

CITY COMMISSION MEETING

AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM

518 MECHANIC, EMPORIA, KS

October 20, 2021 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.
 - a. Presentation of Check from Emporia Community Foundation to the City of Emporia for Parks Improvements.
 - b. Proclamation Recognizing Emporia Lions Club 100 Year Anniversary.
5. Conduct Public Hearing on establishing an RHID District at 714, 716 and 718 Commercial aka the Town Company Two Project.
6. Consider Ordinance establishing an RHID District for the Town Two Company Project at 714, 716 and 718 Commercial.
7. Consider Appointment of Member to the Convention & Visitor Advisory Board.
8. Consider the Appointment of Members to the Natural resources Advisory Board.
9. Consider Appointment of Member to the Emporia-Lyon County Area Metropolitan Planning Commission/Board of Zoning Appeals.
10. Consider Bid for Purchase of Self-Contained Breathing Apparatus (SCBA) for Fire Department.
11. Consider the Approval of an Ordinance Authorizing the Issuance of General Obligation Bonds for improvements to Public Water System.
12. Consider Bids for the Raw Water Intake Site Improvements Project.
13. Approval to Submit a KDOT Grant to Construct an Airport Runway Extension of 51 Feet.

14. Consider Ordinance Approving Amendments Relating to Smoots Enterprises II, LLC 2015 Industrial Revenue Bonds.
15. Consider an expenditure from the American Rescue Plan Act (ARPA) funds.
16. Consider the Approval of a Resolution that Certifies the City has the Legal Authority to Apply for the 2022 Kansas Small Cities Community Development Block Grant Program from the Kansas Department of Commerce.
17. Consider the Approval of a Resolution that Commits the City to Provide Funding for the Operation and Maintenance of Improvements to the Street System.
18. Report from City Manager on City Activities.
19. Executive Session.



**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: October 20, 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 September for the community:

1) Monthly Local Retail Sales Tax Receipts Update

	2020	2021	
	\$421,140.53	\$475,861.42	Increase of \$54,720.89 for the month, and
YTD	\$3,727,209.62	\$ 4,063,224.94	Overall increase of 9.02% from year 2020

2) City Share from County Tax

	2020	2021	
	\$209,875.66	\$246,867.24	Increase of \$36,991.58 for the month, and
YTD	\$1,900,338.69	\$ 2,063,718.32	Overall increase of 8.60% from year 2020

3) **Building Permits issued from 9/1/2021 to 9/30/2021 for new construction, remodeling/repairs and demolition.**

Total number of building permits issued through Code Services:	53
Total of valuations associated with those building permits:	\$ 425,587.00
Total number of dollars collected for Building Permit Fees:	\$ 4,949.50

Construct - single family dwellings	0
Demo - single family dwellings	2

Flint Hills Mall CID for September	\$ 17,802.20
Year to Date Total	\$ 157,790.73

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 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 Adjourned Meetings held on October 5, October 6, 2021, Regular Meeting held on October 6, 2021 and the Adjourned Meeting held on October 13, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on October 8, 2021.
- c. Consider the Approval of September Budget.
- d. Consider Change Order No. 2 for the REG BioDiesel Demolition, Project No. 21REG.

RECOMMENDATION:

- a. Approve Minutes.
- b. Approve Payroll.
- c. Approve Budget.
- d. Approve Change Order.

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 3d

SUBJECT: Consider Change Order No. 2 for the REG BioDiesel Demolition, Project No. 21REG.

RECOMMENDATION: Approve Change Order No. 2 for the REG BioDiesel Demolition Project No. 21REG for the additional amount of \$11,310.00 for further work completed for project.

BACKGROUND SUMMARY:

Attached are the change order quantities for the REG BioDiesel Demolition Project No. 21REG to include additional demolition work not included in the contract completed for the project at the REG site. The original contract amount was \$175,325.00. This Change order for \$11,310.00 would increase the final contract dollar amount to \$186,635.00 with no additional workdays added.

Attached is Change Order No. 2 and line items with unit bid pricing and extended prices for such additional work.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

CHANGE IN PLANS NO. 2
ON CONTRACT WITH S.R. COFFMAN CONSTRUCTION, INC. FOR THE
REG BIODIESEL SITE: FOOTINGS & PIERS DEMOLITION & GRADING
(PROJECT NO. 21REG)

Date: October 12, 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 REG BioDiesel Site: Footings & Piers Demolition & Grading (Project No. 21REG).

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>IN FIGURES</u>	<u>AMOUNT</u>
QUANTITIES ADDED:				
1	L.S.	Dig Conduits Up at Transformer Location - Cut Conduits & Wires @ One Thousand Two Hundred Dollars (Unit Price in Words)	\$1,200.00	\$1,200.00
1	L.S.	Dig Out, Breakoff, Backfill & Haul Off Twenty-One (21) Extra Auger Cast Piles (Two {2} Ft. Diameter), Beyond Bid Work (Priced at Equipment Time & Materials) @ Ten Thousand One Hundred Ten Dollars (Unit Price in Words)	\$ 10,110.00	\$ 10,110.00
TOTAL ADDED TO PROJECT:				<u>\$11,310.00</u>
TOTAL DELETED FROM PROJECT:				<u>\$0.00</u>
TOTAL CHANGE ORDER ADDED TO PROJECT:				<u>\$11,310.00</u>

CONTRACTOR: S.R. COFFMAN CONSTRUCTION, INC.

BY: _____

APPROVED BY: THE CITY OF EMPORIA, KS

BY: _____
MAYOR

Date: _____

Attest: _____
CITY CLERK

TOTAL DELETED FROM PROJECT:

\$0.00

TOTAL CHANGE ORDER ADDED TO PROJECT:

\$11,310.00

CONTRACTOR: S.R. COFFMAN CONSTRUCTION, INC.

BY: _____

APPROVED BY: THE CITY OF EMPORIA, KS

BY: _____
MAYOR

Date: _____

OCT 11 2021

Invoice

S. R. Coffman Construction, Inc.

P. O. Box 983

Emporia, KS 66801-0983

Date	Invoice #
9/30/2021	20024902

Bill To
CITY OF EMPORIA P.O. BOX 928 EMPORIA, KANSAS 66801

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
	REG Biodiesel - Project No.21 REG EXTRA: Dig Conduits Up At Transformer Location - Cut Conduits & Wires	1,200.00	1,200.00
	Dig Out , Break, Backfill & Haul Off 21 Extra Pile Casting Beyond Bid Price		
15	PC 200 Komatsu Excavator	155.00	2,325.00
15	430 Backhoe with Tamper per hr.	140.00	2,100.00
15	Caterpillar 953C Loader per hr.	160.00	2,400.00
15	CT333John Deere Track Loader	90.00	1,350.00
15	Barrel Bed Dump Truck per hr.	95.00	1,425.00
6	Dump Fees	85.00	510.00
	Emporia	8.50%	0.00
		Total	\$11,310.00

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 4

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

- Presentation of Check from Emporia Community Foundation to the City of Emporia for Parks Improvements.- *to present Becky Nurnberg, ECF.*
- Proclamation Recognizing Emporia Lions Club 100 Year Anniversary.-*to accept Gary Post and other Representatives from the Emporia Lions Club.*

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 _____



PROCLAMATION

WHEREAS, the Emporia Lions Club, established in 1921, is composed of men and women volunteers who dedicate their time to the improvement of their community and aiding those in need; and

WHEREAS, the Emporia Lions Club, is a member of Lions Clubs International, the world's largest service club organization with 1.4 million members in approximately 47,000 clubs in over 200 countries and geographical areas; and

WHEREAS, the Emporia Lions Club is dedicated to improving the quality of life for people in their community, and have been since October 23, 1921 when the Emporia Lions Club was Chartered; and

WHEREAS, the Emporia Lions Club was the seventh Lions Club chartered in the State of Kansas; and

WHEREAS, the Emporia Lions Club meets at noon every first and third Wednesday in the Emporia State University Memorial Student Union for lunch and fellowship; and

WHEREAS, the Cleve Cook/ Emporia Lions Club Fund contributes to community and area welfare over \$12,500 each year; and

WHEREAS, Lions Clubs International has declared diabetes as a primary global cause and observes November as Diabetes Awareness Month, empowering Lions and Leos to raise awareness about diabetes education, prevention and management in their communities; and

NOW, THEREFORE, BE IT RESOLVED, I, Robert F. Gilligan, Mayor for the City of Emporia, Kansas do hereby proclaim October 23, 2021 as the

Emporia Lions Club One Hundredth Anniversary

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Emporia, Kansas to be affixed this 20th of October 2021.

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 5

SUBJECT: Public Hearing on establishing an RHID District at 714, 716 and 718 Commercial aka Town Company Two Project.

RECOMMENDATION: Conduct Hearing.

BACKGROUND SUMMARY:

Resolution #3650 which passed on September 15, 2021, established this hearing date in accordance with statutory requirements.

Resolution is attached.

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.

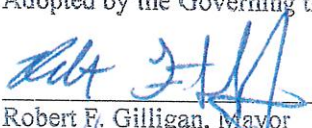
Section 4. Notice of the Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions.

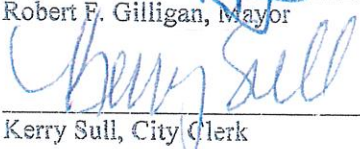
- a. A certified copy of this resolution shall be delivered to:
 - (i) The Board of County Commissioners of Lyon County, Kansas.
 - (ii) The Board of Education of U.S.D. No. 253; and
 - (iii) The Emporia/Lyon County Metropolitan Area Planning Commission
- b. This Resolution, specifically including Exhibits 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 15th day of September 2021.


Robert F. Gilligan, Mayor

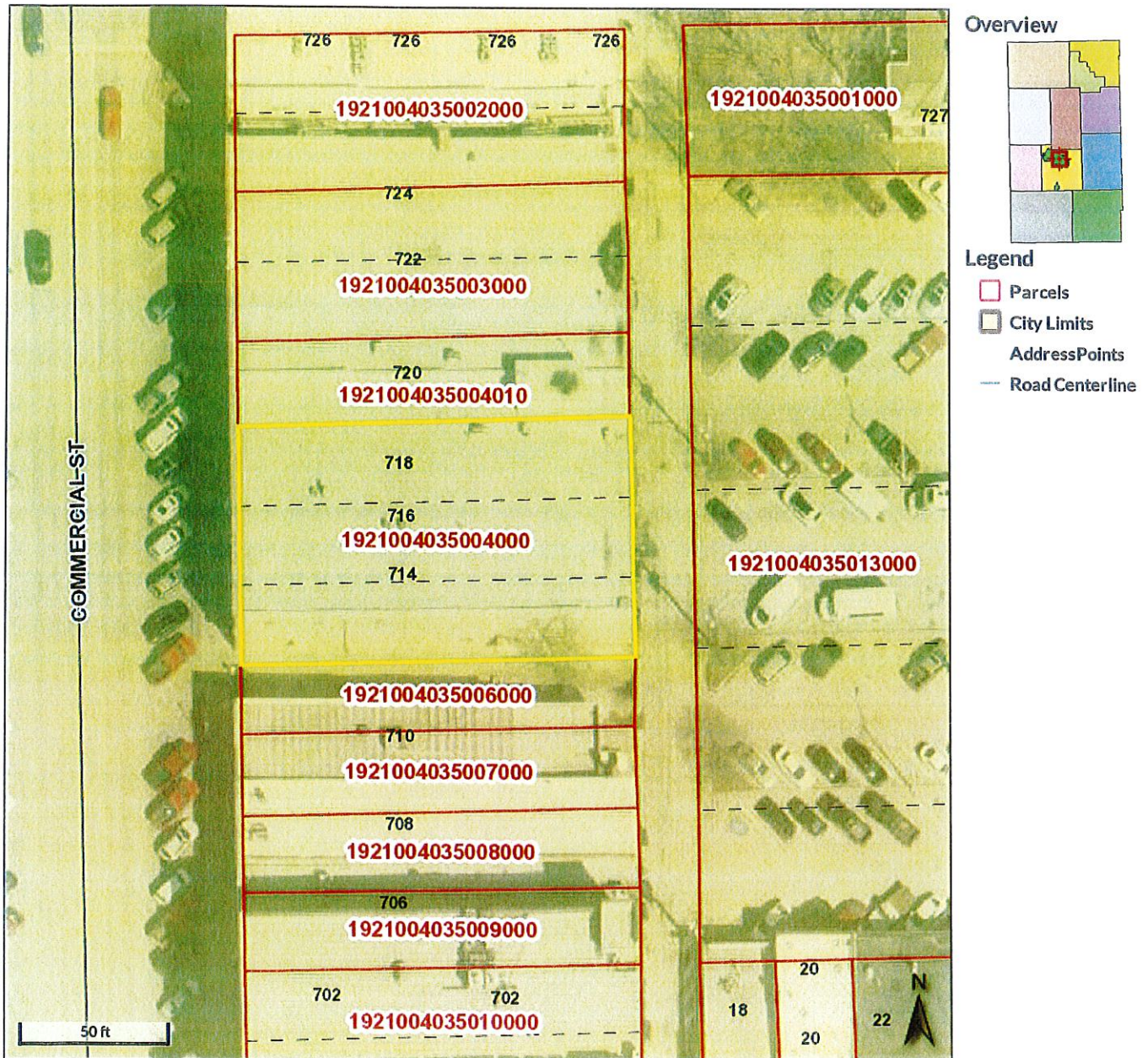

Kerry Sull, City Clerk



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

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 6

SUBJECT: Consider Ordinance establishing an RHID District for the Town Two Company Project at 714, 716 and 718 Commercial.

RECOMMENDATION: Approve Ordinance

BACKGROUND SUMMARY:

The Public hearing held right before the consideration of this ordinance sets the stage for consideration of this action. The applicant has met all the statutory and local requirements for establishing the RHID. Local taxing entities have been notified in accordance with the statutory requirement. If an objection is received by one of the entities within thirty (30) days of the hearing a reconsideration of the ordinance, if passed, shall be conducted.

A copy of the Development Plan is included with this item.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

ORDINANCE NO. _____

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS
ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND
ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC
FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN
CONJUNCTION THEREWITH (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 located 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 a Housing Needs Analysis dated August 2019(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.3621` 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, set forth the boundaries of the proposed District, provided a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for October 20th, 2021 and provided for notice of such public hearing as provided in the Act; and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 3621 which made a finding that the City is considering the establishment of the proposed District and adopting the proposed Plan pursuant to the Act, set forth the boundaries of the proposed District, provides a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for October 20th, 2021 and provided for notice of such public hearing as provided in the Act; and

WHEREAS, a public hearing was held on October 20th, 2021, after due published and delivered notice in accordance with the provisions of the Act; and

WHEREAS, upon considering the information and public comments received at the public hearing, the Governing Body of the City hereby deems it advisable to make certain findings to establish the proposed District and to adopt the proposed Plan.

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

Section 1. Findings. The Governing Body hereby finds that due notice of the public hearing conducted October 20th, 2021, was made in accordance with the provisions of the Act.

Section 2. Creation of the Rural Housing Incentive District. A Rural Housing Incentive District is hereby created within the City in accordance with the provisions of the Act, which shall consist of the following described real property in the Development, in the City of Emporia, Lyon County, Kansas:

Town Company Two Project described as Lots 214,216 and 218 of the Original Town, City of Emporia

Section 3. Approval of Development Plan. The Plan for the development or redevelopment of housing and public facilities in the District as presented to the Governing Body this date, is hereby approved.

Section 4. Adverse Effect on Other Government Units. If, within thirty (30) days following the conclusion of the public hearing on October 20th, any one of the following occurs, the Governing Body shall take action to repeal this Ordinance:

1. The Board of Education of U.S.D. 253 determines by resolution that the District will have an adverse effect on such school district; or
2. The Board of County Commissioners of Lyon County, Kansas determines by resolution that the District will have an adverse effect on such county.

As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body of Unified School District 253 or Lyon County.

Section 5. Reimbursement. The Act authorizes the City to reimburse the developer for all or a portion of the costs of implementing the Plan through the use of the property tax increments allocated to the City under the provisions of the Act.

Section 6. Further Action. The Mayor, City Clerk and other officials and employees of the City, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate to accomplish the purposes of this Ordinance.

Section 7. Effective Date. This Ordinance shall be effective upon its passage by the Governing Body of the City of Emporia, Kansas and publication one time in the official City newspaper.

Passed by the Governing Body of the City of Emporia, Kansas and signed by the Mayor on October 20th, 2021.

Robert F. Gilligan, Mayor

ATTEST

Kerry Sull, City Clerk

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.

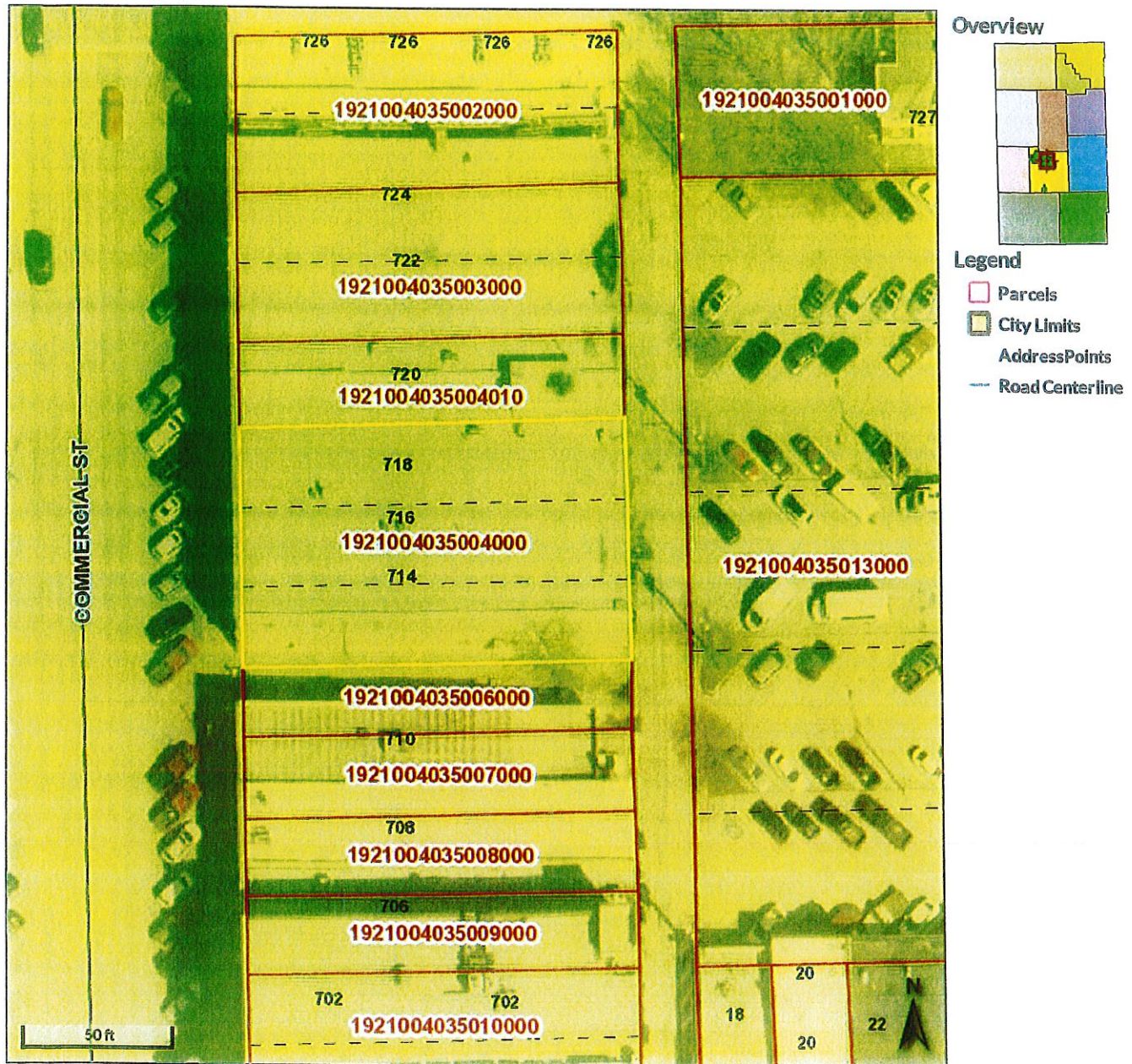
5. Listing of Developers Responsible for Proposed Improvements – See #3

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

Tax data is only as accurate as the information provided in the data base upon its use.

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

Summary

Parcel ID 1921004035004000
Quick Ref ID R10047
Property Address 714 COMMERCIAL
Brief EMPORIA (O.T.), S10, T19S, R11E, ACRES 0.2, EVEN LTS 214-218 COMMERCIAL ST (75.0 X 130.0)
Tax Description (Note: Not to be used on legal documents)
Taxing Unit Group 005
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 & Page 2021 - 03022; 0420 - 0996; 0420 - 0230; 0372 - 0457; 0324 - 0261; 0420 - 0229; 2015 - 01811; 2015 - 01812; 2015 - 01813;
Neighborhood 960 - Emporia Commercial Nhd 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		Total	2020 Appraised Value
	Land	Building		
C	\$56,880	\$209,730	\$266,610	
Total	\$56,880	\$209,730	\$266,610	

Photos



Sketches

Town Company Two, LLC

700 Block of Commercial Street Project

Cash Flow Projections From Operations

Cash Flow Projections From Operations					50.00%	25.00%	25.00%	0.00%	100%
	700 Block, LLC	Additional Members	Mohn/JKPP	Sauder/JKPP	TC2 LLC	Total			
Initial Cash Inflow From Investors	325,000.00	325,000.00				325,000.00			
Developer Fee	300,000.00				300,000.00	300,000.00			
Cost to Complete Project	1,975,000.00	987,500.00	493,750.00	493,750.00		1,975,000.00			
Total New Investment to Project	2,600,000.00	1,312,500.00	493,750.00	493,750.00	300,000.00	2,600,000.00			
Cash Need to Complete Project (w/out Developer Fee)	1,975,000.00	987,500.00	493,750.00	493,750.00		1,975,000.00			
Loan Amount	1,762,014.24	881,007.12	440,503.56	440,503.56		1,762,014.24			
Cash Down Payment	212,985.76	106,492.88	53,246.44	53,246.44		212,985.76			
Total Cash Investment (new)	537,985.76	431,492.88	53,246.44	53,246.44		537,985.76			

Projected Net Income	Monthly Projected	% Full
Commercial Rent		95.00%
#1	1,400.00	1,330.00
#2	1,500.00	1,425.00
#3	1,500.00	1,425.00
Storage	3,000.00	2,850.00
Commercial Total	7,400.00	7,030.00
Apartment Rent	Monthly Projected	
3 Br (1 unit)	1,300.00	1,235.00
2 Br (4 units)	4,000.00	3,800.00
1 BR (3 units)	2,400.00	2,280.00
Studio (2 units)	1,300.00	1,235.00
Apartment Total	9,000.00	8,550.00
Monthly Revenue	16,400.00	15,580.00
x 12	12	12
Annual Revenue	196,800.00	186,960.00
Annual Operating Expenses	(\$40,000)	(40,000.00)
Annual Loan Payment	(121,543.95)	(121,543.95)
Annual Cash Flow	35,256.05	25,416.05

Loan Details	
Annual Interest Rate	3.4%
Years	20
Payments Per Year	12
Amount	1,762,014.24

Building Value at Refinance/Sale Date	Appraised Value for Loan
2,000,000.00	2,500,000.00

RHID Considerations	
Incremental Tax	10,000
Portion Eligible for RHID	86%
Annual Increase to Taxes	2%

Tax Credit Considerations			Credit %	Credit \$	Contract/Legal	Net Credit
% of Cost to Complete Project for Eligible for Federal Credit	80%	1,975,000.00	20%	316,000.00	(25,000.00)	291,000.00
% of Cost to Complete Project for Eligible for State Credit	80%	1,975,000.00	25%	395,000.00		395,000.00
City Developer Agreement Assumed paid same as state credit						100,000.00
Total Credits/Incentives in Project				711,000.00	(25,000.00)	786,000.00

Projected Dates		Total	50.00%		25.00%		25.00%		0.00%	
Investment Date			Additional Members	Mohn	Sauder	TC2 LLC	Check			
First Renter	7/1/2021	537,985.76	431,492.88	53,246.44	53,246.44	-	-			
Return to Investor's Starts	7/1/2022									
RHID Starts	7/1/2023	25,416.05	12,708.03	6,354.01	6,354.01	-	-			
Federal Historic Credits	7/1/2023	8,600.00	4,300.00	2,150.00	2,150.00	-	-			
State Historic Credits/City	3/1/2024	291,000.00	145,500.00	72,750.00	72,750.00	-	-			
	3/1/2025	495,000.00	247,500.00	123,750.00	123,750.00	-	-			
Total Project		Rate of Return		12.2839%						
		Payment	Days Interest	Interest	Principal	Balance				
Initial Investment	7/1/2021	(300,000.00)				(300,000.00)				
Investment	7/1/2021	(537,985.76)				(837,985.76)				
Return/RHID #1	7/1/2023	34,016.05	34,016.05	730.00	(171,946.37)	(1,009,932.13)				
Federal Historic Credits	3/1/2024	291,000.00	291,000.00	244.00	208,032.02	(801,900.11)				
Return/RHID #2	7/1/2024	34,188.05	34,188.05	122.00	1,249.19	(800,650.92)				
State Historic Credits	3/1/2025	495,000.00	495,000.00	243.00	429,494.47	(371,156.45)				
Return/RHID #3	7/1/2025	34,363.05	34,363.05	122.00	19,117.42	(352,039.03)				
Return/RHID #4	7/1/2026	34,542.05	34,542.05	365.00	(8,720.51)	(360,759.53)				
Return/RHID #5	7/1/2027	34,725.05	34,725.05	365.00	(9,609.18)	(370,368.71)				
Return/RHID #6	7/1/2028	34,911.05	34,911.05	366.00	(10,728.76)	(381,097.48)				
Return/RHID #7	7/1/2029	35,101.05	35,101.05	365.00	(11,732.54)	(392,830.01)				
Net Building Value on **	7/1/2029	392,830.01	392,830.01	-	392,830.01	(0.00)				
Net Return on Investment		582,690.60	1,420,676.36	(582,690.60)	837,985.76					
2,276										
Additional Members		Rate of Return		11.516%						
		Payment	Days Interest	Interest	Principal	Balance				
Initial Investment	7/1/2021					(431,492.88)				
Investment	7/1/2021	(431,492.88)				(513,868.77)				
Return/RHID #1	7/1/2023	17,008.03	17,008.03	730.00	(82,375.89)	(407,929.26)				
Federal Historic Credits	3/1/2024	145,500.00	145,500.00	244.00	105,939.51	(406,537.58)				
Return/RHID #2	7/1/2024	17,094.03	17,094.03	122.00	1,391.69	(190,206.84)				
State Historic Credits	3/1/2025	247,500.00	247,500.00	243.00	216,330.73	(180,346.91)				
Return/RHID #3	7/1/2025	17,181.53	17,181.53	122.00	9,859.93	(183,845.16)				
Return/RHID #4	7/1/2026	17,271.03	17,271.03	365.00	(3,498.24)	(187,654.77)				
Return/RHID #5	7/1/2027	17,362.53	17,362.53	365.00	(3,809.61)	(191,869.31)				
Return/RHID #6	7/1/2028	17,455.53	17,455.53	366.00	(4,214.54)	(196,415.01)				
Return/RHID #7	7/1/2029	17,550.53	17,550.53	365.00	(4,545.70)	(0.00)				
Net Building Value on **	7/1/2029	196,415.01	196,415.01	-	196,415.01	0.00				
Net Return on Investment		278,845.30	710,338.18	(278,845.30)	431,492.88					



Lyon County State Bank

P.O. Box 488 • Emporia, Kansas 66801-0488
Phone 620-342-3523 • FAX 620-342-1876

www.mylcsb.com

August 18, 2021

City of Emporia
C/O Mark McAnarney-City Manager
201 S. Main
Emporia, KS 66801

Re: 700 Block, LLC

Dear Mr. McAnarney,

This letter is regarding the above referenced customer. Lyon County State Bank will be providing the financing on their project.

Please feel free to contact me if you should need additional information and/or have additional questions at 620-340-9803.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell Bonitatibus", written over a horizontal line.

Russell Bonitatibus
Senior Vice President

Cc: 700 Block, LLC
File

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 7

SUBJECT: Consider Appointment of Member to the Convention and Visitors Advisory Board (CVAB).

RECOMMENDATION: Review recommendations and appoint to the CVAB.

BACKGROUND SUMMARY:

Currently the City has two board openings on the CVAB. There will be a total of three openings in January as board members rotate off. The openings have been advertised for several months and we have received one application. The Commission representatives have interviewed Jan Trele and request approval of the appointment. Jan will complete an existing term that expires on December 31, 2022 and then begin her first full term on January 1, 2023.

In addition, the review committee requests to reappoint Jay Patel to his second term that will begin January 1, 2022 and end December 31, 2024. Jay has been a wealth of information and brings great insight due to his working knowledge of the hotel industry. Attached is the application from Jan Trele.

ACTION REQUIRED

Appoint Jan Trele to fill an existing CVAB opening and to her first full term. Reappoint Jay Patel to his second term.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

APPLICATION FOR ADVISORY BOARD MEMBERSHIP



DATE: 08/05/2021

NAME:	Jan	M	Trelc
	First Name	MI	Last Name

ADDRESS:	2215 E Bayfront Court		
	Street		
	Emporia	KS	66801
	City	State	ZIP

Email: jsoetael@emporia.edu

PHONE: 6204810325

PLACE OF EMPLOYMENT: Emporia State University Foundation

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 30 years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
EMPORIA-LYON COUNTY CONVENTION AND TOURISM COMMITTEE
(CVB)

**BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE**

ADVISORY BOARD(S) MENTIONED ABOVE:

As a nearly lifelong resident of Emporia, I find it exciting to be involved in finding ways to create great experiences for visitors to our town. Emporia has great potential for visitors/tourism/conventions due to it's location alone! We have many great places to host events, and the desire to grow! There is a lot of work to do, but I think Emporia is full of the right minds to get the work done.

OTHER ACTIVITIES AND INTERESTS:

Family, friends, dance instructor, camping, nature, the great outdoors, travel, sports and staying active!

In Lieu of Signature, Click Here

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 8

SUBJECT: Consider Appointment of Members to the Natural Resources Advisory Board.

RECOMMENDATION: Appoint Lisa Keith and Daphne Mayes to the board.

BACKGROUND SUMMARY:

The Natural Resources Advisory Board currently has two vacancies for City-appointed board positions. Applications have been received from Lisa Keith and Daphne Mayes, and interviews have been conducted by the appropriate City Commissioner(s). Staff requests the City Commission to approve and appoint these members to fill the vacancies.

Attached are the applications for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

APPLICATION FOR ADVISORY BOARD MEMBERSHIP

DATE: 10/12/2021

NAME: Lisa S Keith
First Name MI Last Name

ADDRESS: 3505 Road L
Street
Allen KS 66833
City State ZIP

Email: lkeith@emporia-kansas.gov

PHONE: 6203444363

PLACE OF EMPLOYMENT: City of Emporia

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? Lyon Co 54
years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
NATURAL RESOURCES ADVISORY BOARD (NRAB)

**BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE**

ADVISORY BOARD(S) MENTIONED ABOVE:

I have an interest in environmental stewardship including land & wildlife
conservation and also the education of those as well.

OTHER ACTIVITIES AND INTERESTS:

Flinthills Optimist Club Member

Nature Conservancy of Kansas member

Association of Zoos & Aquariums Professional Member

International Wildlife Rehabilitation Council

American Legion Auxillary Member

Chamber of Commerce Volunteer

Sports activities: Barrel racing, Hiking, Volleyball, fishing, Water sports, pickle ball

In Lieu of Signature, Click Here



APPLICATION FOR ADVISORY BOARD MEMBERSHIP

NAME: Daphne Mayes

ADDRESS: 2017 Huntington Rd

PHONE: C: 620-794-4073 W: 620-341-5727

PLACE OF EMPLOYMENT:
Emporia State University

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? Most recently 2 years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:

- 1) NRAB
- 2) _____
- 3) _____
- 4) _____

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON THE ADVISORY BOARD(S) MENTIONED ABOVE:

The Natural Resources Advisory Board group is involved in several activities that are of personal and

professional interest to me, and I have the background and experience to be of service. My role at ESU

as an Outreach & Engagement Coordinator for the Prophet Aquatic Research & Outreach Center is

aligned with the work that NRAB is carrying out and planning for the Emporia community.

Participation in the NRAB would be a great way to have a broader perspective of the interests and

activities that our local community members are seeking within the context of natural resources and

the environment.

OTHER ACTIVITIES AND INTERESTS:

SIGNATURE: Daphne Mayes

DATE: October 13, 2021

Please mail to the City Manager's Office, PO Box 928, Emporia, KS 66801-0928

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 9

SUBJECT: Consider Appointment of Member to the Emporia-Lyon County Area Metropolitan Planning Commission/Board of Zoning Appeals.

RECOMMENDATION: Appoint Member to the Emporia-Lyon County Area Metropolitan Planning Commission/Board of Zoning Appeals.

BACKGROUND SUMMARY:

The Emporia-Lyon County Metropolitan Planning Commission/Board of Zoning Appeals currently has one vacancy. An application for this board has been received from William Barnes, and an interview has been conducted by the appropriate City Commissioner(s). Staff requests the City Commission to approve and appoint this member to fill the vacancy.

Attached is the application for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

APPLICATION FOR ADVISORY BOARD MEMBERSHIP

DATE: 10/12/2021

NAME: William O Barnes
First Name MI Last Name

ADDRESS: 2901 West Lake Dr
Street
Emporia KS 66801
City State ZIP

Email: wbarnes@g.emporia.edu

PHONE: 620-341-9835



PLACE OF EMPLOYMENT: Retired

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 36 years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
EMPORIA-LYON COUNTY METROPOLITAN AREA PLANNING
COMMISSION

**BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE**

ADVISORY BOARD(S) MENTIONED ABOVE:

I have previously served on Emporia Enterprises and the RDA and am willing to serve out the term of Chip Garrett on the Planning and Zoning Board. Strongly believe in the positive health of this community.

OTHER ACTIVITIES AND INTERESTS:

Serve on ECF Board

In Lieu of Signature, Click Here

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 10

SUBJECT: Consider Bids for Purchase of Self-Contained Breathing Apparatus (SCBA) for Fire Department.

RECOMMENDATION: Approve bid from MES for SCBA Purchase in the amount of \$236,652.38.

BACKGROUND SUMMARY:

After review of the bids received for the Self-Contained Breathing Apparatus (SCBA), with consideration for compliance with requested specifications and price listed in the bid form, the recommendation of fire department staff is to award the bid to MES for the bid price of \$236,652.38. The Emporia Fire Department has been awarded a Federal grant for \$183,572 towards the purchase of this equipment. This leaves \$53,080.38 as the City's responsibility and it will be paid from the General Fund.

Attached are bids from:

Municipal Emergency Services LLC	\$ 236,652.38
Ed M. Feld Equipment Co. Inc.	\$237,670.86

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

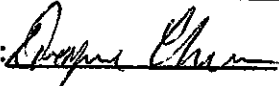
**BID FORM FOR
BREATHING APPARATUS**

Please furnish bid prices for the following breathing apparatus .

<u>QTY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>TOTAL</u>
34	SCBAs that meet included equipment specifications.	\$ <u>5,941.69</u>	\$ <u>202,017.46</u>
54	4-Strap Facepieces that meet included equipment specifications.	\$ <u>270.79</u>	\$ <u>14,622.66</u>
6	4500 psi / 45 min Carbon wrapped cylinders that meet included equipment specifications.	\$ <u>1,292.25</u>	\$ <u>7,753.50</u>
58	SCBA Cylinder valves that meet the included equipment specifications.	\$ <u>54.51</u>	\$ <u>3,161.68</u>
6	Additional quick disconnect low pressure hose with mask-mounted regulator that meets included equipment specifications.	\$ <u>1,516.18</u>	\$ <u>9,097.08</u>
TOTAL FOR ALL SCBA EQUIPMENT AS BID		\$ <u>236,652.38</u>	

VENDOR: Municipal Emergency Services LLC

COMPANY ADDRESS: 12 Turnberry Lane, 2nd Floor, Sandyhook CT. 06482

PHONE: (620) 412-7801 SIGNATURE:  DATE: 10-08-2021

COMMENTS: Alternate Phone Number (800) 228-9014, 1-877-MES-FIRE

BID FORM FOR BREATHING APPARATUS

Please furnish bid prices for the following breathing apparatus .

QTY	DESCRIPTION	UNIT PRICE	TOTAL
34	SCBAs that meet included equipment specifications.	\$ <u>5,937.45</u>	\$ <u>201,873.30</u>
54	4-Strap Facepieces that meet included equipment specifications.	\$ <u>293.60</u>	\$ <u>15,854.40</u>
6	4500 psi / 45 min Carbon wrapped cylinders that meet included equipment specifications.	\$ <u>1,290.32</u>	\$ <u>7,741.92</u>
8 7	SCBA Cylinder valves that meet the included equipment specifications.	\$ <u>390.93</u>	\$ <u>3,127.44</u>
6	Additional quick disconnect low pressure hose with mask-mounted regulator that meets included equipment specifications.	\$ <u>1,512.30</u>	\$ <u>9,073.80</u>

TOTAL FOR ALL SCBA EQUIPMENT AS BID \$ 237,670.86

VENDOR: Ed M. Feld Equipment Co. Inc.

COMPANY ADDRESS: 113 N Griffith Rd. Carroll, IA 51401

PHONE: 800-568-2403 SIGNATURE: [Signature] DATE: 10/01/21

COMMENTS: 50 - Cylinder Valves at no charge.

30 - EZ-Scape Harnesses as optional add-on

\$419.92 apiece, \$12,597.60 total. See included quote for total price including add-ons.

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 11

SUBJECT: Consider the approval of an Ordinance authorizing the issuance of general obligation bonds in an amount not to exceed \$2,000,000.00 to pay for improvements to public water system.

RECOMMENDATION: Approve the ordinance.

BACKGROUND SUMMARY:

The city has been working with FEMA on a grant for improvements to the low water intake structure and low water dam on the Neosho River. The project's cost of the project is \$1,426,841.00 and there will be additional cost for engineering and construction observation. This ordinance will provide the maximum authority for the issuance of general obligation bond for this project. We are currently waiting on FEMA for an update on the grant proposal and any and all remainder will be paid for from revenue from the water system.

A copy of the ordinance is attached for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

(Published in *the Emporia Gazette* on October __, 2021)

ORDINANCE NO. 21-__

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE PUBLIC WATER SYSTEM IMPROVEMENTS AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF.

WHEREAS, the City of Emporia, Kansas (the “City”) is a duly organized city of the first class created and existing under the laws of the State of Kansas; and

WHEREAS, K.S.A. 65-163d through K.S.A. 65-163u (the “Water Act”) authorizes a municipality that operates a public water supply system, as defined in the Water Act, to acquire, construct, reconstruct, improve, extend, rehabilitate and equip all or any of a public water supply system and issue general obligation bonds to pay the costs of such improvements; provided the improvement is not related to the diversion or transportation of water acquired through a water transfer, as defined by K.S.A. 82a-1501; and

WHEREAS, the City is a municipality operating a public water supply system as defined in the Water Act; and

WHEREAS, the governing body of the City finds it desirable and necessary to authorize improvements to the City’s water supply system, consisting of repairs to the low water dam and repair of flood damage to the raw water intake structure, both located on the Neosho River, and to provide funds to pay the costs of the improvements by issuing general obligation bonds of the City at an estimated cost of \$2,000,0000 (the “Water Improvements”); and

WHEREAS, the Water Improvements are not related to the diversion or transportation of water acquired through a water transfer, as defined by K.S.A. 82a-1501.

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

Section 1. Authorization of Project. The construction of the Water Improvements is authorized and directed to be completed pursuant to the Water Act and as described in the plans and specifications approved by this body and the City’s staff.

Section 2. Payment of Project Costs. The estimated costs of the Water Improvements is \$2,000,000, and such cost, plus the necessary cost of financing the Water Improvements, is authorized to be paid city-at-large through the issuance of general obligation bonds of the City as provided by the Water Act or from other available funds of the City. The total amount of general obligation bonds issued by the City under this authorization may be reduced if the City is awarded grants from FEMA and the State of Kansas to pay a portion of the costs of the Water Improvements. Temporary notes of the City may be issued to pay for a portion

of the costs of the Project until the general obligation bonds authorized by this Ordinance are issued.

Section 3. Reimbursement. The obligations authorized by this Ordinance or other obligations of the City are authorized to reimburse expenditures made by the City 60 days before the effective date of this Ordinance and thereafter, as provided in United States Treasury Regulation § 1.150-2.

Section 4. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and publication one time in the City's official newspaper.

PASSED AND APPROVED by the governing body of the City of Emporia, Kansas on October 20, 2021.

CITY OF EMPORIA, KANSAS

[Seal]

By _____
Robert F. Gilligan, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The City Commission of the City of Emporia, Kansas, met in regular session, at the usual meeting place in the City on October 20, 2021, at 7:00 p.m., with Mayor Robert F. Gilligan presiding, and the following members of the governing body present:

The following members were absent:

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

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE PUBLIC WATER SYSTEM IMPROVEMENTS AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF.

After discussion, upon motion by Commissioner _____, seconded by Commissioner _____, the Ordinance was passed by a majority of the members elect.

The ordinance was designated Ordinance No. 21-__.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of an October 20, 2021 regular meeting of the governing body of the City of Emporia, Kansas.

[Seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 12

SUBJECT: Consider Bids for the Raw Water Intake Site Improvements Project.

RECOMMENDATION: Staff recommends awarding the contract for the Raw Water Intake Site Improvements Project to Smokey Hill, LLC for \$1,426,841.00.

BACKGROUND SUMMARY:

On October 12th, Public Works opened bids for the Raw Water Intake Site Improvements. There were six (6) companies that requested plans and specs for the project, and one (1) bid was submitted. The bid was from Smokey Hill, LLC with a bid in the amount of \$1,426,841.00. The engineer's estimate was \$1,065,165.00. This project is being funded by a general obligation bond. City staff is recommending the contract for this project be awarded to Smokey Hill, LLC for \$1,426,841.00.

Attachments: Bid Tabulation Sheet
Smokey Hill, LLC Bid Proposal

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

City of Emporia, KS - Emporia Raw Water Intake Site Improvements
October 12, 2021

Item No.	Description	Total Quantity	Units	Engineer's Estimate		Smokey Hill LLC	
				Unit Price	Total Price	Unit Price	Total Price
Emporia Raw Water Intake Site Improvements							
	Addendums Attached	0					
1	Mobilization	1	L.S.	\$ 100,000.00	\$ 100,000.00	\$ 194,000.00	\$ 194,000.00
2	Field Office & Laboratory	1	L.S.	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
3	Clearing & Grubbing	1	L.S.	\$ 12,500.00	\$ 12,500.00	\$ 80,000.00	\$ 80,000.00
4	Removal of Existing Structure	1	L.S.	\$ 25,000.00	\$ 25,000.00	\$ 53,000.00	\$ 53,000.00
5	Contractor Construction Staking	1	L.S.	\$ 15,000.00	\$ 15,000.00	\$ 13,000.00	\$ 13,000.00
6	Water (Grading) (Set Price)	1	Mgal	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00
7	Earthwork	1	L.S.	\$ 75,000.00	\$ 75,000.00	\$ 110,000.00	\$ 110,000.00
8	Riprap (Heavy Stone)(1/4 Ton)	1495	Sq.Yds.	\$ 95.00	\$ 142,025.00	\$ 106.00	\$ 158,470.00
9	Joint Planted Live Stakes	988	Ea.	\$ 35.00	\$ 34,580.00	\$ 15.00	\$ 14,820.00
10	Riprap (Heavy Stone)(1 Ton)	113	Sq.Yds.	\$ 125.00	\$ 14,125.00	\$ 335.00	\$ 37,855.00
11	Temporary Shoring	1	L.S.	\$ 85,000.00	\$ 85,000.00	\$ 281,000.00	\$ 281,000.00
12	Dewatering	1	L.S.	\$ 40,000.00	\$ 40,000.00	\$ 77,000.00	\$ 77,000.00
13	Bypass Pumping	1	L.S.	\$ 75,000.00	\$ 75,000.00	\$ 73,000.00	\$ 73,000.00
14	Concrete (Grade 4.0)(AE)	109.1	Cu.Yds.	\$ 2,500.00	\$ 272,750.00	\$ 1,880.00	\$ 205,108.00
15	Reinforcing Steel (Gr. 60)	17800	Lbs.	\$ 3.50	\$ 62,300.00	\$ 1.10	\$ 19,580.00
16	Granular Backfill	34	Cu.Yds.	\$ 95.00	\$ 3,230.00	\$ 490.00	\$ 16,660.00
17	Foundation Stabilization (Set Price)	1	Cu.Yds.	\$ 40.00	\$ 40.00	\$ 40.00	\$ 40.00
18	Concrete for Seal Course (Set Price)	1	Cu.Yds.	\$ 175.00	\$ 175.00	\$ 175.00	\$ 175.00
19	Temporary Surfacing Material (Aggregate)(Set Price)	1	Cu.Yds.	\$ 35.00	\$ 35.00	\$ 35.00	\$ 35.00
20	Concrete Pavement (6" Uniform)(AE)(Plain)	109	Sq.Yds.	\$ 85.00	\$ 9,265.00	\$ 97.00	\$ 10,573.00
21	Aggregate Base (AB-3)(4")	109	Sq.Yds.	\$ 75.00	\$ 8,175.00	\$ 30.00	\$ 3,270.00
22	Gate (Chain Link Fence)(20')	1	Ea.	\$ 5,000.00	\$ 5,000.00	\$ 800.00	\$ 800.00
23	Fence (Chain Link)(6'-0")	16	L.F.	\$ 180.00	\$ 2,880.00	\$ 100.00	\$ 1,600.00
24	Aluminum Hand Rail	26	L.F.	\$ 375.00	\$ 9,750.00	\$ 270.00	\$ 7,020.00
25	Stone Masonry Repointing	580	Sq.Ft.	\$ 35.00	\$ 20,300.00	\$ 30.00	\$ 17,400.00
26	Temporary Erosion and Pollution Control	1	L.S.	\$ 25,000.00	\$ 25,000.00	\$ 21,000.00	\$ 21,000.00
27	Seeding	1	L.S.	\$ 15,000.00	\$ 15,000.00	\$ 12,000.00	\$ 12,000.00
28	Dam Underwater Inspection	1	L.S.	\$ 10,000.00	\$ 10,000.00	\$ 16,400.00	\$ 16,400.00
Grand Total				\$ 1,065,165.00		\$ 1,426,841.00	

% of Bid Total

13.6%
0.2%
5.6%
3.7%
0.9%
0.0%
7.7%
11.1%
1.0%
2.7%
19.7%
5.4%
5.1%
14.4%
1.4%
1.2%
0.0%
0.0%
0.0%
0.7%
0.2%
0.1%
0.1%
0.5%
1.2%
1.5%
0.8%
1.1%

Late Start Date Nov. 29, 2021
No. Working Days 90

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 13

SUBJECT: Approval to Submit a KDOT Grant to Construct an Airport Runway Extension of 51 Feet.

RECOMMENDATION: Staff recommends the approval of the KDOT grant application for submittal in the amount of \$600,000.00 to construct a runway extension of 51 feet.

BACKGROUND SUMMARY:

Staff would like to submit an application to KDOT Aviation for State fiscal year 2023 funding consideration, these are due by the end of October 31, 2021. The City of Emporia was awarded a grant for design in fiscal year 2022. Staff would like to apply for a grant which would pay for 90% of the construction costs to extend the runway 51 feet. Costs will be approximately \$600,000.00. The City's cost for this portion of the project would be approximately \$60,000.00.

Attachments:

KDOT Grant Application

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

Kansas Airport Improvement Program (KAIP) Application Form

Submittal Date _____

Indicate by checking the corresponding box below for (See KAIP Guidelines for information on these categories):

- a) Regular Grant Application (indicate the Fiscal Year (FY) the application is to be considered);
- b) Current Year Out of Cycle Application
- c) Emergency Grant Application

Each Fiscal Year runs from July 1 – June 30. The fiscal year designation is the latter year in that timeframe.

Applications are due on or before September 30 of the preceding year.

For Example: Fiscal Year 2020 timeline: The fiscal year runs from 7/1/2019 to 6/30/2020; The application is due by 9/30/2018

Check One

☒ FY 20 23

☐ CURRENT YEAR - OUT OF CYCLE

☐ EMERGENCY

Applicant/Sponsor: City of Emporia, Kansas

Airport Identifier: EMP

Project Category: ☐ Preservation ☒ Modernization ☐ Equipment ☐ Design/Planning

See KAIP Program Guidelines for category descriptions

Project Description (Use additional sheets as necessary):

This grant application is for the construction costs associated with a 51-foot extension of Runway 1-19 at the Emporia Municipal Airport (EMP). Runway 1-19's existing runway length of 4,999' has caused local concern that the airport does not accommodate jets, which require a minimum runway length of 5,000'. Additionally, businesses using resources to locate communities with 5,000' runways in the nation may not even identify EMP as a candidate for based aircraft, because the existing runway falls short of the 5,000' length required by many regional business jets in the Midwest. The design grant for this project was previously selected and is active under KDOT Project Number AV-2022-06. See the attached cost estimate and exhibit regarding this project. 1

Total Project Costs\$ 600,000.00

We understand that if the project is approved, the Kansas Department of Transportation will participate in the project cost at the rate identified in the KAIP Program Guidelines as published on the KDOT Aviation website (<http://www.ksdot.org/divAviation>), not to exceed \$800,000 of state funds (\$1,600,000 for new primary runways; \$1,200,000 for full-depth reconstruction of existing primary runway). The Sponsor will be responsible for letting the contract for bids and supervising construction. Construction engineering is an eligible cost on construction contracts. Design is not an eligible cost except through a separate design grant.

Sponsor's Contact Person Dean Grant Title Director of Public Works

Address 1220 Hatcher, Emporia KS 66801

Phone (620) 340-6335 Fax _____ E-mail dgrant@emporia-kansas.gov

Sponsor's Signature _____ Title Director of Public Works

~ Additional information attached ~

ADDITIONAL INFORMATION

Attach any information or documentation to the application that you wish to be considered in evaluating the request. Such items might include photographs, engineering plans, economic impact statements, in-kind work, local support, situations unique to the project, and benefits derived. These items may be in a narrative form with focus on specifics and avoiding generalities.

It is expected that projects will vary greatly in cost and complexity. Sponsors are encouraged to review the proposed project with the Division of Aviation. Smaller projects may not require engineering or pre-planning that would be required for major runway rehabilitation projects. Sponsors will be responsible for all preliminary engineering and construction activities including plan preparation and letting of a contract. A contractual agreement will be executed between the Sponsor and the Kansas Department of Transportation that encompasses the work to be accomplished.

If requested by KDOT, all sponsors must provide verifiable evidence that activity on the specified project has begun within two (2) years of the agreement's effective date.

If a grant is offered, all sponsors must return the requested information within 120 days of the date on the grant offer letter.

Send Applications to:

By Mail:

Kansas Department of Transportation
Division of Aviation
700 SW Harrison
Topeka, KS 66603-3745
Phone 785-296-2553

By Fax:

785-296-3833

By E-mail:

airportquestions@ks.gov

Project Description (continued):

Recent discussions with the FAA suggested that the runway object free area (OFA) can't encroach on Hole 17 of the golf course. That means an extension of 51' could be constructed without the FAA calling this a 'significant' extension. It was also verified with the FAA that it wouldn't be necessary to extend the existing parallel taxiway with this project, however, even a 51' extension would still require the existing instrument approach procedures to be amended.

Economic Importance - KDOT Aviation Division conducted a statewide economic impact study to estimate the impact of Kansas statewide benefits from aviation. For EMP, total employment was measured by 55 jobs, \$2.3 million annually in payroll, and \$10.3 million annually in economic output in the value of goods, services and capital expenditures resulting from the operation of the airport. These critical economic measures demonstrate the potential of the airport and proposed project to serve as a catalyst for sustained economic growth within the surrounding community and Lyon County. This study captures "...benefits contributed by hospital use, aerial agricultural application, off-airport aerospace manufacturing, [and] value added benefits from off-airport aviation-dependent businesses."

The 2017 Airport Development Plan depicts the current and forecasted fleet mix based at the airport. Three jets were based at the airport at the time of this study, with local companies showing interest in upgrading to business jets. Additional businesses have expressed the ability to utilize the airport more frequently and purchase more fuel from the City if the runway were extended (reference attached letters of support). It is important to note that the total operations at the airport are split evenly between local and itinerant, meaning about half of the operations originate outside the vicinity of EMP. By the end of the 20-year planning period, business jet traffic is anticipated to increase from 400 to 600 operations per year.

The City continues to demonstrate its commitment toward owning, operating, and sustaining the airport for local and transient users. Common activities at the airport consist of corporate flying, aircraft maintenance, flight training and recreational flying. Multiple companies and organizations in the community rely on the airport to transport staff, equipment, and goods in and out of the region. The airport further enhances the quality of life in the area by supporting air ambulance, military and law enforcement operations. The airport routinely acts as a gateway for hunters and history enthusiasts due to the nearby hunting preserves and Santa Fe Trail. In addition, EMP serves as a staging area for community events, actively participating in youth outreach which includes hosting an Experimental Aircraft Association (EAA) Young Eagles event offering introductory flights to youth of all ages.

Airport Role - The airport is included within the NPIAS and is classified as a non-primary general aviation airport. The airport is classified within the Kansas Airport System Plan (KASP) as a Business Airport; however, the KASP update indicated EMP is being evaluated for Regional Airport status due to its airfield and terminal area facilities, high transient user activity and air taxi operational levels. Regional airports accommodate regional economic activities, connect the state and national economies, and serve all types of general aviation aircraft.

According to the FAA's General Aviation Airports: A National Asset study, EMP is categorized as one of 1,236 Local Airports in the U.S. As the backbone of the GA airport system, Local airports account for over one-third of the total U.S. aircraft operations at the studied GA airports. These airports typically accommodate flight training, emergency services, and charter passenger service, as well as support business and recreational demand.

Airport Services - The airport provides FBO services, flight planning, courtesy car, hangar and tie-down rentals, flight instruction, aircraft rental, 100LL, MOGAS and Jet A fuel, as well as major airframe and powerplant maintenance for piston and turbine airplanes.

Michael Tevis <miketevis.1@gmail.com>

Wed 2/6, 4:05 PM

Ken Adams

Ken,

Good afternoon, I want to follow up concerning our discussion of new aircraft and the potential runway extension. Alpha Whiskey, LLC. has signed a purchase agreement for a Citation Longitude to be delivered in late March of this year. As we start preparation for our new jet I want to check in on the status of the potential runway extension. Below are some examples of potential runway constraints we will have operating out of Emporia with our new airplane.

*Dry runway with a Temperature of 59 F; we can takeoff at maximum takeoff weight (39,500 lbs)

Any temperatures above 59 F will require us to drop down our weight (ie. less fuel/payload)

*Wet runway with a temperature of 32 F; we can takeoff at maximum takeoff weight (39,500 lbs) Any temperatures above 32 F will require us to drop down our weight (ie. less fuel/payload)

As an example on a fairly standard day (77 F temp) we will have to leave at least 2000 lbs lighter than our limit in order to maintain Takeoff Field Length numbers as required by regulations.

As a general rule we always try to "tanker" fuel out of Emporia not only to better support our home airport but also because you can often give us better pricing than big cities. So with the new jet on the way we truly hope the City of Emporia is giving serious consideration and will press forward with the extension not only to better accommodate our growth but also for the growth of the airport and community.

Michael Tevis

*Alpha Whiskey, LLC.
316-734-1115*



Flight Department
P.O. Box 430
Siloam Springs, AR 72761

To: The City of Emporia Kansas

February 28, 2019

It is with great hope and enthusiasm that I write this letter supporting Emporia's proposal to extend your runway. As Simmons has invested in our facilities and growth in Emporia our utilization of the Emporia airport has constantly expanded with that growth. With our fleet of 3 aircraft all utilizing KEMP at various times your expansion and improvement shows the forward thinking of the management of the airport and city. We hope that this enhancement to the airport infrastructure proceeds and improves the safety level of our aircraft operating at KEMP by expanding the runway allowing for operations at extended temperature levels due to density altitude and when the runway may have contamination due to water, snow, ice, etc., that may limit current operations. I look forward to many future years of a great relationship with the city of Emporia and your fantastic airport staff.

Sincerely,

Curtis K. Schuermann
Director of Flight Operations
Simmons Foods, Inc.
curtis.schuermann@simfoods.com
479.238.4640

NORFOLK IRON & METAL CO.



ISO 9001 REGISTERED

P.O. Box 1129 • Norfolk, NE 68702-1129

Phone: 402-371-1810 Fax: 402-379-5410

2-26-19

Dear City of Emporia,

Thank you for the great service we receive when we land at your airport. We frequent your city often and Ken Adams and his team do a fantastic job of taking care of our aircraft and our passengers.

It has come to my attention that you are considering adding length to your 4999 foot runway. Operationally this would be a long awaited plus for our flight department. There are a number of days throughout the year when the runway at KEMP is inadequate or barely adequate due to its shorter length. Flying a jet aircraft is all about safety margins. Five thousand feet of pavement provides adequate margins when the runway is dry. However, when it is contaminated by water, snow, ice etc... the margins needed to operate safely can exceed the physical length of your runway. This can sometimes force us to reduce passenger load, reduce fuel load, land at a different airport, or cancel the trip. Adding an additional 500 or 1000 feet of pavement to your runway would increase our operational efficiency and I believe attract more air traffic to your city.

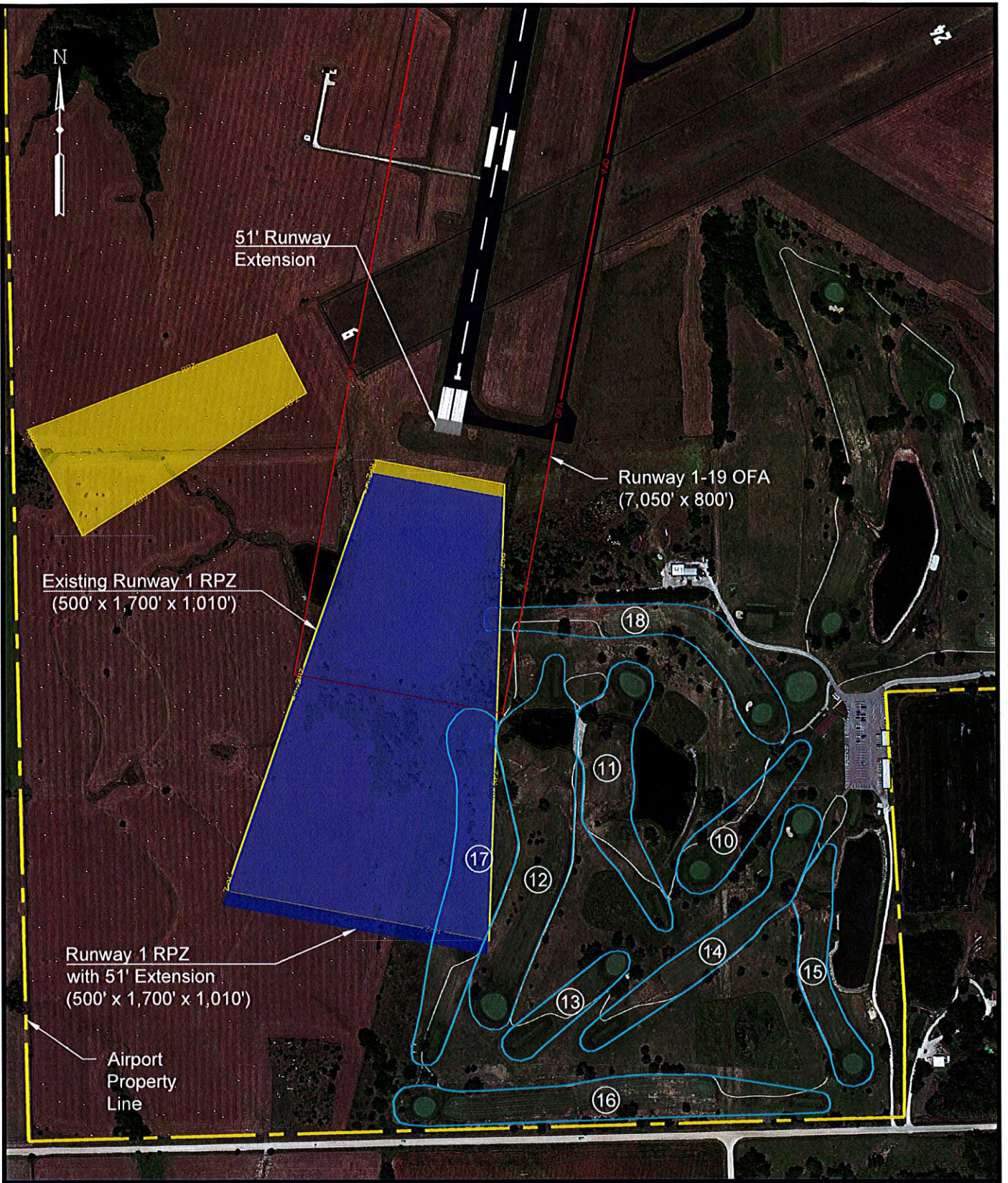
The Emporia airport is a great facility with great service. I look forward to watching it become even better. If I can be of help feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Quinten Kann'.

Quinten Kann
Chief Pilot
Norfolk Iron & Metal Company
qkann@norfolkiron.com
402-750-9653

Drawing Name: I:\AVIATION\AIRPORTS\KANSAS\EMP\MEETINGS\2020-02-24\Exhibits\Emporia - Runway 50 FT Extension Exhibits.dwg Sep 28, 2021 - 2:11pm



LOCHNER

16105 West 113th Street | Suite 107 | Lenexa, Kansas 66219
P 816.945.5840 | www.hwlochner.com

EMP - RUNWAY 1 EXTENSION (51')

DESIGNED BY

BRE

DRAWING NAME

EMPORIA KAIP

PROJECT NO.

CHECKED BY

MJJ

SCALE

1" = 500'

REVISION DATE

SHEET

1

ISSUE DATE

9/27/2021

EMPORIA MUNICIPAL AIRPORT (EMP) EMPORIA, KANSAS

EXTEND RUNWAY 1-19 TO 5,050 FEET

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST

October 11, 2021

I:\AVI\GENAIRPORTS\KANSAS\Emporia (EMP)\ACIP DATA SHEETS\KAIPFY2023\12365 EMP Estimate.xlm\ESTIMATE

EXTEND RUNWAY 1-19 TO 5,050 FEET						
ITEM NO.	SPEC. NO.	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL
1	C-102	Erosion Control Barrier (Silt Fence)	350	L.F.	\$ 2.00	\$ 700.00
2	C-102	Erosion Control Barrier (Straw Wattle)	120	L.F.	\$ 5.00	\$ 600.00
3	C-105	Mobilization (NTE 10% of Total Bid Amount)	1	L.S.	\$ 41,183.00	\$ 41,183.00
4	TEMP	Temporary Marking, Lighting, and Barricades	1	L.S.	\$ 10,000.00	\$ 10,000.00
5	P-101	Remove Existing Concrete Pavement and Aggregate Base	573	S.Y.	\$ 10.00	\$ 5,730.00
6	P-101	Saw Cut (Full Depth)	151	L.F.	\$ 6.00	\$ 906.00
7	P-101	Remove Existing Pond	1	L.S.	\$ 6,000.00	\$ 6,000.00
8	P-101	Remove Existing 4 Strand Barbed Wire Fence	1,685	L.F.	\$ 5.00	\$ 8,425.00
9	P-151	Individual Tree Removal	15	Each	\$ 1,200.00	\$ 18,000.00
10	P-151	Clearing and Grubbing of Trees and Brush	4.3	Acre	\$ 10,000.00	\$ 43,000.00
11	P-152	Embankment In Place	10,000	C.Y.	\$ 5.00	\$ 50,000.00
12	P-152	Unsuitable Subgrade Removal and Replacement	100	C.Y.	\$ 20.00	\$ 2,000.00
13	P-208, P-209, or P-219	Aggregate Base Course (6")	1,250	S.Y.	\$ 8.00	\$ 10,000.00
14	P-208, P-209, P-219, or P-154	Aggregate Subbase Course (12")	1,250	S.Y.	\$ 15.00	\$ 18,750.00
15	P-401	Asphalt Surface Course (4")	282	Ton	\$ 150.00	\$ 42,300.00
16	P-602	Emulsified Asphalt Prime Coat	365	Gal.	\$ 4.00	\$ 1,460.00
17	P-603	Emulsified Asphalt Tack Coat	122	Gal.	\$ 4.00	\$ 488.00
18	P-620	Surface Preparation, Pavement Marking Removal	25,365	S.F.	\$ 1.50	\$ 38,047.50
19	P-620	Permanent ReflectORIZED Pavement Marking (White)	15,671	S.F.	\$ 1.50	\$ 23,506.50
20	P-620	Permanent ReflectORIZED Pavement Marking (Yellow)	78	S.F.	\$ 1.50	\$ 117.00
21	P-620	Permanent Non-ReflectORIZED Pavement Marking (Black)	3,248	S.F.	\$ 1.00	\$ 3,248.00
22	P-620	Temporary Non-ReflectORIZED Pavement Marking (White)	15,671	S.F.	\$ 1.00	\$ 15,671.00
23	P-620	Temporary Non-ReflectORIZED Pavement Marking (Yellow)	78	S.F.	\$ 1.00	\$ 78.00
24	D-701	36" Drainage Pipe	72	L.F.	\$ 130.00	\$ 9,360.00
25	D-701	36" RCP End Section	2	Each	\$ 1,500.00	\$ 3,000.00
26	D-705	Perforated Underdrain (6")	105	L.F.	\$ 20.00	\$ 2,100.00
27	D-705	Non-Perforated Outlet Pipe (6")	50	L.F.	\$ 15.00	\$ 750.00
28	D-705	Underdrain Cleanout Riser	1	Each	\$ 1,000.00	\$ 1,000.00
29	D-705	Splash Pad	1	Each	\$ 900.00	\$ 900.00
30	TREC	Erosion Control Blanket, Type 2C	5,060	S.Y.	\$ 5.00	\$ 25,300.00
31	TRM	Turf Reinforcement Mat	340	S.Y.	\$ 20.00	\$ 6,800.00
32	T-901	Permanent Seeding	6.0	Ac.	\$ 2,000.00	\$ 12,000.00
33	T-901	Temporary Seeding	6.0	Ac.	\$ 1,000.00	\$ 6,000.00
34	T-905	Placement of Topsoil (Obtained on Site)	1	L.S.	\$ 7,000.00	\$ 7,000.00
35	T-908	Hydro-Mulch	5.0	Ac.	\$ 1,000.00	\$ 5,000.00
36	L-108	Install Cable in Duct (1/c, #8 AWG, 5 kV, L-824C)	445	L.F.	\$ 2.00	\$ 890.00
37	L-108	Install Cable in Duct (1/c, #8 AWG, 600V, L-824C)	320	L.F.	\$ 2.00	\$ 640.00
38	L-108	Install Cable in Duct (1/c, #8 AWG, 600V, L-824C Ground)	85	L.F.	\$ 2.00	\$ 170.00
39	L-108	Bare Counterpoise Wire (#6 AWG)	235	L.F.	\$ 3.00	\$ 705.00
40	L-110	2" Electrical Duct and Trench	405	L.F.	\$ 5.00	\$ 2,025.00
41	L-115	L-867 Junction Box	1	Each	\$ 1,000.00	\$ 1,000.00
42	L-125	Relocate Existing MRL	8	Each	\$ 1,000.00	\$ 8,000.00
43	L-125	M.I.T.L. (LED), Base Mounted (Blue)	3	Each	\$ 1,050.00	\$ 3,150.00
44	L-125	New 2 Module (LED) Lighted L-858Y Sign (Size 1, Style 2) and Foundation	1	Each	\$ 6,000.00	\$ 6,000.00
45	L-125	Adjust Existing Runway 1 PAPI	1	L.S.	\$ 1,000.00	\$ 1,000.00
46	L-125	Relocate Existing REIL System	1	L.S.	\$ 12,000.00	\$ 12,000.00
SUBTOTAL						\$ 455,000.00
CONSTRUCTION SERVICES						\$ 85,000.00
FAA FLIGHT CHECK						\$ 20,000.00
AS-BUILT AGIS SURVEY						\$ 40,000.00
TOTAL CONSTRUCTION COSTS (90% KDOT / 10% SPONSOR)						\$ 600,000.00

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 14

SUBJECT: Consider Ordinance Approving Amendments Relating to Smoots Enterprises II, LLC 2015 Industrial Revenue Bonds.

RECOMMENDATION: Approve Ordinance.

BACKGROUND SUMMARY:

Documents relating to the 2015 industrial revenue bonds issued on behalf of Smoots Enterprises II, LLC require amendment to reflect several changes. These changes include the addition of new land to the description of property leased and securing the 2015 bond, defining Permitted Encumbrances on that Land/Project, and amendments relating to the interest rate on the Series A, 2015 Bonds. The attached ordinance approves the amendment of the documents. The ordinance was prepared by bond counsel Mary Carson.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

TRIPLETT WOOLF GARRETSON, LLC

ORDINANCE NO. 21-__

OF THE

THE CITY OF EMPORIA, KANSAS

AMENDMENTS RELATING TO:

\$2,975,000
TAXABLE INDUSTRIAL REVENUE BONDS
SERIES A, 2015
(SMOOTS ENTERPRISES II, LLC)

AND

\$525,000
SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS
SERIES B, 2015
(SMOOTS ENTERPRISES II, LLC)

(Published in the *Emporia Gazette*, October __, 2021)

ORDINANCE NO. 21- __

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE EXECUTION AND DELIVERY OF, AND CONSENTING TO, A SECOND SUPPLEMENTAL INDENTURE BY AND BETWEEN THE CITY OF EMPORIA, KANSAS, AS ISSUER, AND SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, AS TRUSTEE; AUTHORIZING EXECUTION OF A SECOND SUPPLEMENTAL LEASE AGREEMENT BETWEEN THE CITY AND SMOOTS ENTERPRISES II, LLC; AND APPROVING THE FORM OF A WARRANTY DEED FROM S&S QUALITY MEATS, LLC TO THE CITY; AND APPROVING ADDITIONAL DOCUMENTS RELATED SUCH AMENDMENTS

WHEREAS, the City of Emporia, Kansas (the “Issuer”) has previously authorized and issued its industrial revenue bonds designated “City of Emporia, Kansas, Taxable Industrial Revenue Bonds, Series A, 2015 (Smoots Enterprises II, LLC)” in the aggregate principal amount of \$2,975,000 (the “Series A Bonds”) and “City of Emporia, Kansas, Subordinated Taxable Industrial Revenue Bonds, Series B, 2015 (Smoots Enterprises II, LLC)” in the aggregate principal amount of \$525,000 (the “Series B Bonds”) pursuant to a certain Trust Indenture dated as of December 17, 2015 (the “2015 Indenture”) by and between the Issuer and RCB Bank, Winfield, Kansas (formerly known as CornerBank, N.A.), as previously amended by a First Supplemental Indenture, dated as of December 17, 2016, entered into in connection with issuance of the Bonds, between the Issuer and Security Bank of Kansas City, Kansas City, Kansas, as successor trustee to RCB Bank, Winfield, Kansas, (the “First Supplemental Indenture”), each by and between the Issuer and the Trustee, as named therein for the purpose of purchasing, acquiring and constructing a new manufacturing facility located in the City of Emporia, Kansas (the “Project”); and

WHEREAS, the Issuer has acquired title to all of the Project and is leasing the Project to Smoots Enterprises II, LLC, a Kansas limited liability company, (the “Tenant”), pursuant to the Lease Agreement dated as of December 17, 2015 (the “2015 Lease”), as supplemented and amended by a First Supplemental Lease Agreement, dated as of December 17, 2016 (the “First Supplemental Lease”), each between the Issuer and Tenant; and

WHEREAS, the Issuer, Tenant and 100% of the Owners of the Bonds desire and consent to amend the 2015 Lease, as amended and supplemented by the First Supplemental Lease, to add additional real property to the definition of Land, and to amend the definition of Permitted Encumbrances on the Land, which secures the Bonds, according to the terms and as provided in a Second Supplemental Lease, dated as of November 3, 2021 (the “Second Supplemental Lease”); and

WHEREAS, the Issuer, Tenant and 100% of the Owners of the Bonds desire and consent to amend the 2015 Indenture, as amended and supplemented by the First Supplemental Indenture to restate the interest rate on the Series A, 2015 Bonds, add additional real property to the definition of Land, and to amend the definition of Permitted Encumbrances on the Land, which secures the Bonds, and issue replacement bonds therefor according to the terms and as provided in a Second

Supplemental Indenture (the “Second Supplemental Indenture”), dated as of November 3, 2021, by and between the Issuer and Trustee; and

WHEREAS, all acts and things necessary (including compliance with Sections 1006, 1008, 1009, 1102 and 1103 of the 2015 Indenture, the First Supplemental Indenture, and Section 26.1 of the 2015 Lease and First Supplemental Lease) have been or will be done and performed and the Second Supplemental Indenture and Second Supplemental Lease have in all respects been duly authorized.

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

Section 1. Definition of Terms. All terms and phrases used but not otherwise defined herein shall have the respective meanings set forth in the 2015 Indenture, as amended by the First Supplemental Indenture, and by the Second Supplemental Indenture, and 2015 Lease, as amended by the First Supplemental Lease and the Second Supplemental Lease, as hereinafter authorized.

Section 2. Authorization of Second Supplemental Indenture. The Issuer is authorized to execute and deliver the Second Supplemental Indenture, under which the 2015 Indenture, as amended by the First Supplemental Indenture shall be amended and modified, upon the terms and conditions set forth in the Second Supplemental Indenture, as presented and now before the governing body of the Issuer.

Section 3. Authorization of Second Supplemental Lease. The Issuer is authorized to execute and deliver the Second Supplemental Lease under which the 2015 Lease, as amended by the First Supplemental Lease, upon the terms and conditions set forth in the Second Supplemental Lease, as presented and now before the governing body of the Issuer.

Section 4. Approval of the Warranty Deed. The form of a Warranty Deed, dated as of November 3, 2021, pursuant to which S & S Quality Meats, LLC deeds certain real property to the City of Emporia, Kansas which shall be included in the definition of Land in the Lease and the Indenture, and which will be leased to the Tenant as provided in the Lease, is approved and accepted.

Section 5. Execution of the Documents. The Mayor or Acting Mayor of the Issuer is authorized and directed to execute and deliver the Second Supplemental Indenture and the Second Supplemental Lease for and on behalf of and as the act and deed of the Issuer in substantially the form as it is presented today with such minor corrections or amendments thereto as the Mayor or Acting Mayor of the Issuer shall approve, which approval shall be evidenced by his execution thereof, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the purposes and intent of this Ordinance. The City Clerk or any Deputy City Clerk of the Issuer is authorized and directed to attest the execution of the Second Supplemental Indenture and the Second Supplemental Lease on behalf of the Issuer and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance.

Section 6. Further Authority. The Mayor or Acting Mayor of the Issuer is authorized and directed to execute any replacement Bond certificates necessitated by the Second Supplemental Indenture and to deliver the same to the Trustee for authorization for and on behalf of the Issuer. The City Clerk or any Deputy Clerk is authorized and directed to attest the execution of such Series A, 2015 Bond certificate. In addition, the Issuer shall, and the officers, agents and employees of the Issuer are authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the provisions of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Second Supplemental Indenture and the Second Supplemental Lease, all as necessary to carry out and give effect to the transactions described in this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the governing body of the Issuer, and publication once in the official newspaper of the Issuer.

[Remainder Of Page Intentionally Left Blank]

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas on
October 20, 2021.

CITY OF EMPORIA, KANSAS

[seal]

By _____
Robert F. Gilligan, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

EXCERPT OF MINUTES

The governing body of the City of Emporia, Kansas met in regular session, at the usual meeting place in the City on October 20, 2021 at 7:00 p.m., with the Mayor Robert Gilligan presiding, and the following members of the governing body present:

The following members were absent:

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

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE EXECUTION AND DELIVERY OF, AND CONSENTING TO, A SECOND SUPPLEMENTAL INDENTURE BY AND BETWEEN THE CITY OF EMPORIA, KANSAS, AS ISSUER, AND SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, AS TRUSTEE; AUTHORIZING EXECUTION OF A SECOND SUPPLEMENTAL LEASE AGREEMENT BETWEEN THE CITY AND SMOOTS ENTERPRISES II, LLC; AND APPROVING THE FORM OF A WARRANTY DEED FROM S&S QUALITY MEATS, LLC TO THE CITY; AND APPROVING ADDITIONAL DOCUMENTS RELATED SUCH AMENDMENTS

After discussion, upon motion by _____, seconded by _____, the Ordinance was passed by a majority of the members of the governing body.

A majority of the members having voted in favor of the passage of the Ordinance, it was designated Ordinance No. 21-__.

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the October 20, 2021 meeting of the governing body of the City of Emporia, Kansas.

[seal]

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 15

SUBJECT: Consider an expenditure from the American Rescue Plan Act (ARPA) funds.

RECOMMENDATION: Approve the expenditure of ARPA Funds.

BACKGROUND SUMMARY:

The City has latitude on how to spend up to spend up to 10% of the City of Emporia's American Rescue Plan Act (ARPA) fund. The City will receive a total of \$3,732,276.50 in 2021 and 2022. Many communities have opted to spend funds on rewarding employees for their work during the pandemic.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 16

SUBJECT: Consider the approval of a Resolution that certifies the City has the legal authority to apply for the 2022 Kansas Small Cities Community Development Block Grant Program from the Kansas Department of Commerce and authorizing the Mayor to sign and submit such an application.

RECOMMENDATION: Approve the Resolution that certifies the City has the legal authority to apply for the 2022 Kansas Small Cities Community Development Block Grant Program from the Kansas Department of Commerce and authorizing the Mayor to sign and submit such an application.

BACKGROUND SUMMARY:

The City will be applying for a \$750,000 CDBG grant to pay for improvements from 12th Avenue to 16th Avenue on Highland Street. This project has been discussed with the City Commission several times during the last few years. The project will be a 50-50% match and if the project is less than the published amount then it will be pro-rated at the 50-50% level. The local match would come from either general obligation bond proceeds or the Multi-Year Fund.

A copy of the resolution is attached for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

THE CITY/COUNTY OF EMPORIA, KANSAS

RESOLUTION NO. _____

RESOLUTION CERTIFYING LEGAL AUTHORITY
TO APPLY FOR THE 2022 KANSAS
SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
FROM THE KANSAS DEPARTMENT OF COMMERCE
AND AUTHORIZING THE MAYOR/COMMISSIONER
TO SIGN AND SUBMIT SUCH AN APPLICATION

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

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

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

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

THE APPLICANT hereby dedicates \$ 750,000 in cash funds toward this project and \$ -0- in force account labor for same.

APPROVED BY THE GOVERNING BODY OF THE CITY/COUNTY OF EMPORIA
KANSAS, this 20th day of OCTOBER, 2021.

APPROVED _____
MAYOR/COMMISSIONER

ATTEST _____

(SEAL)

THE CITY/COUNTY OF EMPORIA, KANSAS

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 17

SUBJECT: Consider the Approval of a Resolution that Commits the City to Provide Funding for the Operation and Maintenance of Improvements to the Street System, and Authorize the Mayor to Sign All Necessary Documents.

RECOMMENDATION: Approve the Resolution that commits the City to provide funding for the operation and maintenance of improvements to the street system, and authorize the Mayor to sign all necessary documents.

BACKGROUND SUMMARY:

The City will be applying for a \$750,000 CDBG grant to pay for improvements from 12th Avenue to 16th Avenue on Highland Street. This project has been discussed with the City Commission several times during the last few years. The project will be a 50-50% match and if the project is less than the published amount then it will be pro-rated at the 50-50% level. The local match would come from either general obligation bond proceeds or the Multi-Year Fund.

A copy of the resolution is attached for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

CITY/COUNTY OF EMPORIA, KANSAS

RESOLUTION NO. _____

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

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

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

WHEREAS, The City/County of Emporia has determined that the annual operation and maintenance costs of the street improvements are anticipated to be approximately \$ 7,500; and,

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

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

ADOPTED BY THE GOVERNING BODY OF THE CITY/COUNTY OF EMPORIA, KANSAS THIS 20th DAY OF OCTOBER, 2021.

ATTEST:

MAYOR/COMMISSIONER

CITY CLERK/COUNTY CLERK

(SEAL)

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

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

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

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

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

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

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

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

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

RELOCATION DUE TO DEMOLITION WILL NOT BE PART OF THIS PROJECT.

EMPORIA, KS on the 20TH day of OCTOBER, 21.

Date: _____ Signature – Chief Elected Official: _____

STATEMENT OF ASSURANCES AND CERTIFICATIONS

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

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

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

- (n) The regulations, policies, guidelines and requirements of 2 CFR Part 200 and A-122 as they relate to the acceptance and use of federal funds under this federally assisted program;
 - (o) The American Disabilities Act (ADA) (P.L. 101-336: 42 U.S.C. 12101) provides disabled people access to employment, public accommodations, public services, transportation, and telecommunications;
- (7) The conflict of interest provisions of 24 CFR 570.489 apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or sub recipients which are receiving CDBG funds. None of these persons may obtain a financial interest or benefit from the activity, or have an interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter, and that it shall incorporate or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purpose of this certification;
 - (8) It will comply with the provisions of the Hatch Act that limits the political activity of employee;
 - (9) It will comply with the provisions of 24-CFR-200.
 - (10) It will give the state, HUD, and the Comptroller General or any authorized representative access to and the right to examine all records, books, papers, or documents related to the grant;
 - (11) It will comply with the lead-based paint requirements of 24 CFR Part 35 Subpart B issued pursuant to the Lead-Based Paint Hazard Elimination Act (42 U.S.C. 4801 et seq.).
 - (12) The local government will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG funds by assessing properties owned and occupied by low- and moderate-income persons unless: (a) CDBG funds are used to pay the proportion of such assessment that relates to non CDBG funding or; (b) the local government certifies to the state that, for the purposes of assessing properties owned and occupied by low- and moderate-income persons who are not very low-income, that the local government does not have sufficient CDBG funds to comply with the provision of (a) above.
 - (13) It accepts the terms, conditions, selection criteria, and procedures established by this program description and that it waives any right it may have to challenge the legitimacy and the propriety of these terms, conditions, criteria, and procedures in the event that its application is not selected for CDBG funding.

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

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

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

To Whom It May Concern:

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

Mayor/County Commission

ATTEST:

City/County Clerk

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 18

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 October 27th Study Session at 10:00 a.m.

- Discuss Construction Services Contract w/BG Consultants for Lift Station #2.
- Update on Disc Golf in Emporia.
- Discuss Becker Addition Storm Water.
- Discuss the Rescheduling of 11-24-21 Study Session.

Joint Luncheon w/Emporia Human Relations Commission In the Little Theatre at Noon

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: October 20, 2021

ITEM NUMBER: 19

SUBJECT: Executive Session.

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commissioners request a 15-minute Executive Session to discuss non-elected personnel and to invite Jim Witt, Special Projects Coordinator and Christina Montgomery, City Attorney.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

ADJOURNED

COMMISSION MEETING

1:15 P.M.

OCTOBER 5, 2021

The Governing Body of the City of Emporia, Kansas, met in Adjourned Session, Wednesday, October 5, 2021, with Mayor Gilligan presiding and Commissioners Brinkman, Geitz, Giefer and Smith present. Also present were Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery. City Manager McAnarney was absent.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session to discuss non-elected personnel and to invite Osenbaugh-Deardoff Consulting from 1:15 p.m. to 4:15 p.m., in the City Commission Meeting Room. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Adjourned Session at 4:15 p.m., this same date in the City Commission Meeting Room the City, Mayor Gilligan stated they had discussed non-elected personnel and no action was taken.

Commissioner Brinkman then made a motion to adjourn to October 6, 2021 at 9:15 a.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.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

ADJOURNED

COMMISSION MEETING

9:15 P.M.

OCTOBER 6, 2021

The Governing Body of the City of Emporia, Kansas, met in Adjourned Session, Wednesday, October 6, 2021, with Vice Mayor Smith presiding and Commissioners Brinkman, and Geitz present. Mayor Gilligan arrived at 9:16 a.m. Commissioner Giefer arrived at 9:25 a.m. Also present were Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery. City Manager McAnarney was absent.

EXECUTIVE SESSION

Commissioner Geitz made a motion to adjourn into Executive Session to discuss non-elected personnel and to invite Osenbaugh-Deardoff Consulting from 9:15 a.m. to 1:15 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; and Vice Mayor Smith, aye.

Upon reconvening the meeting in Adjourned Session at 1:15 p.m., this same date in the City Commission Meeting Room the City, Mayor Gilligan stated they had discussed non-elected personnel and no action was taken.

Commissioner Giefer then left the meeting.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

COMMISSION MEETING**1:30 P.M.****OCTOBER 6, 2021**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 6, 2021, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Brinkman, Geitz and Smith present. Commissioner Giefer arrived at 1:50 p.m. Also present were Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery. City Manager McAnarney was absent.

Consent Agenda

Mayor Gilligan requested to remove item c. Consider Approve of Permanent Drainage Easement for FEMA mitigation project at the Raw Water Intake.

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

- a. Consider minutes of the Regular Meetings held on September 15, 2021 and September 24, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on September 24, 2021.
- d. Consider Set Bid Date and Time for Lift Station #2 Rehabilitation.
- e. Consider Approval of Consultant Supplemental Agreement No. 1 for the Airport Runway 51' Extension.
- f. Consider Approval of Time and Date to receive bids for the Americus Road Sanitary Sewer Extension Project No. SS2002 (US-50 Hwy - Road 180).
- g. Consider Change Order No. 4 for 30th Avenue Construction Project (PV2006).
- h. Consider Change Order No. 3 for the Watermain Project Elm Street to 9th Avenue Project No. WM1904, KDHE Project NO. KPWSLF 2968.

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

**CONSENT AGENDA
(Item c.)**

- c. Consider Approval of Permanent Drainage Easement for FEMA mitigation project at the Raw Water Intake.

Commissioner Brinkman stated she asked for this item to be removed and would abstain from the vote.

Commissioner Geitz made a motion to approve item c of the Consent Agenda. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye. Commissioner Brinkman abstained.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

Connie Cahoon and Yvette Sosa, representing SOS, were in attendance to accept a proclamation declaring the month of October, 2021 as "Domestic Violence Awareness Month" in Emporia. They stated domestic violence is a serious crime that affects people of all races, ages, gender and income levels. Domestic Violence is widespread and affects more than four million Americans each year. Domestic Violence Awareness Month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims. They urged the citizens of Emporia to work together to eliminate domestic violence from our community.

Mayor Gilligan then presented the proclamation.

**PARK DEPARTMENT
(Naming of Pickleball Park and Courts)**

Assistant City Manager Massey was recognized and addressed the Governing Body. He stated staff have received a request from Erren Harter and Larry Putnam to name the new Pickleball courts and park.

Erren Harter and Larry Putnam addressed the Governing Body. They

stated they received donations towards the pickleball court project and are requesting to name the facility "Reeble Park" and to name each court after the six donors. The list of donors are: Stormy and Peggy Supiran, Bev and Larry Scott, Jane and Barney Reeble, Marge and Chuck Grimwood, Kathy and Larry Putnam, and Lu and Jerry Olmsted.

Commissioner Smith made a motion to approve the naming of Pickleball Park facility to "Reeble Park" and to name each court after the donors of Stormy and Peggy Supiran, Bev and Larry Scott, Jane and Barney Reeble, Margi and Chuck Grimwood, Kathy and Larry Putnam and Lu and Jerry Olmsted. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; and Mayor Gilligan, aye.

**PUBLIC WORKS CENTER
(Pavement Improvement Project)
(Bids)**

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated the two (2) bids were received for the Public Works Center Pavement Improvement Project. He stated this project will finish all the concrete work at PWC including a pad for materials storage. The bids are as follows:

Contractor	Bid Amount
Quality Built Construction, LLC	\$644,991.07
Burlington Construction, Inc.	\$576,905.50

He stated staff is recommending awarding the bid to Burlington Construction, Inc. in the amount of \$576,905.50.

Following further discussion, Commissioner Geitz made a motion to award the contract for the Public Works Center Pavement Improvement Project, Base Bid, Alternate 1 & 2 to Burlington Construction, Inc. in the amount of \$576,905.50. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; and Mayor Gilligan, aye.

CODE SERVICES
(Adoption of 2015 International Property Maintenance Code)
(Ordinance Number 21-32)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2015 EDITION, to which the City Clerk assigned Ordinance Number 21-32, was presented to the Governing Body for their consideration.

Kory Krause, Chief Building Inspector, was recognized and addressed the Governing Body. He stated due to continuing increase in tenant complaints, this proposed ordinance will address minimum housing requirement to help address life and fire safety issues and also everyday living conditions by maintaining the minimum safety and health standard for all in Emporia. If adopted the IPMC will better meet the needs of housing requirements to help protect the inhabitants of a structure. The IPMA is not intended to punish or hurt landlords and/or home owners, rather to protect the inhabitants of a structure and the general welfare of the public. He stated this ordinance will function on a complaint driven basis that will start the process for inspection and follow up. Currently there are 17 cities of the first class that have adopted the IPMC. Emporia current has their property maintenance ordinance, however, by adopting the ICMA there are more minimum housing requirements to be met. He stated staff is recommending adoption of the 2015 International Property Maintenance Code.

Commissioner Brinkman made a motion to approve Ordinance Number 21-32, an ordinance adopting the 2015 International Property Maintenance Code. Commissioner Geitz seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Board Appointment)

Human Relations Commission:

It was moved by Commissioner Smith, seconded by Commissioner Geitz that Toni Akins, Adele Clark, Hailey Clark and Maire Johnson be appointed to the Human Relations Commission for terms that expire June 1, 2025. The

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

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held September 21, 2021)
(Application No. 2021-18 - Request of Steven & Mary Ann Sanford)
(Request to Rezone Property at 526 Whildin St.)

Excerpts of Minutes of September 21, 2021.

The Planning Commission met in a regular session on Tuesday, September 21, 2021, with Chairman Thomas presiding. Members Bucklinger, Duncan, Garrett, Dewitt, and Weaver present. Member Colson was absent.

APPLICATION 2021-18: A request of Steven and Mary Ann Sanford to rezone a property at 526 Whildin St. from a Restricted Commercial District C-2 Zoning to R-1, Low Density Residential Zoning District for development as authorized under Article 26-1 of the Zoning Regulations.

Bucklinger asked how did it become C-2? Lynch said that records shows that it has been like that for a while.

Garrett said that it is right on the line of R-1 and C-2. Are they required to seek rezoning since there is already a house on the lot? Lynch said yes they still need to seek rezoning.

Public hearing open:

Mary Ann Sanford, 526 Whildin St- When they bought the house they didn't know that it was commercial, they thought it was residential. Currently the house is not livable, wanting to tear it down and build another house.

There were no one in favor or opposed of the application.
Public hearing closed.

Garrett mentioned that we would move the boundary line 100ft to the north, the impact seems minimal, and be consistent with the use that has been there since the 1930s or before.

Motion: Member Duncan made a motion to approve Application 2021-18, based on staff recommendations. Member Dewitt seconded the motion. Motion approved 6-0.

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated this is a request of Steven and

Mary Ann Sanford to rezone property at 526 Whildin Street from a Restricted Commercial District C-2 Zoning to R-1, Low Density Residential Zoning District for development as authorized under Article 26-1 of the Zoning Regulations. He stated the applicant is requesting rezoning in order to legally build a single-family dwelling in which they plan to reside in. The existing home is not livable, and has been in place since 1930. When the house was purchased they did not know it was zoned commercial. The applicant is wanting to tear it down and build another home. He stated at their September 21, 2021 regular meeting, the Planning Commission voted unanimously to approve the request.

PLANNING AND DEVELOPMENT
(Application No. 2021-18 - Request of Steven & Mary Ann Sanford)
(Request to Rezone Property at 526 Whildin St.)
(Ordinance Number 21-33)

AN ORDINANCE REZONING A PROPERTY IN THE CITY OF EMPORIA, KANSAS FROM C-2, RESTRICTED COMMERCIAL ZONING TO R-1, LOW DENSITY RESIDENTIAL ZONING AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 21-33, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 21-33, an ordinance to rezone property from C-2, restricted commercial zoning to R-1, low density residential zoning for property at 526 Whildin Street. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

ENGINEERING
(Permanent Utility Easement for Americus Road)
(Sanitary Sewer Extension Project No. SS2002 US-50 Hwy - Road 180)
(City of Emporia and Robert Lee Schaefer)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated Americus Sanitary Sewer Extension Project No. SS2002 will extend sanitary sewer on Americus Road from US-50 Hwy to Road 180. This

sanitary sewer extension project will provide sanitary sewer service availability to Evergy for their new site and the surrounding basin.

Commissioner Smith made a motion to accept a permanent utility easement for a sanitary sewer between the City of Emporia and Robert Lee Schaefer for Americus Road Sanitary Sewer Extension Project No. SS2002. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Redevelopment Project Plan for Tax Increment Financing District -(TIF)
(Brownstone/Red Brick Investment)
(Resolution Number 3652)**

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated this proposed resolution begins the formal process of the creation of a proposed Tax Increment Financing District as provided for in Kansas Statutes. He stated this is the first of two required public hearings. The next public hearing is tentatively scheduled for February 2022. He stated this resolution sets a public hearing on November 17, 2021 to consider the creation of the Redevelopment District. Letters will be sent out to notify the Board of Education of USD #253, Board of County Commissioners of Lyon County and each owner or occupant of land in the proposed redevelopment district. He stated staff recommends approval of the resolution.

Following further discussion, Commissioner Brinkman made a motion to approve Resolution Number 3652, a resolution to consider approval of Brownstone/Red Brick Investment TIF District intent. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**HEALTH CARE FACILITIES REFUNDING BONDS
(Presbyterian Manor, Inc.)
(City of Wichita, Kansas Resolution No. 21-360)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this is a City of Wichita Resolution declaring an intent to issue Health Care Facilities Revenue Bonds to finance the acquisition, construction and equipping of improvements to senior living and health care facilities located within the State of Kansas operated by Presbyterian Manors, Inc. One of the Presbyterian Manor's facilities is located in Emporia. Therefore, the Emporia City Commission is asked to consider approving the issuances of the Bonds by the City of Wichita. She stated the Commission may vote to approve the issuance of the Bonds, disapprove the issuance of the Bonds, or decline to take action. If the Commission takes no action, the issuance of Bonds will be deemed approved. She stated the Bonds are special obligations of the City of Wichita and are not an obligation of the City of Emporia.

Commissioner Geitz made a motion approving the City of Wichita, Kansas Resolution No. 21-360 regarding intent to issue Health Care Facilities Revenue Bonds. 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
(Approval of 2021 Compensation Salary Scale)
(Resolution Number 3653)**

Jo Lynne Herron, Director of Human Resources, was recognized and addressed the Governing Body. She stated the City's salary scales have not been significantly updated since our last compensation study conducted professionally in 2007. The Consumer Price Index, (CPI), the data by which the Social Security Administration determines COLA increases, has increased by 24.82%. The City has adjusted the wage scales once by 2% in 2014 in the same period. She stated merit increases have generally kept up with the cost of living, the salary scales have been stagnant. This has been especially difficult in our public works and other entry-level

positions when we are competing against other employers offering up to \$5 more per hour. Additionally, as employees reach the top of their salary scale, their wages are stagnated. At previously study sessions, the City Commission has discussed the necessity and appropriateness of increasing the pay scales by 12% in order to attract and retain a skilled and motivated work force and to continue to adjust them on an annual basis subject to discussions during the budget process.

Commissioner Smith made a motion to approve Resolution Number 3653, a resolution adopting the 2021 revised compensation salary scale and increasing the pay scales by 12%, effective January 1, 2022. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Assistant 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 OCTOBER 13TH
Commission Meeting at 10:00 a.m.**

Consider Approval of CDBG Grant Application for Partial Funding Street Project.

Study Session

Discuss Airport Extension KDOT Grant Application.
Discuss Update on Water State Revolving Fund Loan.
Discuss Highland Street:

**Joint Luncheon w/NRAB Board on 10-13-21 at Noon
in the Little Theatre**

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session for consultation with the City Attorney to discuss legal matters and to invite Fire Chief Taylor from 2:02 p.m. to 2:17 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 2:17 p.m., this same date, in the City Commission Meeting Room, Commissioner Smith made a motion to continue the Executive Session discussion with all the same people from 2:18 p.m. to 2:23 p.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan.

Upon reconvening the meeting in Regular Session at 2:23 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had consultation with the City Attorney to discuss legal matters and no action was taken.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session discuss non-elected personnel and to invite Osenbaugh-Deardoff Consulting from 2:25 p.m. to 2:55 p.m., in the City Commission Meeting Room. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 2:55 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed non-elected personnel and no action was taken.

Commissioner Smith then made a motion to adjourn to October 13, 2021 at 10:00 a.m. Commissioner Brinkman seconded the motion. The vote

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

ADJOURNED

COMMISSION MEETING

10:00 A.M.

OCTOBER 13, 2021

The Governing Body of the City of Emporia, Kansas, met in Adjourned Session, Wednesday, October 13, 2021, with Mayor Gilligan presiding and Commissioners Brinkman, Geitz, and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Kansas Department of Commerce)
(CDBG - Community Improvement Application)
(Public Hearing)**

City Manager McAnarney stated the City has an opportunity to submit an application to the Kansas Department of Commerce for Small Cities Community Development Block Grant under the Community Facilities category. The City is required to hold a public hearing as part of the application process. The grant is due by November 1, 2021.

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the project application is for a street system improvement project which will include reconstruction of Highland Street from 12th Avenue to 16th Avenue. The work could include replacement of existing pavement with concrete/asphalt, curb and gutter, permanent signage, pavement marking, adjacent sidewalk improvements, widened the street with dedicated turning lane. In addition a portion of water main relocation from under the street to the adjacent unpaved right of way, sanitary sewer improvements, point repair and manhole replacement. The estimated project cost is \$1,500,000.00 with a grant request of \$750,000.00.

Mayor Gilligan then declared the public hearing open.

As no one in attendance wished to address the Governing Body, Mayor Gilligan then declared the public hearing closed.

EXECUTIVE SESSION

Commissioner Geitz made a motion to adjourn into Executive Session to discuss non-elected personnel and to invite Special Projects Manager, Jim Witt from 10:05 a.m. to 10:20 a.m., in the City Commission

Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Adjourned Session at 10:20 a.m., this same date in the City Commission Meeting Room the City, Mayor Gilligan stated they had discussed non-elected personnel and no action was taken.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk