborhood Communications: Staff re-sent notices for this hearing, and as of this writing has not had any communication with any neighbors within the area for the final hearing.

Recommendation: Staff recommends approval of the Final Plan/Plat subject to Staff, Utility Advisory Board, and Planning Commission comments, and that a Revised Final Plan be submitted and approved by Staff prior to the submittal of the Final Plan to the City Commission.

Attachments: Mahtropolis Final Plan / Aerial Map / Zoning Map / Plan ELC Map / City Engineer Letter

Commissioner **Weaver** asked since we know it is an existing condition, would restricting parking on one side of Riley be enough of a solution to alleviate congestion from these additional 27 houses?

Chair **Thomas** said currently it is R-1, which would allow 22 houses without the Planning Commission intervening. We are talking about adding five additional houses to that property; how many more cars are we adding if there are 27 instead of 22 houses.

Commissioner **Duncan** asked if the City Engineer's letter been shared with the City Commission. **Givens** said no, not yet. Commissioner **Duncan** asked if this would be addressed regardless of what we vote on. **Givens** said he believes so.

Commissioner **Barnes** asked **Randy Purdue** (Kaw Valley Engineering) if he has anything to add to help with the decision-making. **Purdue** mentioned that the City Engineer's letter is a factual analysis of the traffic in the region. In his letter, the second line in the first paragraph, states that adding the development will not exceed existing density seen throughout the community.

Commissioner **Barnes** made a motion to approve Application PC 2022-09 and recommended that the letter from the City Engineer be provided to the City Commission. Commissioner **Duncan** seconded the motion. **Approved 4-2, Chair Thomas and Commissioner Colson opposed.**

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated this was request from Speculative Holdings, LLC for a Planned Unit Development and final plat for the Mahtropolis Addition. This development would have 27 single family homes built at the southwest corner of Whittier Street and Riley Avenue. He stated the development varies from traditional R-1 Low Density zoning. The lots are 6,000 square foot as opposed to the normal 9,000 square foot. Also reducing minimum lot width from 80' to 60' and minimum lot depth from 110' to 100'. The plan also reduces the required rear yard from 30' to 20'. He stated the reductions in lot size will provide Mahtropolis an additional five houses versus a traditional R-1

zoning layout. At their June 21, 2022 regular meeting, the Planning Commission approving rezoning the property to a Planned Unit Development and the final plat for the Mahtropolis Addition.

PLANNING AND DEVELOPMENT

**(Application No. 2022-09 - Request of Speculative Holding, LLC)
(Rezone Property at Southwest Corner of Riley Ave. & Whittier St.)
(Final Plat for Mahtropolis Addition)
(Ordinance Number 22-38)**

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM R-1 LOW-DENSITY RESIDENTIAL DISTRICT TO A PLANNED UNIT DEVELOPMENT AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 22-38, was presented to the Governing Body for their consideration.

Commissioner Sauder made a motion to approve Ordinance Number 22-38, an ordinance rezoning property within the City of Emporia and a Final Plat for Mahtropolis Addition. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

CITY COMMISSION

**(Permanent Access Easement at 712 Commercial Street)
(700 Block, LLC)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated 714 Commercial Street is being remodeled and developed into mixed use commercial property. The property at 714 Commercial Street is proposing climate controlled storage in the basement with a proposed egress stairway within the City owned breezeway at 712 Commercial Street. He stated the Engineering Department has proposed a plan to convert the 712 Commercial Street tract into a concrete drainage flume between Commercial Street and the alley to the east. He stated there will be a 5' wide overflow sidewalk for access to Commercial Street from the exterior doors along the south side of 714 Commercial Street.

The stairway will be constructed within the sidewalk area.

Commissioner Sauder stated he would abstain from the vote.

Commissioner Harter made a motion to accept the permanent access easement with 700 Block, LLC. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioner Sauder abstained.

**PAVING
(Road 180 Paving Improvements - Road G to Road F5)
(Project No. PV1910 & KDOT Project No. 56 KA-6154-01)
(Bids)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City entered into Agreement 157-21 with KDOT for Road 180, Road G to Road F5 paving improvements project. Engineering selected Kaw Valley Engineering for preliminary engineering services through a Request of Qualifications process. Evergy had previously selected Kaw Valley as the engineer on the design team for the new service center. He stated the project consists of roadway and drainage from Americus Road to Road F5. The City had previously entered into a Memorandum of Understanding with Evergy in which the City agreed to pave and do a sanitary sewer extension improvements on Road 180 along their property with Evergy agreeing to contribute up to \$360,000.00 in actual costs.

BID TABULATION FOR ROAD 180 IMPROVEMENTS

Contractor	Asphalt Bid	Concrete Bid
Killough Construction, Inc.	\$2,403,034.38	\$2,538,323.21
Bruce Davis Construction, LLC	\$2,610,106.19	\$2,612,506.15
APAC-Kansas, Inc. Shears Division	\$2,751,833.13	NO BID
Engineer's Estimate	\$2,452,837.95	\$2,446,935.95

He stated the City will be responsible for all total actual costs of construction associated with the paving project past the KDOT and the Secretary of Transportation funding of \$1,900,000.00. It is Kaw Valley Engineer's recommendation to award the project to Killough Construction

in the amount of \$2,403,034.38 for the asphalt base bid. City Engineer staff is providing construction engineering inspection services on this project.

Following further discussion, Commissioner Harter made a motion to award the bid to Killough Construction, Inc., in the amount of \$2,403,034.38 for the asphalt base bid option. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer aye; and Mayor Smith, aye.

**CITY COMMISSION
(2022 Standard Traffic Ordinance)
(Ordinance Number 22-39)**

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE AND AMENDMENTS THERETO, AMENDING SECTION 25-21 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE, to which the City Clerk assigned Ordinance Number 22-39, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the League of Kansas Municipalities publishes the Standard Traffic Ordinances for Kansas Cities annually incorporating the most recent legislative changes which affect city ordinances. The 2022 49th edition includes changes to the following sections:

Article 1	Definitions Amended: All-Terrain Vehicle, Electric Assisted Bicycles, Motor Vehicle, Motorcycle, Motorized Bicycle
Section 10.1	Funeral Processions
Section 119	Parades and Processions
Section 30	Driving Under the Influence of Intoxicating Liquor or Drugs; Penalties
Section 30.1	Driving Commercial Motor Vehicle under the Influence of Intoxicating Liquor or Drugs; Penalties
Section 30.5	Commercial Driver's Licenses: Diversion Agreements Not Allowed
Section 126.1.1	Display of License Plate
Section 135	Electric-Assisted Bicycles, Traffic Law Application

She stated all Standard Traffic Ordinance amendments specific to the

City of Emporia passed in previous years remain in effect. Staff is recommending amending City Code Section 25-21 to adopt the 49th Edition of the Standard Traffic Ordinances for Kansas Cities.

Commissioner Giefer made a motion to approve Ordinance Number 22-39, an ordinance adopting the amendments listed to the 49th Edition of the Standard Traffic Ordinance for 2022. Commissioner Harter seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**CITY MANAGER'S REPORTS
(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 July 2022 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

2021	2022	Increase of \$4,564.62 for the month, and
\$461,611.41	\$466,176.03	Overall increase of 10.34% from year 2021
YTD \$3,124,879.55	\$3,447,918.59	

2. City Share from County Tax

2021	2022	Increase of \$5,232.69 for the month, and
\$233,186.28	\$ 238,418.97	Overall increase of 11.10% from year 2021
YTD \$1,578,109.85	\$1,753,337.14	

3. **Building Permits issued from 7/1/2022 to 7/31/2022 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	157
Total of valuations associated with those building permits:	\$ 2,455,011.00
Total number of dollars collected for Building Permit Fees:	\$ 20,612.00

Construct - single family dwellings	3
Demo - single family dwellings	4

Flint Hills Mall CID for July 2022	\$ 19,077.18
Year to Date Total	\$ 122,469.28

Consent Agenda

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

- a. Consider the minutes of the Regular Meeting held on August 3, 2022.
- b. Consider the ratification of Payroll Ordinance for the periods ending July 15, 2022 and July 29, 2022.
- c. Request to Set Date of Notice of Hearing to Exceed Revenue Neutral Rate and 2023 Budget Hearings.
- d. Amend 24 inch Waterline Design Contract with BG Consultants.
- e. Approve Amendment No. 3 for Lift Station No. 1 for Design Contract with BG Consultants.
- f. Consider Accepting a \$30,000.00 Emergency Solution Grant from the Kansas Housing Resources Corporation.

The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Smith, 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 for the tentative Agenda of September 7, 2022.

- Public Hearing for Revenue Neutral Rate.
- Public Hearing for 2023 Budget.
- Approval of 2023 Budget and 5-year Budget.

Study Session

- Discussion for Cross Connection/Online Backflow Management System.
- Discuss Revision of Human Relations Commission.
- Discuss Purchasing Policy.
- Uniform Public Offense Code.

Commissioner Sauder made a motion to recess the meeting until 12:15 p.m. to Conference Room 1AB. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

RECESSES MEETING AT 12:15 P.M.

ENGINEERING

**(South Arundel Sanitary Sewer Interceptor Improvements)
(36" Sanitary Sewer Aerial Crossing Mitigation Project SS1903)
(Bids)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated in June 2019 City contractor constructed a temporary repair to the damaged 36" sanitary sewer aerial crossing near South Arundel. Shortly after the temporary repair was done the contractor constructed a better temporary repair. Preliminary cost estimate for the repair/mitigation of the damage was \$800,000.00. City staff and consulting engineer, BG Consultants, applied for Department of Homeland Security Federal Emergency Management Agency funding for the base repair and mitigation repairs. He stated the base repair to the damaged aerial crossing has been awarded funding in the amount of \$724,904.46 with a cost share of FEMA/KDEM 85% and City of Emporia 15%. The mitigation repair project of \$1,750,000.00 eliminates the need for the damaged and another upstream aerial sanitary sewer crossing including long term maintenance. The

mitigation repair project is still under KDEM/FEMA environmental review. He stated because there are impending FEMA timelines to awarding and constructing these sewer improvements, City staff recommended moving forward with the bids as follows:

BID TABULATION FOR SOUTH ARUNDEL INTERCEPTOR SEWER MITIGATION

Contractor	Base Bid
<i>Smoky Hill</i>	<i>\$2,204,735.00</i>
Middlecreek	\$2,244,397.00
BRB	\$2,532,267.00
Engineer's Est. (BG Consultants)	\$1,633,096.00

He stated the low base bid received for \$2,204,735.00 is from Smoky Hill Construction. There are \$373,205.00 worth of non critical items that do not impact the function of the sewer project which include: manhole lining-\$91,935.50; select asphalt surfacing-\$237,440 and chip seal-\$43,829.50. The asphalt surfacing is estimated at 30% repair on the mobile home park's access drive that will get damaged due to construction. He stated while the low bid exceeds the mitigation repair engineer's estimate, KDEM staff does not recommend starting over and adjusting the Benefit Cost Analysis because that starts the process over for the project review and approval. There is another extension that the City can request of June 14, 2023 for this project. Therefore, staff is recommending that the City ask for the June 2023 project extension; knowing there is a high likelihood that the mitigation project will be approved; knowing there is a high likelihood that the mitigation project will be approved; and knowing there is high likelihood that Benefit Cost Analysis will be approved if we ask for it to reflect actual competitive low bid received. He stated assuming the City is approved for the mitigation project, KDEM won't guarantee the City will be funded the entire amount up to the low bid, but again it is highly likely the City will.

Following further discussion, Commissioner Sauder made a motion to award the low base bid to Smoky Hill Construction in the amount of

\$2,204,735.00 for the South Arundel Sanitary Sewer Interceptor Improvements Project SS1903. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

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

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk