

CITY COMMISSION MEETING

AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS
September 15, 2020 at 7:00 p.m.

1. Members present: Mayor Gilligan

<u>Vice Mayor Smith</u>	<u>Commissioner Geitz</u>
<u>Commissioner Giefer</u>	<u>Commissioner Brinkman</u>
<u>City Manager McAnarney</u>	<u>City Clerk Sull</u>
<u>Asst. City Mgr. Massey</u>	<u>City Attorney Montgomery</u>
2. Mayor and City Commission Reports and Comments.
3. Consent Agenda.
4. Public Comment.
5. Consider Authorizing Resolution and the Submittal of an Application to the Kansas Housing Resources Corporation for MIH Program Funding.
6. Consider Revenue Neutral Rate Public Hearing and Resolution.
7. Consider Budget Hearing for Approval of the 2022 Budget and 5-year Budget.
8. Consider Resolution to Establish a Hearing for the 700 Block LLC RHID Project.
9. Report from City Manager on City Activities.
10. Executive Session.
11. Adjourn.



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

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 2

SUBJECT: Mayor and City Commissioners Reports and Comments

RECOMMENDATION:

BACKGROUND SUMMARY

This is a time for the Mayor and City Commissioners to make comments and reports to the Public.
The following is general information for the month of August for the community:

1) Monthly Local Retail Sales Tax Receipts Update

	2020	2021	
	\$456,872.55	\$462,483.97	Increase of \$5,611.42 for the month, and
YTD	\$3,306,069.09	\$ 3,587,363.52	Overall increase of 8.51% from year 2020

2) City Share from County Tax

	2020	2021	
	\$235,485.68	\$238,741.23	Increase of \$3,255.55 for the month, and
YTD	\$1,690,463.03	\$ 1,816,851.08	Overall increase of 7.48% from year 2020

3) **Building Permits issued from 8/1/2021 to 8/31/2021 for new construction, remodeling / repairs and demolition.**

Total number of building permits issued through Code Services:	63
Total of valuations associated with those building permits:	\$ 1,035,874.00
Total number of dollars collected for Building Permit Fees:	\$ 8,698.38

Construct - single family dwellings	1
Demo - single family dwellings	0

Flint Hills Mall CID for August	\$ 19,231.54
Year to Date Total	\$ 139,988.53

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 3

SUBJECT:

Consent agenda:

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

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

- a. Consider minutes of the Meeting held on September 1, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on September 10, 2021.
- c. Consider the Approval of August Budget.
- d. Consider the approval of an agreement authorizing the Emporia Public Library to install an electronic sign on city property
- e. Consider the Time and Date to Receive Bids for Self-Contained Breathing Apparatus (SCBA) equipment.
- f. Consider Change Order for Elm Street Waterline Project.
- g. Consider the Time and Date to Receive Bids for FEMA Project (Neosho Low Water Dam and Raw Water Intake).

RECOMMENDATION:

- a. Approve Minutes.
- b. Approve Payroll.
- c. Approve Budget.
- d. Approve Agreement.
- e. Approve Time and Date.
- f. Approve Change Order.
- g. Approve Time and Date.

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 3d

SUBJECT: Consider the approval of an agreement authorizing the Emporia Public Library to install an electronic sign on city property.

RECOMMENDATION: Authorize the agreement.

BACKGROUND SUMMARY: Emporia Public Library Director Robin Newell presented a request to install an electronic sign and move the flagpole on city-owned property. Attached is a draft agreement outlining the responsibilities of each entity.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

SIGN AGREEMENT

This Agreement made this 15th day of September, 2021, by and between City of Emporia, Kansas, a municipal corporation, hereinafter referred to as “City”, and the Board of Directors of the City of Emporia Library, a body corporate and politic under the laws of the State of Kansas, hereinafter referred to as “Library” delineates the agreement of the parties regarding an electronic messaging board sign, to be installed at 110 E. 6th Avenue in the City of Emporia, Kansas., hereinafter referred to as “Property”.

WITNESETH:

WHEREAS, the City owns the Property; and the Library occupies a building on the Property; and

WHEREAS, the Library desires to install an electronic messaging board sign on the southwest corner of the Property, and to relocate the existing flagpole to the courtyard.

NOW, THEREFORE the parties agree as follows:

1. City agrees to allow Library to install an electronic messaging board sign and relocate the flagpole at Library’s expense. The sign will remain the property of the Library.
2. Library will apply for and obtain a sign permit prior to sign installation and will meet all zoning requirements.
3. Library will engage a licensed contractor or contractors to install the sign and relocate the flagpole at Library’s expense. s
4. Library will engage a licensed electrician to run power to the sign and flagpole at Library’s expense.
5. Library will be solely responsible for expenses associated with installing, operating, maintaining, and repairing the sign. Library agrees to keep the sign in good working condition.
6. Library will be solely responsible for the messaging content of the sign.
7. City shall not be liable for any damage that occurs to the sign from public use of the Property.
8. Library will provide written notice to the City Manager at least thirty (30) days in advance of any intent to modify, replace or remove the sign.
9. City, in its sole discretion, may require that the Library deactivate, remove, or relocate the sign at any time, for any reason, at Library’s expense. If the City exercises this option, City will give a minimum of sixty (60) days-notice to the Library; except in the case of an emergency, in which case City will give notice as soon as practicable.

10. Library agrees to indemnify and hold harmless City, its officers, agents, and employees from any liability to any person or property due to the installation and use of the sign, including the cost of any attorney's fees incurred in the defense of any legal action associated with such use; and further to indemnify City against any other costs and expenses it may incur due to the installation and use of the sign.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date and year first written above.

City of Emporia, Kansas

Library Board of Directors

Robert F. Gilligan, Mayor

Attest:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 3e

SUBJECT: Set 2:00 p.m., October 12, 2021 as the time and date to receive bids for Self-Contained Breathing Apparatus (SCBA) equipment.

RECOMMENDATION: Set the time and date.

BACKGROUND SUMMARY:

This purchase will replace aging and worn SCBA equipment in the Fire Department and provide SCBA equipment for the Water Plant and the Waste Water Plant.

As you may already know SCBA equipment is required to be worn when entering a structure that is potentially on fire or when there are chemicals present that may be harmful to our Employees.

The projected cost for replacing the Fire Department equipment and new equipment for both Water Plants is approximately \$230,000.00. The Fire Department received a Federal Grant for \$183,000.00 for this purchase. There is 10% matching funds in the Fire Department budget and Water Plants will pay for the SCBA equipment they receive.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 3f

SUBJECT: Consider Change Order No. 2 for the Watermain Project Elm Street (6th Ave. to Newman Hospital) 9th Avenue (Elm St. to Lawrence St.) Project No. WM1904, KDHE Project No. KPWSLF 2968.

RECOMMENDATION: Approve Change Order No. 2 for the Watermain Project Elm Street (6th Ave. to Newman Hospital) 9th Avenue (Elm St. to Lawrence St.) Project No. WM1904, KDHE Project No. KPWSLF 2968, for an additional thirty-five (35) work days for Change Order No. 1 added work to extend the project along Elm Street from 6th Avenue/US-50 Highway through the 5th Avenue intersection.

BACKGROUND SUMMARY:

The City Commission has previously approved Change Order No. 1 for the added work on July 7th, 2021. Change Order No. 1 did not add any additional workdays to the contract for the Change Order No. 1 work. Change Order No. 2 adds the agreed upon thirty-five (35) workdays contractually. The original contract was for sixty-five (65) workdays and this increase of thirty-five workdays brings the contract times total to one hundred (100) workdays.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

CHANGE IN PLANS NO. 2
ON CONTRACT WITH CARLSON UTILITY LLC. FOR THE CONSTRUCTION OF
WATERMAIN PROJECT ELM ST. (6TH AVE. TO NEWMAN HOSPITAL)
9TH AVE. (ELM ST. TO LAWRENCE ST.) PROJECT NO. WM1904

Date: September 8, 2021

This change in plans, made in accordance with the provisions of Paragraph 9, GS-4, General Conditions 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 Watermain Project Elm St. (6th Ave. to Newman Hospital) 9th Ave. (Elm St. to Lawrence St.) Project No. WM1904, KDHE Project No. KPWSLF #2968

Change in Contract Times Only, No Cost Change

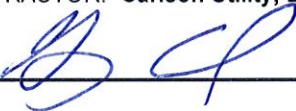
Additional thirty-five (35) working days added to the contract for Change Order No. 1 added work: Extend new construction of 12" waterline along Elm Street from 6th Avenue/US-50 Highway to and including the 5th Avenue intersection and associated service line re-connections (Contract times were not increased in Change Order No. 1)

TOTAL CHANGE ORDER ADDED TO PROJECT:

NO COST

ACCEPTED by CONTRACTOR: **Carlson Utility, LLC**

BY: _____



Date: _____

9/9/21

Greg Carlson

RECOMMENDED BY:

CITY ENGINEERING: _____



Date: _____

9/09/21

James M. Ubert

APPROVED BY: **THE CITY OF EMPORIA, KS**

BY: _____

Date: _____

MAYOR, Rob Gilligan

Date: _____

Attest: _____
CITY CLERK

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 3g

SUBJECT: Set 3:00 p.m., October 12, 2021 as the time and date to receive bids for FEMA Project (Neosho Low Water Dam and Raw Water Intake).

RECOMMENDATION: Approve Set Bid Time and Date.

BACKGROUND SUMMARY

The floods of 2019 caused damage to the City low water dam and water intake in the Neosho River. Staff have been working with FEMA for the last two (2) years on potential funding and repair opportunities. The estimated project cost for the repairs is \$1,326,000. The City may be eligible for reimbursement of up to 85% of eligible costs. In order to complete the project within FEMA's timeline construction needs to take place this winter. Attached are memos from Dean Grant and Bruce Boettcher that provide additional project information.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

To: City of Emporia – City Commission

CC: Dean Grant, Jim Ubert, Lane Massey, Janet Harrouff

From: Brady Hedstrom, Bruce Boettcher & Thaniel Monaco

Date: 9/8/21

Re: 20-1357E Emporia Low Water Dam & 20-1358E Emporia Raw Water Intake

Project Background:

1. Plans have been submitted to FEMA, DWR and COE.
2. Have received all environmental responses, except FEMA.
3. Project Approval from FEMA is pending.
4. EOPC
 - a. Total Project Cost \$1,326,000
 - i. FEMA Mitigation Approval
 1. City \$301,000
 - ii. FEMA Base Approval
 1. City \$581,000

Project Schedule:

It is desirable to have these two projects constructed during low flow of the Neosho River. Typically, low flows occur in the river during the late fall & winter months of the year.

- September 11, 2021 Advertisement is Published in newspaper
- October 12, 2021 @ 3 PM Bid Opening
- October 20, 2021 Award Bid a City Commission Meeting

Project Discussion:

Remaining Items –

1. Project Funding
 - a. FEMA Funding Obligation
2. Authorization to Advertise the Bid

Memo

TO: City Commission

FROM: Dean Grant, Director of Public Works

CC: Department Heads

DATE: September 1, 2021

SUBJECT: **FEMA Project (Neosho Low Water Dam and Raw Water Intake)**

City staff and BG Consultants has been working on design plans to repair the raw water intake and the Neosho low water dam, both damaged in the 2019 floods. Staff and BG Consultants has submitted the project to FEMA for reimbursement. If approved, FEMA will reimburse up to 85% of the project costs for repair or mitigation. The project has been through the validation process for repairs, and it is now going through the validation process for mitigation. We are waiting for the permit from the United States Corps of Engineers; however, we have received all other necessary permits for this project.

City staff knows that the project must be completed to help insure the future of the water system for the citizens and industries in Emporia and Lyon County. In the 2021 budget, staff put this project in the CIP to be funded by bonding the city's share of the repairs to the low water dam and the raw water intake structure. However, to help lengthen the life of the repairs, staff feels that it would be in the best interest of the overall water system to proceed with the plans for mitigation. For this project, mitigation will include; armoring of the river bank upstream of the intake structure (onto the neighboring property), lowering the slope of the bank directly adjacent to the intake structure and re-armoring, armoring of the river bank upstream of the low water dam, completely rebuilding the south retaining wall on the low water dam, armoring the south bank downstream of the dam, and repointing the stone wall on the north end of the dam to stop water from getting behind the stone wall. This work would be done along with the repairs needed to bring the two assets back to pre-flood conditions.

The FEMA validated repair cost for this project is \$634,915.00, and the added cost for mitigation is estimated to be \$271,277.00. Up to 85% of the approved cost will be reimbursed. At this point we have not heard from FEMA if the project has been approved for either the repair or the mitigation. However, we have a small construction window, and the work must be performed in the late fall and winter (prior to the spring rains). Although city staff and BG Consultants are confident that we will be approved for reimbursement on the repairs, there has been no guarantee from FEMA that we will receive any funds.

City staff would like to proceed with advertising and bidding the project within the next couple weeks. We have waited to this point in the hopes that we would have received approval for the reimbursement. Unfortunately, approximately one (1) month ago FEMA decided to combine two (2) projects (the Raw Water Intake and the Neosho Low Water Dam) into one (1) project. This meant that we have had to go back through the validation process for repairs, which we have, and FEMA is now in the process of validating the mitigation,

which is where both projects were prior to being combined. This has delayed validation and approval at least one (1) month, and the overall process has been slowed by the Covid pandemic.

Bruce Boettcher with BG Consultants will be at the September 8th commission study session to discuss this project.

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 4

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

Citizen Appearance Procedures

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

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 5

SUBJECT: Consider authorizing the Submittal of an application to the Kansas Housing Resources Corporation, and the execution of a Resolution, for Moderate Income Housing Program funding to provide \$400,000 in down payment and housing rehabilitation assistance.

RECOMMENDATION: Approve Resolution

BACKGROUND SUMMARY:

The City has utilized past MIH funding to develop single-family homes, which were then occupied by owners who meet the moderate-income guidelines. The proposed project seeks to assist twelve (12) homebuyers to purchase new homes, and to assist eight (8) property owners to improve substandard vacant units to livable conditions. Residents of assisted units, whether owners or tenants, must be income qualified.

Local leverage to this project would include \$160,000 (8 units @ \$20,000 each) from property owners for the rehabilitated units, and \$ 2.16M (12 loans @ \$180,000 each) from permanent financing of the new homes purchased.

The City would provide staff for grant administration, construction management and building inspections, and waive all applicable building permit and inspection fees.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

RESOLUTION NO. _____

**A RESOLUTION OF THE GOVERNING BODY OF THE
CITY OF EMPORIA, KANSAS, CERTIFYING LEGAL AUTHORITY
TO APPLY FOR THE KANSAS MODERATE INCOME HOUSING
PROGRAM REQUEST FOR PROPOSAL.**

WHEREAS, an eligible applicant may be any city incorporated in accordance with the laws of the state of Kansas (the "State") with a population of less than 60,000; and

WHEREAS, the City of Emporia, Kansas (the "City") has an estimated population of approximately 24,607, and therefore constitutes a city as said term is defined in this Request For Proposal; and

WHEREAS, the Governing Body of the City has agreed to the following commitments for the purpose of carrying out the proposed project:

1. Providing staff for grant administration, construction management, and inspections;
2. Waiving of all City building permits and inspection fees

WHEREAS, the City of Emporia intends to submit an application for \$400,000 in assistance from the Kansas Housing Resources Corporation, Moderate Income Housing Program.

THE APPLICANT hereby authorizes the MAYOR of EMPORIA, Kansas, to act as the applicant's official representative in signing and submitting an application for the assistance to the KANSAS MODERATE INCOME HOUSING PROGRAM.

APPROVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, this 15th day of September, 2021.

(SEAL)

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 6

SUBJECT: Consider Revenue Neutral Rate Public Hearing and Resolution.

RECOMMENDATION: Hold Public Hearing and Approve Resolution.

BACKGROUND SUMMARY:

Per SB 13 and HB 2104 a public hearing must be held to allow taxpayers to speak without unreasonable restrictions.

The hearing notice was published in the Emporia Gazette on September 4, 2021 and posted on the City website.

The Revenue Neutral Rate (RNR) is 40.846. The City Commission has decided to exceed the RNR.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

Resolution No. _____

A RESOLUTION OF THE CITY OF EMPORIA, KANSAS TO LEVY A PROPERTY TAX RATE EXCEEDING THE REVENUE NEUTRAL RATE

WHEREAS, the Revenue Neutral Rate for the City of Emporia was calculated as 40.846 mills by the Lyon County Clerk; and

WHEREAS, the budget proposed by the Governing Body of the City of Emporia will require the levy of a property tax rate exceeding the Revenue Neutral Rate; and

WHEREAS, the Governing Body held a hearing on September 15, 2021 allowing all interested taxpayers desiring to be heard an opportunity to give oral testimony; and

WHEREAS, the Governing Body of the City of Emporia, having heard testimony, still finds it necessary to exceed the Revenue Neutral Rate.

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

The City of Emporia shall levy a property tax rate exceeding the Revenue Neutral Rate of 40.846 mills.

This resolution shall take effect and be in force immediately upon its adoption and shall remain in effect until future action is taken by the Governing Body.

ADOPTED by the Governing Body of the City of Emporia, Kansas this 15th day of September, 2021.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 7

SUBJECT: Consider Budget Hearing for Approval of the 2022 Budget and 5-year Budget.

RECOMMENDATION: Approve 2022 Budget and 5-year Budget.

BACKGROUND SUMMARY:

The agenda item that follows is the final step in adopting the 2022 budget and the 5-year budget. The budget as proposed is a total of \$63,454,226 encompassing 14 Funds.

A notice was published in the Emporia Gazette on September 4, 2021 and posted on the City website.

The overall mil rate is flat; however, the valuation has increased. The RNR is exceeded.

This budget provides funding for all existing programs within the city. A total of \$5,510,700 is budgeted over all funds for capital improvement items that include equipment replacement, street rehabilitation, building improvements and sidewalk improvements. There are proposed rate increases in the water and wastewater funds for 2022, which will be discussed later this year. All budgets with personnel include an average 2.5% merit raise, a 2% rate increase for all employees and increase the wage scales 12%. The budget includes \$7,258,402 for Bond Payments.

The official adopted budget is required by State law to have a maximum cash carryover of 5% of eligible expenses, so staff added \$3,000,000 unallocated expenses to the General Fund budget. Most of the funds have all available balances budgeted.

Upon adoption of the budget by motion and second, staff will prepare a bound copy for the Commissioners and Departments that includes all detail pages.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 8

SUBJECT: Consider Resolution to establish a hearing for the 700 Block LLC RHID Project.

RECOMMENDATION: Approve resolution.

BACKGROUND SUMMARY:

In Accordance with Kansas law the passage of this Resolution would establish a hearing date for the proposed RHID district at 714, 716 and 718 Commercial. Their Developers will provide ten(10) rental apartments ranging from 3 bedroom to studio units. The hearing date is scheduled for October 20th, 2021, at which time the required Development Plan will be reviewed. Once the public hearing is completed the Commission will be asked to consider an ordinance creating the RHID district.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT, ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING. *(Town Company Two Project)*

WHEREAS K.S.A. 12-5241 et seq. (the "Act") authorizes any city incorporated in accordance with the laws of the state of Kansas (the "State") with a population of less than 60,000 located in a county with a population of less than 80,000 to designate rural housing incentive districts within such city; and

WHEREAS, the City of Emporia, Kansas (the "City") has an estimated population of approximately 24,139, is in Lyon County, Kansas (the "County"), which has an estimated population of approximately 32,179, and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

WHEREAS, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein.

WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the "Secretary") requesting that the Secretary agree with the finding contained in such resolution; and

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development of housing and public facilities in the proposed district; and

WHEREAS, the Governing Body of the City has performed an amended Housing Needs Analysis dated August 2020 (the "Analysis"), a copy of which is on file in the office of the Community Development Coordinator; and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 3577 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution and Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated February 8th, 2016, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the "District"); and

WHEREAS, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the "Plan"); and

WHEREAS, the Plan includes:

1. The legal description and map required by subsection (a) of K.S.A. 12-5245;
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows the public benefits derived from such District will exceed the costs and that the income therefore, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such District; and

WHEREAS, the Governing Body of the City proposes to continue proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters.

THEREFORE, BE IT RESOLVED by the Governing Body of the City of Emporia, Kansas as follows:

Section 1. Proposed Rural Housing Incentive District. The Governing Body hereby declares an intent to establish within the City a Rural Housing Incentive District. The District is proposed to be formed within the boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the map depicting the existing parcels of land attached hereto as *Exhibit B*. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as *Exhibit C*.

Section 2. Proposed Plan. The Governing Body hereby further declares an intent to adopt the Plan in substantially the form presented to the Governing Body this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, are as described herein:

Housing Facilities- The housing facilities will be composed of 10 apartment units.

Public Facilities- Public improvements will include the construction of infrastructure improvements located within the boundaries of the District, including water, sanitary sewer, and electric improvements. Infrastructure improvements will be constructed concurrently with the project.

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on October 20th, 2021 in the City Commission Meeting Room of the Civic Auditorium, 515 Mechanic St., Emporia, Kansas; the public hearing is to commence at 7 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

Section 4. Notice of the Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions.

- a. A certified copy of this resolution shall be delivered to:
 - (i) The Board of County Commissioners of Lyon County, Kansas.
 - (ii) The Board of Education of U.S.D. No. 253; and
 - (iii) The Emporia/Lyon County Metropolitan Area Planning Commission
- b. This Resolution, specifically including Exhibits A thru C attached hereto, shall be published at least once in the official newspaper of the City not less than one week or more than two weeks preceding the date of the public hearing.

Section 5. Further Action. The Mayor, City Clerk, city officials and employees, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

Section 6. Effective Date. This Resolution shall take effect after its adoption by the Governing Body.

Adopted by the Governing this 20th day of October, 2021.

Robert Gilligan, Mayor

Kerry Sull, City Clerk

Attachment A 700 Block Development Plan

LEGAL DESCRIPTION

LOTS 214,216 AND 218 OF THE ORIGINAL TOWN, CITY OF EMPORIA.



Disclaimer: The data used to produce this map is not survey accurate. It is intended for tax purposes only.

Date created: 8/26/2021

Last Data Uploaded: 8/25/2021 10:58:40 PM

Developed by Schneider
GEOSPATIAL

Attachment C - 700 Block Development Plan

Ownership Group – 700 Block LLC 505 Commercial Street, Emporia, Kansas 66801

Kristin Mohn

Jamie Sauder

Rick Mitchell

Jeff Williams

Eric C. Thomas

Robert G. Swanson

Benjamin J. Moore

Byron Y. Rosine

Brian E. Poetner

Appraised Value 2021

Land \$56,880 Building \$209,730

DEVELOPMENT PLAN

714,716,718 COMMERCIAL

OWNER - 700 BLOCK,LLC

1.LEGAL DESCRIPTION

LOTS 214,216 AND 218 OF THE ORIGINAL TOWN,CITY OF EMPORIA.

SEE FOLLOWING MAP

2. ASSESSED VALUATION FOR TAX YEAR 2020 WAS \$63,318.

3. PRIMARY OWNER IS 700 BLOCK, LLC, 505 Commercial Street,
Emporia, Kansas

Ownership Group

Kristin Mohn

Jamie Sauder

Rick Mitchell

Jeff Williams

Eric C. Thomas

Robert G. Swanson

Benjamin J. Moore

Byron Y. Rosine

Brian E. Poetner

4. The renovation of commercial square footage on the ground floor of the described properties and the addition of ten (10) second story residential units. The residential units are one 3-bedroom unit, four 2-bedroom units, three 1-bedroom units and two studio residential units. All the second-floor residential units are eligible for Rural Housing Incentive District designation as provided for in Kansas Statutes.

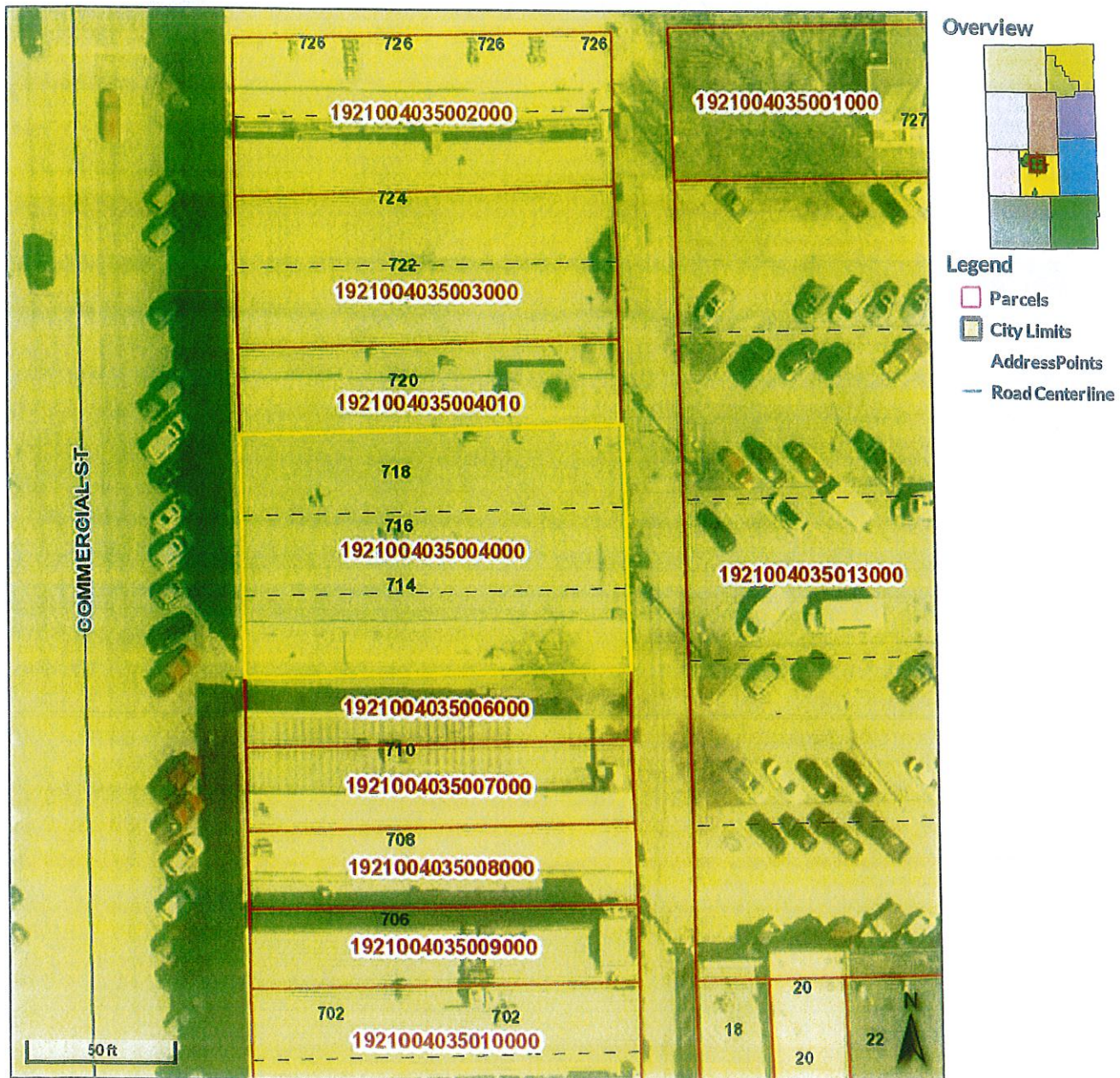
5. Listing of Developers Responsible for Proposed Improvements – See #3

6. Financial Feasibility - See Attached letter from LYON COUNTY STATE BANK. Also, the attached Cash Flow Projections outlined in #7 address the financial feasibility of the project. The projections include all monthly revenue as well as RHID reimbursements and associated tax credits.

7. Cash Flow Projections – See Attached “Town Company Two, LLC” Cash Flow Projections from Operations.

Public benefits from the project include additional; housing units in the central business district and the reduction of risks associated with vacant second story space which can lead to potential risks such as electrical fires, vandalism and infestation of disease carrying animals.

The benefit mid to long term is increased tax revenue for local taxing entities.



Disclaimer: The data used to produce this map is not survey accurate. It is intended for tax purposes only.

Date created: 8/26/2021

Last Data Uploaded: 8/25/2021 10:58:40 PM

Developed by  **Schneider**
GEOSPATIAL

Summary

Tax ID EM01485
Tax Year 2020
Name LYON COUNTY STATE
Property Address 00718 COMMERCIAL
Sec-Twp-Rng 10-19-11
Description EMPORIA (O.T.), S10, T19S, R11E, ACRES 0.2, EVEN LTS 214-218 COMMERCIAL ST (75.0; X 130.0)
Parcel ID/Cama 1921004035004000
Parcel Classes CU
Tax Unit 005

Tax History

Tax Year	Assessed Valuation	Mill Levy	Ad Valorem	Special Assessments	Total Tax	Total Paid	Delq
2020	\$63,138	162.972	\$10,289.76	\$0.00	\$10,289.76	\$10,289.76	N
2019	\$60,275	167.035	\$10,068.04	\$0.00	\$10,068.04	\$10,068.04	N
2018	\$55,258	167.626	\$9,262.68	\$0.00	\$9,262.68	\$9,262.68	N
2017	\$55,258	168.250	\$9,297.16	\$0.00	\$9,297.16	\$9,297.16	N
2016	\$54,175	168.402	\$9,122.74	\$0.00	\$9,122.74	\$9,122.74	N

No warranty, express or implied, is provided for the data herein, or its use.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

[Last Data Upload: 8/25/2021, 9:58:40 PM](#)

Developed by
 **Schneider**
GEOSPATIAL

Version 2.0.1.12

Summary

Parcel ID 1921004035004000
 Quick Ref ID R10047
 Property 714 COMMERCIAL
 Address
 Brief EMPORIA (O.T.), S10, T19S, R11E, ACRES 0.2, EVEN LTS 214-218 COMMERCIAL ST
 Tax Description (75.0 X 130.0)
 (Note: Not to be used on legal documents)
 Taxing Unit 005
 Group
 Lot Size (SF) N/A
 Acreage 0
 Property Class Commercial & Industrial
 Zoning Central Business
 Lot Block --- EMPORIA (O.T.)
 Subdivision
 S-T-R 10-19S-11E
 Deed Book & 2021 - 03022; 0420 - 0996; 0420 - 0230; 0372 - 0457; 0324 - 0261; 0420 - 0229; 2015
 Page - 01811; 2015 - 01812; 2015 - 01813;
 Neighborhood 960 - Emporia Commercial Nbhd CBD



Owner

Primary Owner
 700 Block LLC
 505 Commercial St
 Emporia, KS 66801-4005

Lot

Method	Type	Eff. FF	Eff. Depth	Actual FF	
Frontage and Depth	Regular Lot - 1	75	130	75	

Commercial Information

Structure Type Downtown row store
 Bldg No & Name 1 CABLE ONE/VACANT/VACANT
 Identical Units 1
 No. of Units 0
 Unit Type
 Class C

Building Sections

Sect	Occupancy	Use	Year Built	Lvl From	Lvl To	Area	Perim	Hgt
1	Mixed Retail w/ Office Units	Downtown Row - 039	1932	01	01	3,250	245	14
2	Mixed Retail w/ Office Units	Downtown Row - 039	1932	01	01	6,500	230	14
3	Mixed Retail w/ Office Units	Support Area - 086	1932	02	02	9,750	345	10

Building Permits

Number	Amount	Type	Issue Date	Status	% Comp
297	\$5,000	See Comments for detail information	4/11/2012	C	0
298	\$950	See Comments for detail information	4/11/2012	C	0
299	\$2,000	See Comments for detail information	4/11/2012	C	0
05294	\$31,000		6/22/2010	C	0

Valuation

Class	2021 Appraised Value			2020 Appraised Value
	Land	Building	Total	
C	\$56,880	\$209,730	\$266,610	
Total	\$56,880	\$209,730	\$266,610	

Photos



Sketches

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 9

SUBJECT: Report from the City Manager on City Activities

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

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

Tentative Agenda for September 22nd Study Session at 10:00 a.m.

- Update on Disc Golf in Emporia.
- Discuss Highland Street.
- Discuss Resolution for the Reappointment of Judge Hollenback.
- Covid Discussion ARPA.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 10

SUBJECT: Executive Session

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commission request a 15-minute Executive Session to discuss proprietary information of the Brownstone Addition and to invite Special Projects Coordinator Witt.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: September 15, 2021

ITEM NUMBER: 11

SUBJECT: Adjourn Meeting

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commission request to Adjourn the Meeting to September 29, 2021, at 10:00 a.m.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

COMMISSION MEETING

1:30 P.M.

SEPTEMBER 1, 2021

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 1, 2021, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Brinkman, Giefer, Geitz and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on August 18, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on August 27, 2021.

The vote follows: Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

Jesse Murphy, 301 S. Exchange Street, addressed the Governing Body with his concerns about keeping chickens within city limits. He stated he would like the City to reconsider the current status with chickens not allowed.

**EMPORIA MUNICIPAL GOLF COURSE
(Equipment Purchase - Mowers)
(Bids)**

Kelly Storch, Course Superintendent, was recognized and addressed the Governing Body. He stated the bids were received to replace two 21-year old mowers from Professional Turf Products utilizing the Sourcewell pre-negotiated governmental contract #137227. He stated he was able to demo the recommended units and determined the mowers were able to cut and turn quicker than the current heavyweight mowers. The City budgeted \$130,000.00 for the purchase of new mowers and staff is recommending the purchase of two Toro Reelmaster 3573-D fairway mowers in the amount of \$112,416.56. He stated the City can save approximately a 10% price increase if these

mowers are purchased today. This purchase would be \$17,583.44 under the budgeted amount. The old mowers will be sold on Purple Wave.

Commissioner Brinkman made a motion to approve the purchase of two Toro Reelmaster 3573-D fairway mowers in the amount of \$112,416.56 from Professional Turf Products utilizing the Sourcewell pre-negotiated governmental contract #137227. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

PLANNING AND DEVELOPMENT

(MPAC Excerpts of Regular Meeting Held 8-16-21)

(Application No. 2021-17 - Request of Red Brick Investments)

(Final Plat of the Brownstone Addition Subdivision)

Excerpts of Planning Commission Minutes from August 17, 2021.

The Planning Commission met in a regular session on Tuesday, August 17, 2021, with Chairman Thomas presiding. Members Bucklinger, Duncan, Colson, Garrett, Weaver and Dewitt were present.

APPLICATION 2021-17: A request of Red Brick Investments for a final plat of the Brownstone Addition Subdivision, located at a non-addressed parcel located at Southwest corner of US-50 and Graphic Arts Road, as authorized by Section 6-401 of the Emporia-Lyon County Metropolitan Planning Area Subdivision Regulations.

Bucklinger asked if construction can proceed before the approval from KDOT? Lynch said he will need to do more research before giving a definite yes or no answer.

Garrett asked if something goes wrong and KDOT doesn't approve, would it alter the final plat in terms of planning and zoning? Lynch said that he thinks they are separate issues but not 100% sure.

Garrett asked do you see any reason for us to wait until KDOT approves? Lynch answered for planning purposes it's a stand-alone decision but of course it affects the whole development.

Garrett asked in terms of compliance of the final plat with our planning and zoning regulations, is that a condition? Krause answered if they make changes it would have to go back to a minor plat application.

Weaver asked Mr. Hutchinson if they have any updates on KDOT? Mr. Hutchinson said that they have been talking to KDOT a few times a week regarding access to the roundabout and there have been couple of little changes. They are wanting to make sure it is big enough. Another issue is paint parkings. The plan is to put material where the fence is. They already put a road in so they can have access in and out of the property.

Motion: Member Bucklinger made a motion to approve Application 2021-17 based on staff recommendations. Member Weaver seconded the motion. Motion approved 6-1. Member Colson opposed.

Background Summary:

The Planning Commission is requested to approve a Final Plat to allow for utilities and future development. The property is currently zoned for C-3 General Commercial this would allow for a hotel and travel plaza, or other related uses.

Analysis:

The applicant is proposing a new subdivision development at this location. The Final Plat will allow this property to start construction. City staff met weekly with the applicant and discussed this project. The Utility Advisory Board met on 12/2/2021 and discussed the property and found the proposed easements sufficient for utility needs. The Technical Review Team met multiple times on 12/16/2020 and 12/30/2021 and discussed the property and applications. Comments were noted and addressed throughout the process, in order to submit a complete plat.

In addition to this preliminary plat, there will need to be a re-plat of the neighboring parcel that connects Martin Drive (Martin-Eagle Subdivision). This plat will be submitted to this office in the near future.

Martin Drive will end at a Cul-de-Sac. Subdivision regulations allow for cul-de-sacs with a turnaround of no less than an eight-foot diameter. This is sufficient with the proposed plan.

A drainage study has been submitted and the applicant has been working with the Kansas Department of Water Resources regarding the existing floodplain. A full Drainage Study has been reviewed and is sufficient. All local and state floodplain requirements will be met.

The applicant has also provided a traffic study and is working closely with KDOT concerning access off the round-about. At this time the allowance has not been formalized.

Nonconformities: The proposed new FEMA Floodplain Map will take effect in November 2021; the green areas will be deleted from the flood plain, red is adding to the floodplain, and yellow is remaining the same.

Public Utilities: Water and sewer are available.

Recommendations: Staff recommends approval of the Brownstone Addition Final Plat, as it complies with the Emporia Subdivision Regulations.

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated this was a request of Red Brick Investments for a final plat of the Brownstone Addition Subdivision, located at a non-addressed parcel located at Southwest corner of US-50 and Graphic Arts Road, as authorized by Section 6-401 of the Emporia-Lyon County Metropolitan Planning Area Subdivision Regulations. He stated the applicant is requesting approval of a final plat to allow for utilities and future development. The property is currently zoned for C-3 General Commercial this would allow for a hotel and travel plaza or other related uses. At their August 17, 2021 regular meeting the Planning Commission voted 6 - 1 to approve this request.

Commissioner Geitz made a motion to approve the final plat and acceptance of dedication of land for public purposes for the Brownstone Addition Subdivision, located at a non-addressed parcel located at the Southwest corner of US-50 and Graphic Arts Road, as authorized by section 6-301 of the Emporia Subdivision Regulations. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

PAVING

(Funston Street & 5th Avenue Paving Improvement Project No. PV2008) (Bid)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated one bid was received on the Funston Street and 5th Avenue Paving Improvement Project No. PV2008. The City had one bidder out of two plan holders. The bid is as follows:

Contractor	Base Bid
APAC-KS, Inc. Shears Div.	\$595,677.73
Engineer's Estimate	\$449,045.00

He stated due to the bid received being 33% over the Engineer's estimate and project budget, staff was recommending rejecting the bid and bringing this project back to the Commission at the beginning of 2022 with potential project revisions and pricing.

Commissioner Geitz made a motion to reject the bid as it is over the engineer's estimate and budget and to set bid date and time in the beginning of 2022. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

ENGINEERING

**(Accept Encroachment Agreement - Road F (US Hwy 50 to Road 180)
(City Project No. PV1907, KDOT Project NO. 56 KA-5281-01)
(Southern Star Central Gas Pipeline, Inc.)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the city is designing a roadway and drainage project along Road F from US Hwy 50 to Road 180. This proposed project will have grading that will encroach into the adjacent Southern Star Central gas pipeline easement on Industrial Park IV addition property. He stated this agreement allows construction within that easement.

Commissioner Geitz made a motion to accept Southern Star Central Gas Pipeline, Inc. encroachment agreement and authorize the Mayor to sign. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

POLICE DEPARTMENT

**(Consider Agreement w/Humane Society of the Flint Hills, Inc.)
(Operation of the Animal Shelter)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the Humane Society of the Flint Hills (HSFH) has operated the Emporia Animal Shelter for the past six years under an operations

agreement with the City. HSFH would like to renew the agreement under substantially similar terms for an eight-month period. The agreement is for a base fee of \$80,000.00 paid to HSFH. She stated under the new contract terms, HSFH will be responsible for management and operations of the animal shelter including providing appropriate shelter and veterinary care for animals, maintaining appropriate staffing, providing an annual financial report to the City, accepting all animals from Emporia Police Department and Animal Control, honoring all court orders, and offering walk-in services to the public at least 30 hours per week.

Commissioner Smith stated she would abstain from the vote.

Commissioner Brinkman made a motion to approve the Agreement with the Humane Society of the Flint Hills, Inc. for the operation of the Emporia Animal Shelter and authorize the Mayor to sign the agreement. Commissioner Geitz seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye. Commissioner Smith abstained.

POLICE DEPARTMENT

(Consider Agreement w/Humane Society of the Flint Hills, Inc.) (Animal Shelter Lease Agreement)

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated this agreement leases the Emporia Animal Shelter at 1216 Hatcher Street to the Humane Society of the Flint Hills, Inc. (HSFH) for an eight-month period. Under the terms of the agreement, HSFH is responsible for daily maintenance and cleaning. The City is responsible for snow removal, mowing, and non-routine maintenance items such as mechanical, electrical, and plumbing. HSFH may make alterations or improvements to the building with written consent of the City. Any such improvements will become the property of the City.

Commissioner Smith stated she would abstain from vote.

Commissioner Giefer made a motion to approve the Lease Agreement with the Humane Society of the Flint Hills, Inc. and authorize the Mayor to sign the lease agreement. Commissioner Brinkman seconded the motion. The vote

follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye. Commissioner Smith abstained.

CITY COMMISSION
(2021 Standard Traffic Ordinance)
(Ordinance Number 21-31)

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 21-31, 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 incorporating the most recent legislative changes which affect City ordinances. The 2021 48th edition includes changes to the following sections:

Section 10.1	Funeral Procession - new
Section 31	Fleeing or Attempting to Elude a Police Officer
Section 40.2	Passing a Stationary Authorized Utility or Telecommunications Vehicle
Section 106	Transportation of Alcoholic Beverages (New Editor's Note)
Section 119	Parades and Processions
Section 126.1.1	Display of License Plate
Section 179	Spilling Loads on Highway
Section 201	Penalties Citation added
Section 201.1	Failure to Comply with a Traffic Citation

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 48th Edition of the Standard Traffic Ordinances for Kansas Cities.

Commissioner Geitz made a motion to approve Ordinance Number 21-31, an ordinance adopting the amendments listed to the 48th Edition of the Standard Traffic Ordinance for 2021. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Kansas Department of Commerce for Small Cities)
Authority to Apply for Community Development Block Grant)
(Economic Development - Simmons Pet Food Facility)
(Resolution Number 3647)

City Manager McAnarney stated the City of Emporia is submitting a grant application for parking lot improvements for the Simmons Pet Food facility in Emporia, Kansas. The company has created many jobs and plans to create more. The grant application will provide up to \$750,000.00 for improvements. The city will need to adopt the following:

1. Authorize the City to submit the grant application and authorize the Mayor to sign all appropriate documents.
2. Approve the Anti-Displacement Resolution. The projects do not involve any displacement.

Commissioner Brinkman made a motion to approve the items necessary to submit an Economic Development grant application under the Kansas Department of Commerce Small Cities Program, authorize the Mayor to sign all appropriate documents, and approve Resolution Number 3647. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(City Manager's Report)

This is a verbal report that announces upcoming events, recognized employees for outstanding contributions and provides the public information

that may be of a general interest. The following information was presented at the meeting.

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

TENTATIVE AGENDA FOR SEPTEMBER 8TH STUDY SESSION @ 10:30 A.M.

Update on Disc Golf in Emporia.

Discuss Redevelopment Project on 700 Block of Commercial Street.

FEMA Discussion.

Discuss New Electronic Sign for the Emporia Public Library.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session for consultation with the City Attorney from 2:00 p.m. to 2:15 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 2:15 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had consultation with the City Attorney and no action was taken.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session for preliminary discussion related to land acquisition and to invite City Engineer, Jim Ubert, from 2:15 p.m. to 2:25 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 2:26 p.m., this same date, in the City Commission Meeting Room, Commissioner Brinkman made a motion to continue the Executive Session discuss with all the same people from 2:26 p.m. to 2:36 p.m.. Commissioner Smith seconded the motion. The

vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session at 2:36 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had preliminary discussion related to land acquisition and no action was taken.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk