



**MEETING OF THE CITY COMMISSION – AGENDA
WEDNESDAY, JANUARY 19, 2022 at 7:00 P.M.
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER: Mayor Becky Smith

MEMBERS PRESENT

PROCLAMATIONS Sigma Tau Gamma

PUBLIC FORUM

NEW BUSINESS

1) NATURAL RESOURCES ADVISORY BOARD APPOINTMENT.

Presented by Commissioners Becky Smith and Robert F. Gilligan.

RECOMMENDED ACTION: Appoint Patricia Saenz-Reyes to serve on the Natural Resources Advisory Board.

2) DISCUSS LETTER OF SUPPORT FOR RISI'S EDA ECONOMIC ADJUSTMENT ASSISTANCE "HEARTLAND REGIONAL GRANT".

Presented by Commissioner Robert F. Gilligan.

RECOMMENDED ACTION: Approve letter of Support.

3) AN ORDINANCE AMENDING THE ZONING OF THE KRETSINGER PROPERTY.

Presented by Justin Givens, Planning and Zoning Director and Jeff Lynch, Community Development Coordinator.

RECOMMENDED ACTION: Approve the Ordinance.

4) AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR THE KRETSINGER PROPERTY.

Presented by Justin Givens, Planning and Zoning Director and Jeff Lynch, Community Development Coordinator.

RECOMMENDED ACTION: Approve the Ordinance.

5) AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR 1519 MERCHANT.

Presented by Justin Givens, Planning and Zoning Director and Jeff Lynch, Community Development Coordinator.

RECOMMENDED ACTION: Approve the Ordinance.

6) AN ORDINANCE FOR A CONDITIONAL USE PERMIT FOR 2606 W Highway 50.

Presented by Justin Givens, Planning and Zoning Director and Jeff Lynch, Community Development Coordinator.

RECOMMENDED ACTION: Approve the Ordinance.

COMMUNICATIONS:

Presented by Trey Cocking, City Manager.

- 1) December Financials and Building Permits.

CONSENT AGENDA:

Presented by Trey Cocking, City Manager.

- 1) Approve the minutes of the January 5, 2022, Regular Meeting.
- 2) Ratification and Approval of the Payroll Ordinance for the period ending December 17, 2021.
- 3) Ratification and Approval of the Payroll Ordinance for the period ending December 31, 2021.
- 4) Appointment of Commissioner Giefer to the Emporia Enterprises Board.

RECOMMENDED ACTION: Approve the Consent Agenda as presented.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Agenda Items for January 26, 2022 Study Session.

GOVERNING BODY COMMENTS

Mayor Becky Smith

Vice-Mayor Danny Giefer

Commissioner Robert F. Gilligan

Commissioner Susan Brinkman

Commissioner Jamie Sauder

EXECUTIVE SESSION:

1) AN EXECUTIVE SESSION FOR DISCUSSIONS RELATING TO DATA RELATED TO FINANCIAL AFFAIRS OR TRADE SECRETS OF CORPORATIONS, PARTNERSHIPS, TRUSTS, AND INDIVIDUALS RELATED TO POTENTIAL ECONOMIC DEVELOPMENT PROJECTS. K.S.A. 75-4319(B)(4) IS THE AUTHORITY FOR THIS RECESS INTO EXECUTIVE SESSION.

RECOMMENDED ACTION: Recess into Executive Session to discuss confidential matters of the third party for 20 minutes and stating at which time the open meeting will resume.

ADJOURNMENT:

MEETING DATE: January 19, 2022

SUBJECT: Call Meeting to Order.

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, Mayor Smith will call the meeting to order.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

MEETING DATE: January 19, 2022

SUBJECT: Proclamation Honoring Delta Chapter of Sigma Tau Gamma Fraternity Day.

RECOMMENDATION: Approve Proclamation.

BACKGROUND SUMMARY:

Proclamation Honoring Delta Chapter of Sigma Tau Gamma Fraternity

Whereas, Delta Chapter of Sigma Tau Gamma Fraternity was chartered by 30 noble men on January 20, 1922 in Emporia, Kansas.

Whereas, Delta Chapter of Sigma Tau Gamma Fraternity was originally founded as Alpha Sigma Alpha Fraternity in 1916 at Kansas State Normal.

Whereas, Delta Chapter of Sigma Tau Gamma Fraternity's mission is "To be a Fraternity of Courageous and Noble Gentlemen who Always Endeavor Forward."

Whereas, Delta Chapter of Sigma Tau Gamma Fraternity and its members believe in the Principles of Learning, Integrity, Excellence, Leadership, Citizenship, and Brotherhood.

Whereas, Delta Chapter of Sigma Tau Gamma Fraternity has created over 1,900 noble men during its time in Emporia, Kansas.

Whereas, alumni of Delta Chapter of Sigma Tau Gamma Fraternity have gone on to be leaders of industry and pillars of their communities.

Whereas, Delta Chapter of Sigma Tau Gamma Fraternity takes great pride in helping the Emporia, Kansas community through the Emporia Public Library and Special Olympics.

Whereas, Delta Chapter of Sigma Tau Gamma Fraternity endeavors to continue building noble men in Emporia, Kansas for generations to come.

Now, Therefore Be It Resolved, Delta Chapter of Sigma Tau Gamma Fraternity's 100th anniversary will be celebrated on January 20, 2022. I, Becky Smith, Mayor of Emporia, Kansas, hereby declare Thursday, January 20, 2022 as

Delta Chapter of Sigma Tau Gamma Fraternity Day

in Emporia, Kansas.

In Witness Whereof, I, Becky Smith, Mayor, do hereby affix my official Signature and the Seal of the City of Emporia

On this 19th Day of January 2022

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

MEETING DATE: January 19, 2022

SUBJECT: Public Form.

RECOMMENDATION:

BACKGROUND SUMMARY:

Citizen Appearance Procedures

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

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

MEETING DATE: January 19, 2022

ITEM NUMBER: 1

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

RECOMMENDATION: Appoint Patricia Saenz-Reyes to the Natural Resources Advisory Board.

BACKGROUND SUMMARY:

The Natural Resources Advisory Board currently has one or more vacancies. An application for this board has been received from Patricia Saenz-Reyes, 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: _____
SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

APPLICATION FOR ADVISORY BOARD MEMBERSHIP



DATE: 01/12/2022

NAME:	Patricia	N/A	Saenz-Reyes
	First Name	MI	Last Name

ADDRESS:	1019 Homewood St		
	Street		
	Emporia	KS	66801
	City	State	ZIP

Email: patricia.saenz-reyes@usd253.net

PHONE: 6204811858

PLACE OF EMPLOYMENT: USD253

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 13 years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:

—

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

ADVISORY BOARD(S) MENTIONED ABOVE:

NRAB Board

OTHER ACTIVITIES AND INTERESTS:

Trustee with Emporia Community Foundation, and Member of Hispanics of Today & Tomorrow.

Always looking for opportunities to represent our Hispanic Community and instill a sense of pride and ownership of the community to our youth and their families,

In Lieu of Signature, Click Here

MEETING DATE: January 19, 2022

ITEM NUMBER: 2

SUBJECT: Discuss Letter of Support for RISI's EDA Economic Adjustment Assistance "Heartland Regional Grant".

RECOMMENDATION: Approve Letter of Support.

BACKGROUND SUMMARY:

Presentation from Commissioner Gilligan for Letter of Support for RISI's EDA Economic "Heartland Regional Grant".

Attached: Letter of Support
Rural Innovation Strategies Inc. information.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

January 19, 2022

Alejandra Y. Castillo
Assistant Secretary of Commerce for Economic Development
United States Department of Commerce
Economic Development Administration

RE: Support for RISI's EDA Economic Adjustment Assistance "Heartland Regional Grant "

Dear Secretary Castillo,

On behalf of the City of Emporia, KS, I am excited to support the Rural Innovation Strategies, Inc.'s application for the United States Department of Commerce's Economic Development Administration Economic Adjustment Assistance proposal to provide technical assistance to build innovation hubs in rural communities.

Founded as a business venture on February 20, 1857, Emporia has a long tradition of entrepreneurship leading both the community and the State of Kansas. The name Emporia is derived from the Greek word "emporium" meaning "market." Our entrepreneurial spirit reinvented a community that evolved from a railroad and cattle town in the early 1900's to a manufacturing hub over the last 65 years. Many of these businesses were successful startups founded in Emporia in such industries as: web press printing, food processing, pneumatics, automotive accessories, telecommunications, and finance. It was that same spirit of entrepreneurship that drove local business leaders and investors to develop ValuNet, LLC (ValuNet), a next generation fiber network providing gigabit speed Internet to any address in the city, thereby laying the groundwork for new opportunities in business and industry.

Rural Innovation Strategies, Inc. has built strong foundations in rural communities through strategic planning, technical assistance, and collaborating with rural stakeholders to help craft new visions for digital economic development and execute vital strategies to achieve this vision. This makes them an ideal organization to lead work that provides technical assistance to rural places engaged in digital ecosystem development.

We look forward to supporting the efforts in Emporia to build out our digital economy ecosystem as well as supporting the work of Rural Innovation Strategies throughout the region with this program. Rural communities will benefit with new strategies to diversify our economies through programs such as this.

Sincerely,

Becky Smith, Mayor
City of Emporia, KS



Rural
Innovation
Strategies Inc.

Creating Vibrant Digital Economy Ecosystems in the Heartland

Concept Proposal
January 11, 2022

The need for Digital Economic Development

Rural Innovation Strategies, Inc. was founded in 2017 to advance economic prosperity in rural America through the development of inclusive digital economy ecosystems that support scalable entrepreneurship and tech job creation. Rural America accounts for 15% of the nation's workforce, yet only 5% of tech workers live in rural America. Our goal is to bridge this gap so that 15% of tech jobs are in rural communities across the country. Rural equity in access to the digital economy results in *well-paying, quality jobs through technology-based economic development*.

We support our communities in ensuring all Americans, regardless of geography, are connected online and able to participate in a 21st century innovation economy. Today, the communities in our network are proving huge populations aren't needed to support entrepreneurs with global ambitions, just a strong internet connection and the opportunity for innovative people to work together to solve problems. To date we have worked with 45+ rural communities across digital economic development and broadband implementation efforts. We have supported these communities in raising more than \$13M in federal funding and matching dollars through the EDA's Build to Scale Venture Challenge Grant. There are over 100 tech startups active across our Rural Innovation Network, and this year 75 startups are partaking in 11 accelerator cohorts in our communities. Our investment in the communities we work with doesn't end after our Technical Assistance - it continues for communities that join the Rural Innovation Network.

Framework for digital economy ecosystem building

Our approach helps communities build their ecosystems based on strong fundamentals (e.g., education systems), existing digital economy infrastructure (e.g., broadband, coworking spaces), and five "drivers" of digital economy success in a rural context:

- Scalable Tech Entrepreneurship support & incubation: incubators, accelerators, mentor networks, and associated programming
- Access to capital: seed funds, angel networks, alternative capital models
- Digital workforce development: inclusive skilling and outreach programs
- Access to digital jobs: fostering distributed/remote work, relocalizing tech jobs
- Inclusive tech culture building: programming that fosters a culture of tech and innovation

Through the Heartland 'Startup Community Design Sprint' we will support pre-design efforts in preparation for 3-day, facilitated workshop experiences in each community that lead to a customized core curriculum for entrepreneurial events for each community. We will then provide six months of post-Sprint implementation support to assist with implementing the work plans in each community.

This support will include:

- Tailored workshops, pre- and post-sprint activities, and a custom work plan for early-stage entrepreneurial programming
- Curricula for events such as Ideation Bootcamps, Pre-Accelerators and Accelerators that are right for each community given their entrepreneurial ecosystem's level of development and identified priority needs
- An evaluation plan to confirm their program goals, metrics and methods for evaluation and the process for collecting feedback and making iterations as the programs are implemented

Following the Sprint, each community will have curricula, work plans, and planning in place for successful events to build a stronger entrepreneurial environment. This combination of preparation, intensive in-person sprint, and regular, ongoing support creates a strong sense of community and provides the opportunity for multiple feedback loops in which we can provide ongoing support as the communities implement their first tech-startup-focused programs.

Economic Development Administration Proposal

Rural Innovation Strategies, Inc. is requesting funding from the Economic Development Administration's Economic Adjustment Assistance program to support entrepreneurship sprints in Iowa, Kansas, Nebraska, and Missouri. Participating communities will have the opportunity to execute the planning and capacity building work leading to entrepreneurial events at no cost to the community. However, participants are asked to provide support letters to document their need for this programming and willingness to participate.

Community Next Steps

Community support is a critical piece of the grant proposal. RISI is requesting each community provide support from as many of the following stakeholders as possible:

- Local governments
- Economic and entrepreneurial development organizations
- Institutions of higher education
- Economic Development Districts (Council of Governments)

MEETING DATE: January 19, 2022

ITEM NUMBER: 3

SUBJECT: Consider Approval of Ordinance Amending the Zoning of Kretsinger Property within the City of Emporia.

RECOMMENDATION: Approve the Ordinance Rezoning the Property from A-L to R-1.

BACKGROUND SUMMARY:

- At their December 21, 2021 meeting, the Planning Commission did recommend approval of the rezoning of the subject property from A-L to R-1 (excerpt of minutes attached).
- The rezoning would allow the applicants, John and Claudia Kretsinger the ability to create a Housing Opportunity Overlay District on the subject property and develop said property in a manner that is outside normal development parameters for residential use and districts in Emporia.
- The subject property is currently undeveloped located at the eastern end of Soden's Road and east of South Exchange Street. (location map attached)
 - The subject property is currently zoned A-L Agriculture.
 - The proposed zoning district R-1 Low Density Residential is consistent with the comprehensive plan.
 - If approved, the applicant intends on developing the property with a Housing Opportunity Overlay District which would allow for more density and the reduction of some of the bulk regulations typically found in an R-1 zoning district but remains consistent with the comprehensive plan.
- A public hearing was held during the Planning Commission meeting. Positive support for the rezoning, came from with the property owners, agents for the property owners including Ignite Emporia, and other developers speaking for the project. No person spoke against the proposed rezoning during the public hearing.
- The Planning Commission continued its discussion about the appropriateness of the Housing Opportunity Overlay District being applied to this property.
- Following the Public Hearing and discussion the Planning Commission voted to recommend approval of the Conditional Use Permit to the Governing Body.
- The Governing Body may;
 - Approve an Ordinance Amending the Zoning of the Property;
 - Deny the Request for Rezoning with a 2/3 vote of the entire body;
 - Return the request to the Planning Commission for further study with the Governing Body's reasons for doing so;
 - Table the Matter for further study.
- Attached:
 - Staff Report for Planning Commission Meeting.
 - Aerial Photo of the Subject Property and Surrounding Area.
 - Zoning Map of the Subject Property and Surrounding Area.
 - Excerpt of Minutes from the December 21, 2021, Planning Commission Meeting.
 - Ordinance.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

**PLANNING COMMISSION
STAFF REPORT
AGENDA ITEM NO. 3**

Case #: 2021-12

Date: April 20, 2021

Legal Notice:

APPLICATION 2021-12: A request of Emporia Chamber of Commerce to rezone an approximately a 16.8 acre unplatted non-addressed parcel located on the eastside of Sodens Road and South Exchange Street from Agricultural District Zoning to R-1, Low Density Residential Zoning District and R-2, Medium Density Residential for potential development as authorized under Article 26-1 of the Zoning Regulations.

Legal Description: A TRACT OF LAND IN THE NE1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A STONE THAT IS S89°53'02"W, 1022.43 FEET AND S0°16'06"E, 689.37 FEET FROM THE NORTHEAST CORNER OF SAID NE1/4 AND DESCRIBED ON PAGE 491 IN BOOK 129 OF MISCELLANEOUS RECORDS AT THE LYON COUNTY REGISTER OF DEEDS OFFICE AS BEING 689 FEET SOUTH OF A POINT 1023 FEET WEST OF THE NORTHEAST CORNER OF SECTION 22; THENCE N89°53'02"E, 501.60 FEET; THENCE S0°20'48"E, 15.50 FEET; THENCE N89°53'02"E, 521.77 FEET TO THE EAST LINE OF THE AFOREMENTIONED NE1/4; THENCE S0°20'48"E, 697.92 FEET ALONG THE EAST LINE OF THE SAID NE1/4; THENCE S89°53'02"W, 1028.37 FEET; THENCE N0°20'48"W, 713.42 FEET; THENCE N89°53'02"E, 5.00 FEET TO THE POINT OF BEGINNING, LYON COUNTY, KANSAS.

Applicant: Emporia Chamber of Commerce

Requested Action: Rezoning

Purpose: Change the zoning classification to meet needs

Address: non-addressed

Size: approximately 16.8 acres

Existing Zoning: Agricultural

Existing Land Use: Undeveloped lot

Physical Characteristics: floodplain, utilizes available, easement in place on pending plat.

Surrounding Zoning: Ag and R-1 to the North, Ag to the East. Ag District to the South. Public District to the West/Southwest.

Comprehensive Plan: The subject area is slated to be Single Family Detached House (R-1) in the ELC Comp Plan Future Land Use Map.

Analysis:

The applicant is requesting to rezone the subject property. This request is to change the zoning district from Agricultural to R-1, Low Density Residential Housing on lots 1-12, 61-50, 34-45, 33-22 as well as R-2 on lots 13-21, and 46-49. The applicant desires to develop this area into a housing development.

There is 1% Annual Chance Flood Channel that runs north and south through the east side of the property but will not impact the buildable area on any of the lots. The current floodplain maps will be reduced with the new maps that should be adopted in November 2021.

A Technical Review Team Meeting was held on 4/07/2021 and City Staff discussed concerns and issues such as utilities, easements, and access in this area.

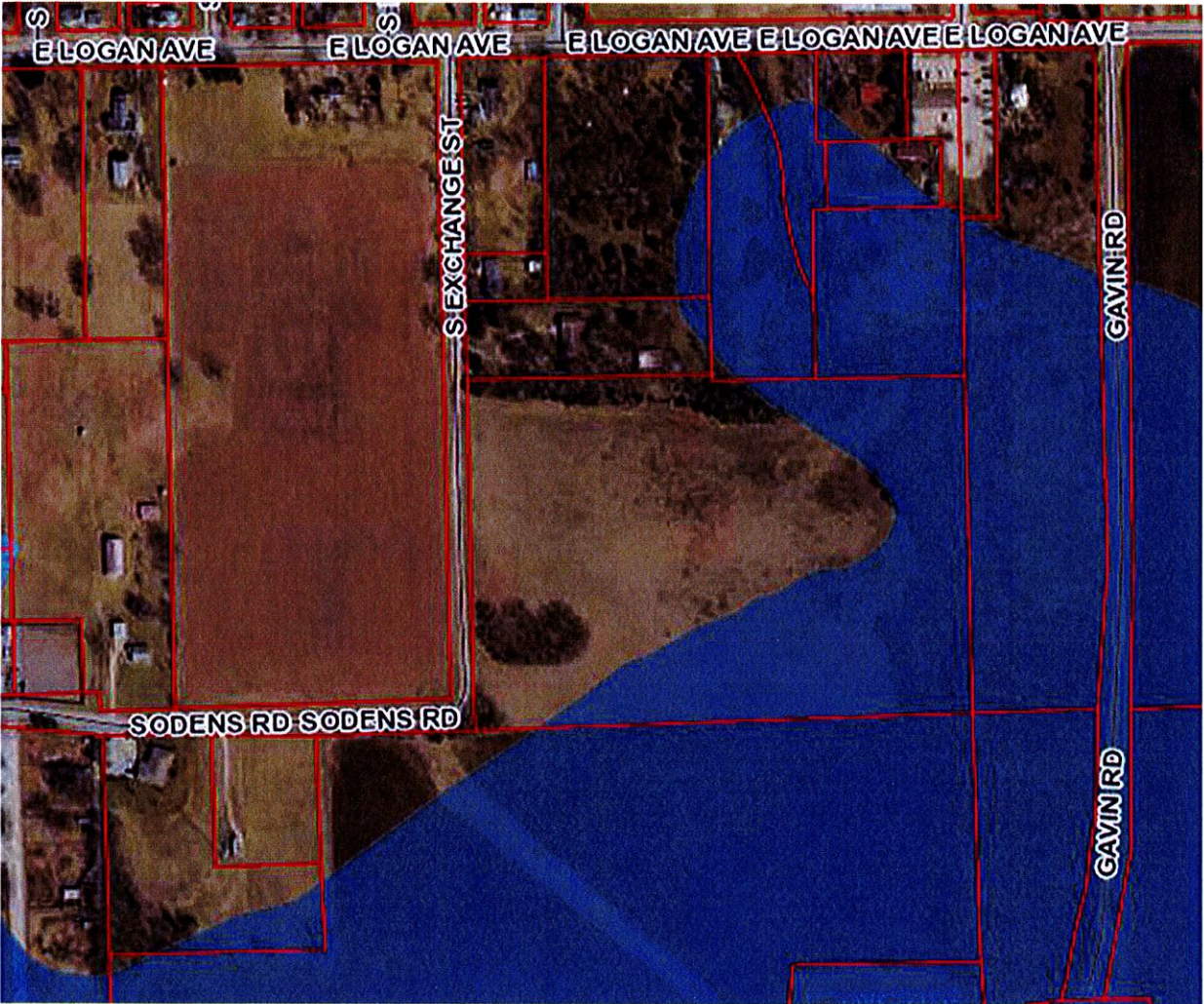
Applicable Regulation For Rezoning (Section 26-108).

Factors to be Considered in a Rezoning: When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines:

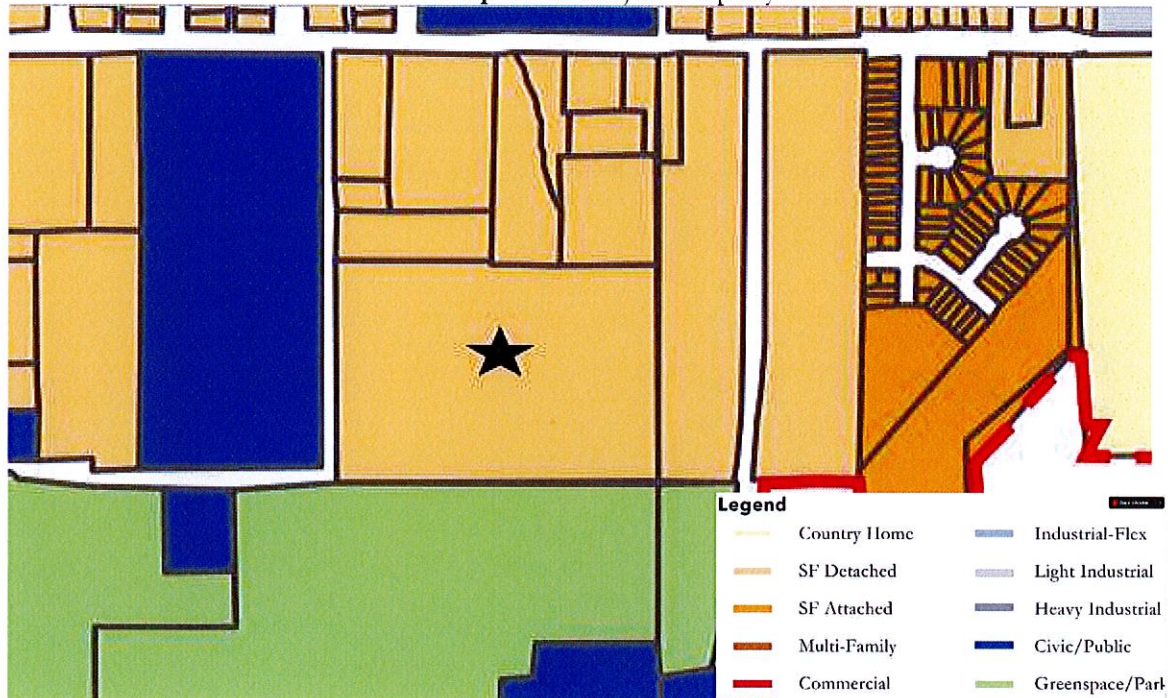
1. Whether the change in classification would be consistent with the intent and purpose of these regulations;
2. The character and condition of the surrounding neighborhood and its effect on the proposed change;
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;
5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
6. The suitability of the applicant's property for the uses to which it has been restricted;
7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as allowing the land to be vacant or undeveloped;
8. Whether adequate sewer and water facilities, and all other needed public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
10. The recommendations of professional staff;
11. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
12. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,
13. Such other factors as may be relevant from the facts and evidence presented in the application.

Recommendations: Staff recommends approval of the rezoning to R-1 Single Family Residential Zoning as this is a higher and better use than the current use. If approved this item will go to the City Commission for final approval.

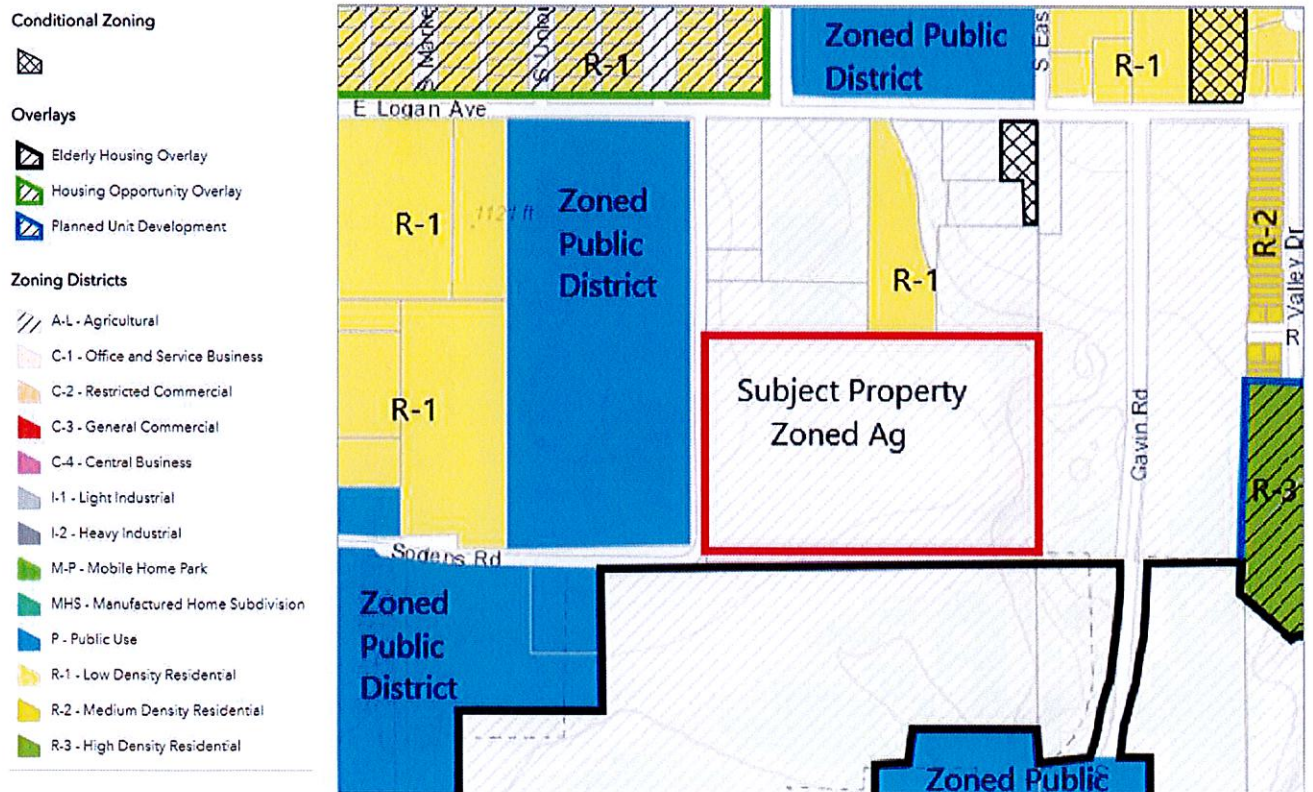
Aerial Photo



ELC Comp Plan: Subject Property starred



Zoning Map: Subject property is shown in red



EXCERPT OF MINUTES- 12/21/2021

EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, December 21, 2021, with Chairman Thomas presiding. Commissioners Bucklinger, DeWitt, Weaver, Barnes, Duncan, and Colson present.

City staff: Jeff Lynch and Moriah Keen were present.

APPLICATION 2021-21 A request of John and Claudia Kretsinger to re-zone an approximate 16.8 acre un-platted, non-addressed parcel located on the east side of Sodens Road and South Exchange Street.

Applicants: John & Claudia Kretsinger

Requested Action: Re-zoning

Purpose: Change the zoning classification to meet needs

Address: South Exchange & Sodens Rd., East side

Lynch gave the Analysis: The applicant is requesting a zoning change for a parcel to enable the development of a single-family detached houses within a Housing Opportunity Overlay (HOO). To qualify for an HOO, the zoning must be R-1 or R-2. The future regulating map indicates this area will be within the Single-family detached zoning district.

City staff recommendation is to approve

Staff confirmed jurisdiction and public notice has been made.

Public comment was opened:

John and Claudia Kretsinger, 802 S. Commercial St. Emporia, KS (Applicants): They want to re-zone 16.8 acre on South Exchange St. to R-1.

Bruce Boetcher, 2214 E. Bayfront Fort Emporia, KS: He is in support of the application and is here if there are any questions.

Public hearing closed.

Chairperson Thomas wanted to be clear with the board members that the Housing Opportunity Overlay district cannot be applied unless this becomes R-1 or R-2.

Member Duncan made a motion to approve Application 2021-21 changing it to agricultural to R-1. **DeWitt seconded. Approved 6:0:1, Colson abstained.**

ORDINANCE NO. _____

AN ORDINANCE REZONING A PROPERTY IN THE CITY OF EMPORIA, KANSAS FROM A-L, AGRICULTURAL ZONING TO R-1, LOW DENSITY RESIDENTIAL ZONING AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. The following described a property is hereby rezoned from A-L Restricted Commercial to that of R-1, Low Density Residential Zoning to wit:

A TRACT OF LAND IN THE NE1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A STONE THAT IS S89°53'02"W, 1022.43 FEET AND S0°16'06"E, 689.37 FEET FROM THE NORTHEAST CORNER OF SAID NE1/4 AND DESCRIBED ON PAGE 491 IN BOOK 129 OF MISCELLANEOUS RECORDS AT THE LYON COUNTY REGISTER OF DEEDS OFFICE AS BEING 689 FEET SOUTH OF A POINT 1023 FEET WEST OF THE NORTHEAST CORNER OF SECTION 22; THENCE N89°53'02"E, 501.60 FEET; THENCE S0°20'48"E, 15.50 FEET; THENCE N89°53'02"E, 521.77 FEET TO THE EAST LINE OF THE AFOREMENTIONED NE1/4; THENCE S0°20'48"E, 697.92 FEET ALONG THE EAST LINE OF THE SAID NE1/4; THENCE S89°53'02"W, 1028.37 FEET; THENCE N0°20'48"W, 713.42 FEET; THENCE N89°53'02"E, 5.00 FEET TO THE POINT OF BEGINNING, LYON COUNTY, KANSAS.

Commonly known as S. Exchange St. and Soden's Road

Section 2. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 19th day of January 2022.

Becky Smith, Mayor

ATTEST:

KERRY SULL, City Clerk

MEETING DATE: January 19, 2022

ITEM NUMBER: 4

SUBJECT: Consider Approval of Ordinance for a Conditional Use Permit of the Kretsinger Property for a Housing Opportunity Overlay District.

RECOMMENDATION: Approve Ordinance Authorizing the Housing Opportunity Overlay District.

BACKGROUND SUMMARY:

- At their December 21, 2021 meeting, the Planning Commission did recommend approval of a Conditional Use Permit for a Housing Overlay District for the subject property (excerpt of minutes attached).
- The Conditional Use Permit would allow the applicants, John and Claudia Kretsinger the ability to create a Housing Opportunity Overlay District on the subject property and develop said property in a manner that is outside normal development parameters in the R-1 Residential Zoning District.
- The subject property is 16.8 acres located at the eastern end of Soden's Road and on the east side of S. Exchange Street.
 - The CUP would allow for reductions in Bulk Regulations that include;
 - reduced lot sizes to 5,800 sq. ft. versus the 9,000 typically found in R-1 Zoning.
 - reduced rear yard to 20 ft. from 25 ft.
 - increased maximum lot coverage from 35% to 40%
 - creates a minimum habitable space of not less than 900 sq. ft.
 - The property is being developed with concepts included in the most recent comprehensive plan.
- A public hearing was held during the Planning Commission meeting positive support for the project as proposed with the property owners, agents for the property owners including Ignite Emporia, and other developers speaking for the project.
- The Planning Commission had a lengthy discussion about the appropriateness of the Housing Opportunity Overlay District being applied to this property.
- Following the Public Hearing and discussion the Planning Commission voted to recommend approval of the Conditional Use Permit to the Governing Body.
- The Governing Body may;
 - Approve Ordinance Authorizing the Conditional Use Permit;
 - Deny the Conditional Use Permit with a 2/3 vote of the entire body;
 - Return the application to the Planning Commission for further study with the Governing Body's reasons for doing so;
 - Table the Matter for further study.
- Attached:
 - Staff Report for Planning Commission Meeting.
 - Ariel Photo of the Subject Property and Surrounding Area.
 - Zoning Map of the Subject Property and Surrounding Area.
 - Excerpt of Minutes from the December 21, 2021, Planning Commission Meeting
 - Ordinance.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

**PLANNING COMMISSION
STAFF REPORT
December 21, 2021
AGENDA ITEM NO. 5**

Application #: 2021-22

Applicants: John & Claudia Kretsinger

Requested Action: Conditional Use Permit

Purpose: To allow for housing development containing smaller lots utilizing the Housing Opportunity Overlay.

Address: South Exchange & Sodens Rd., East side

Legal description:

A TRACT OF LAND IN THE NE1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A STONE THAT IS S89°53'02"W, 1022.43 FEET AND S0°16'06"E, 689.37 FEET FROM THE NORTHEAST CORNER OF SAID NE1/4 AND DESCRIBED ON PAGE 491 IN BOOK 129 OF MISCELLANEOUS RECORDS AT THE LYON COUNTY REGISTER OF DEEDS OFFICE AS BEING 689 FEET SOUTH OF A POINT 1023 FEET WEST OF THE NORTHEAST CORNER OF SECTION 22; THENCE N89°53'02"E, 501.60 FEET; THENCE S0°20'48"E, 15.50 FEET; THENCE N89°53'02"E, 521.77 FEET TO THE EAST LINE OF THE AFOREMENTIONED NE1/4; THENCE S0°20'48"E, 697.92 FEET ALONG THE EAST LINE OF THE SAID NE1/4; THENCE S89°53'02"W, 1028.37 FEET; THENCE N0°20'48"W, 713.42 FEET; THENCE N89°53'02"E, 5.00 FEET TO THE POINT OF BEGINNING, LYON COUNTY, KANSAS.

Lot Size: Approximately 16.8 acres

Existing Zoning: A-L Agricultural Zoning District

Surrounding Zoning: North- Ag, East- Ag, South- Ag, West- Public Use

Surrounding Actual Uses: North- Ag; East Ag, South- Ag, West- Historic Property

Future Zoning in ELC Comp. Plan: Single Family Detached

Analysis:

The applicant is requesting a Conditional Use Permit be approved for the establishment of a Housing Opportunity Overlay (HOO). To qualify for an HOO, the zoning must be R-1 or R-2. The future regulating map indicates this area will be within the Single-family detached zoning district.

Recommendation: Approve

Applicable Regulations: Article 8: Housing Opportunity Overlay District

SECTION 8-1 INTENT

8-101. The regulations set forth in this section, or set forth elsewhere in these regulations, when referred to in this section, are the regulations in the Housing Opportunity Overlay District (HO-O). The intent of this district is to provide for denser single-unit detached residential development, within the R-1 or R-2 district, on smaller than normal lot sizes in areas where residential redevelopment is desirable, together with such other uses as may be necessary or are typically compatible with residential surroundings. This district is designed to encourage the construction of affordable housing.

SECTION 8-4 HEIGHT, AREA AND YARD REGULATIONS

8-401. Height: Main buildings or structures shall not exceed thirty-five (35) feet and/or two and one-half (2-1/2) stories in height. Detached accessory structures shall not exceed a maximum of fifteen (15) feet.

8-402. Yards:

a. Front Yard: The depth of the front yard shall be at least thirty (30) feet.

b. Side Yard: There shall be a side yard of at least five (5) feet on each side of a dwelling. All detached accessory buildings shall provide a minimum side yard of five (5) feet.

c. Rear Yard: The depth of the rear yard shall be at least twenty (20) feet. All detached accessory buildings shall provide a minimum rear yard of five (5) feet.

8-403. Lot Dimensions: The minimum width of a lot shall be fifty (50) feet on an interior lot and seventy (70) feet on a corner lot. The minimum depth of a lot shall be ninety (90) feet. Lots fronting a cul-de-sac with at least a fifty (50) foot radius may have width at the front lot line of not less than twenty-five (25) feet.

8-404. Lot Area Per Household: Every single-household dwelling or residence established shall provide a minimum lot area of five thousand eight hundred (5800) square feet per household.

8-405. Size of Dwelling: Every dwelling hereafter erected, constructed, reconstructed or altered in the HO-O District shall have a minimum habitable area, excluding basements, open and screened porches and garages, of not less than nine hundred (900) square feet.

8-406. Maximum Building Coverage: The maximum building coverage of a lot including accessory buildings but excluding swimming pools shall not exceed forty (40) percent.

8-407. Minimum District Size: The minimum district size shall be twenty three thousand and two hundred (23,200) square feet.

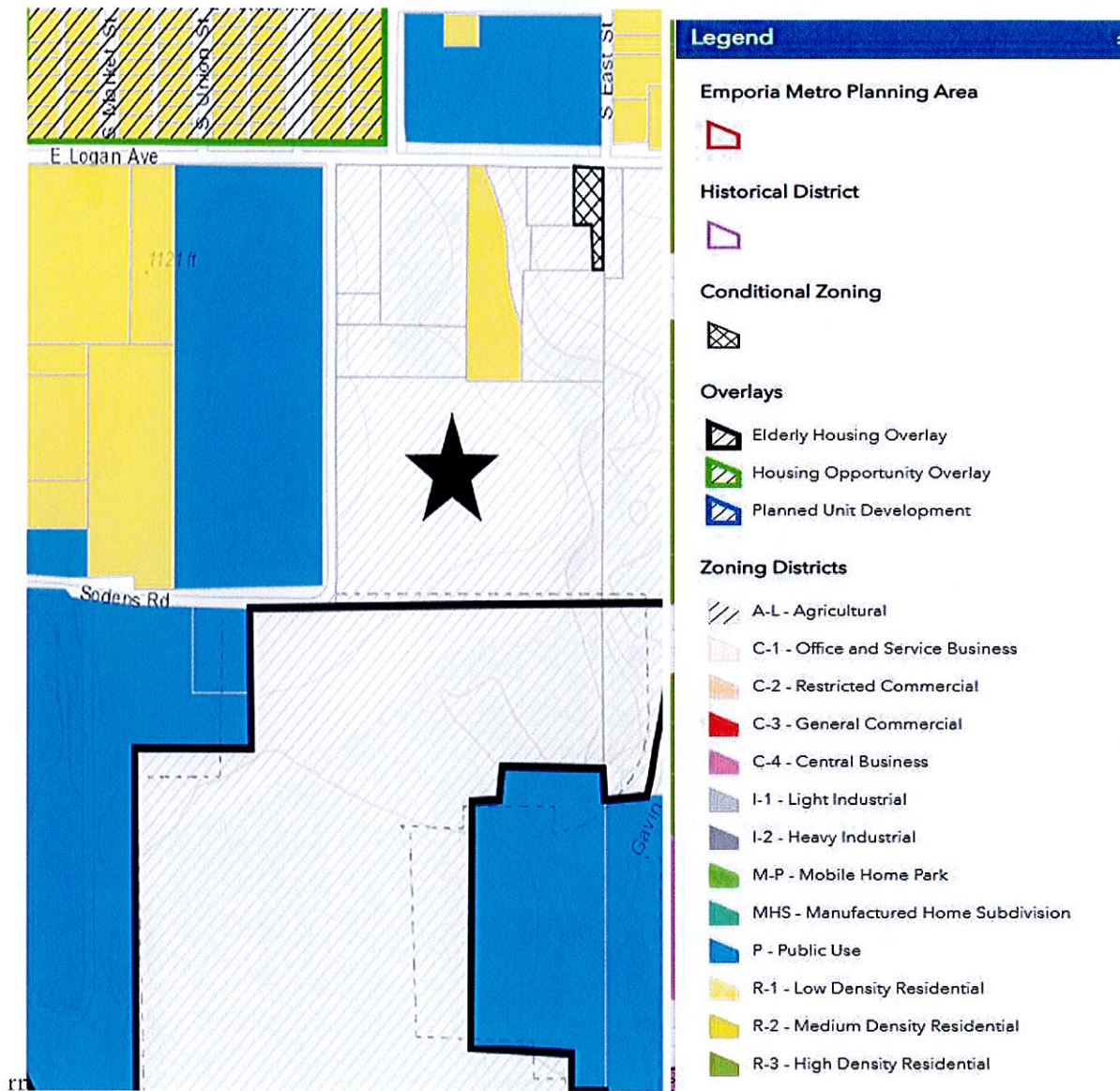
26-109. Factors to be Considered in an Application for a Conditional Use Permit:

The Planning Commission may recommend approval of a Conditional Use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such Conditional Use, using the following factors as guidelines: **1.** Whether approval of the conditional use would be consistent with the intent and purpose of these regulations; **2.** Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **3.** Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided; **4.** Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; **5.** The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped); **6.** Whether the applicant's property is suitable for the proposed conditional use; **7.** The recommendations of professional staff; **8.** Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **9.** Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use; **10.** Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; **11.** For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Lyon County, and amendments thereto; and **12.** Such other factors as may be relevant from the facts and evidence presented in the application.

Aerial Photo



Current Zoning Map



EXCERPT OF MINUTES- 12/21/2021

EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, December 21, 2021, with Chairman Thomas presiding. Commissioners Bucklinger, DeWitt, Weaver, Barnes, Duncan, and Colson present.

City staff: Jeff Lynch and Moriah Keen were present.

APPLICATION 2021-22 A request of John and Claudia Kretsinger for a Conditional Use designating a Housing Opportunity Overlay district for an approximate 16.8 acre un-platted, non-addressed parcel located on the east side of Sodens Road and South Exchange Street.

Existing Zoning: A-L Agricultural Zoning District

Surrounding Zoning: North- Ag, East- Ag, South- Ag, West- Public Use

Surrounding Actual Uses: North- Ag; East Ag, South- Ag, West- Historic Property

Future Zoning in ELC Comp. Plan: Single Family Detached

Lynch gave the analysis: The applicant is requesting a Conditional Use Permit be approved for the establishment of a Housing Opportunity Overlay (HOO). To qualify for an HOO, the zoning must be R-1 or R-2. The future regulating map indicates this area will be within the Single-family detached zoning district.

Staff recommendation is to approve.

Conflict of interest: **Member Barnes** said that he is an investor in Ignite Emporia, which is involved in housing and could affect this property. **Member Colson** said the property is currently owned to the Kretsinger's and there are no formal developers at this point.

Staff confirmed jurisdiction over this application.

The hearing was opened to public comment:

John and Claudia Kretsinger, 802 S. Commercial St. Emporia, KS (Applicants): They are wanting a Conditional Use designating a Housing Opportunity Overlay district for 16.8 acre that lies on South Exchange St and the end of Sodens Rd.

Member Colson stated in the application you referenced affordable housing and asked how would you define affordable? **John Kretsinger** said it would be smaller single family dwellings, a more affordable house would be built on the property. He is unsure what the price of the house would be. They are trying to help Ignite Emporia get a piece of ground so they can start to build more affordable housing which is a great need in Emporia.

Member Barnes asked how many lots are going to be built on the property and the dimensions for the houses. **Kretsinger** said he does not have the answer, but approximately it will be 50 homes.

Chairperson Thomas asked if Kretsinger was going to be the developers. **Kretsinger** said he is not going to be the developer. Ignite Emporia has done all the ground work for this property. He knows that there are a lot of developers in town that are interested in the property.

Lynn Cunningham, 519 South West St. Emporia, KS: She is in favor of the location. She has developed 15 homes that were built and sold in the last year and a half. She developed Riverside Court we did 5 slabs (under \$200,000) and a walk out basements because a lot of people wanted bigger homes. She is hoping to be one of the developers for the property and wanting the house to be under \$200,000. The neighborhoods go up quickly, people buy even before they are even built. If she develops the property she could have it done in 3 years. Since there are multiple developers interested it could take a year. Currently there are no houses on the market.

Bruce Boechter, 2214 E. Bayfront Fort Emporia, KS, BG Consultants (Owners Agent). Two main things that he is in support with this application are the affordable housing because it will have smaller lot sizes and there is a Housing Opportunity Overlay district on Logan Ave. which is close to the property.

Jeffrey Williams, 2421 W. Terrace Emporia, KS: He is associate broker and co-owner of EK Real-estate and a member of Ignite Emporia. Affordability is affected by so many different things. First of all, the tornado that recently happened in Kentucky drove the prices up causing the price of homes to change dramatically. Based on Riverside and other areas a home could be under \$200,000 but if you have a basement it will most likely go over \$200,000. It is important to understand is that the demand and supplies determines the price. Right now we have a huge demand and zero supply. His office listed a few houses this weekend in the \$150,000+ range and they are all pending and there were a lot of people that were interested. There are buyers out there that need these homes. It is driving up house prices for lower homes because people have to live somewhere.

The Public hearing was closed.

Member Colson said in the current regulations regarding Housing Opportunity Overlay District the language is limiting. He doesn't think that the applicant meets the definition under section 8.11. First, is the definition of affordable housing. **Member DeWitt** said that the definition of affordable housing is taking the median income that the family could afford. **Member Colson** also pointed out in the comprehensive plan they defined affordable housing is for 30%-60% of AMI. He doesn't think that the application meets the definition of affordable housing.

Colson continued as another thing is in the Comprehensive plan it specifically says that it is for redevelopment. It is not a developed lot. **Lynch** said that he has talked with Jim Kaup about the Housing Opportunity Overlay District and he said that was never a distinguishing factor that it must be redeveloped. Kaup was okay with the green space being utilized for HO-O.

Chairperson Thomas said that he is looking at the term of redevelopment in a broader context. It's agricultural, we are developing it into residential. We are changing (redeveloping) the property into something different than what it is now. **Member Barnes** said that the City Attorney would need to ensure that this meets the requirements for the city commission to get it approved or disapproved.

Member Barnes made a motion to approve application 2021-22 to move the process along. Colson made a motion to reject application 2021-22 to move the process along. Weaver seconded to approve application 2021-22.

Discussion:

Member Colson asked as a commission do we believe \$200,000 defines affordable housing for Emporia, when the average income is slightly over \$40,000 a year. **Member Barnes** said there are people willing to pay that. **Member DeWitt** said that the word “intent” in the regulations means to make an effort for redevelopment and that it is not required. **Member Colson** said that how intent is phrased in the sentence is that it is the only reason this policy exists because “intent” is used as a subject in the heading. **Colson** wants more clarity about the definition of the Housing Opportunity Overlay District and the meaning of the word “intent” in that phrasing.

Chairperson Thomas, Duncan, Barnes, Weaver, and DeWitt approved Application 2021-22. Bucklinger opposed. Colson abstained. Approved 5-1-1.

ORDINANCE NO. _____

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. A Conditional Use Permit is hereby granted to allow a Housing Opportunity Overlay District in accordance with Article 8 of the Zoning Regulations:

Commonly known as S. Exchange St. & Soden's Road (east side), legal description known as:

A TRACT OF LAND IN THE NE1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A STONE THAT IS S89°53'02"W, 1022.43 FEET AND S0°16'06"E, 689.37 FEET FROM THE NORTHEAST CORNER OF SAID NE1/4 AND DESCRIBED ON PAGE 491 IN BOOK 129 OF MISCELLANEOUS RECORDS AT THE LYON COUNTY REGISTER OF DEEDS OFFICE AS BEING 689 FEET SOUTH OF A POINT 1023 FEET WEST OF THE NORTHEAST CORNER OF SECTION 22; THENCE N89°53'02"E, 501.60 FEET; THENCE S0°20'48"E, 15.50 FEET; THENCE N89°53'02"E, 521.77 FEET TO THE EAST LINE OF THE AFOREMENTIONED NE1/4; THENCE S0°20'48"E, 697.92 FEET ALONG THE EAST LINE OF THE SAID NE1/4; THENCE S89°53'02"W, 1028.37 FEET; THENCE N0°20'48"W, 713.42 FEET; THENCE N89°53'02"E, 5.00 FEET TO THE POINT OF BEGINNING, LYON COUNTY, KANSAS.

Section 2. Conditional Use Permit granted for: Housing Opportunity Overlay District

Section 3. The following additional conditions were imposed upon the Conditional Use Permit: not applicable.

Section 4. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 19th day of January 2022.

BECKY SMITH, Mayor

ATTEST:

KERRY SULL, City Clerk

MEETING DATE: January 19, 2022

ITEM NUMBER: 5

SUBJECT: Consider Approval of Ordinance for Conditional Use Permit for 1519 Merchant Application 2021-20.

RECOMMENDATION: Approve Ordinance Authorizing the Conditional Use Permit.

BACKGROUND SUMMARY:

- At their December 21, 2021 meeting, the Planning Commission did recommend approval of a Conditional Use Permit for 1519 Merchant (excerpt of minutes attached).
- The Conditional Use Permit would allow the Mental Health Center of East Central Kansas (a.k.a Crosswinds) to relocate their administrative and counseling offices into the existing building.
- The subject property is a former sorority house located at 1519 Merchant adjacent to the Emporia State University campus.
 - The lot size is 56,400 sq. ft. (1.29 acres)
 - The building consists of 12,064 square feet of interior space and 44 rooms which if approved would be converted to administrative and counseling spaces.
 - Per Table 22-501a of the Zoning Regulations the required number of parking stalls based on the size of the building would be 33 with 40 stalls provided.
- A public hearing was held during the Planning Commission meeting with mostly positive support for the applicant's request including a letter submitted by ESU Acting President George Arasimowicz. One speaker informed the Planning Commission of drainage concerns that have been ongoing issues within the neighborhood. Those concerns were relayed to the City Engineer for further consideration.
- Following the Public Hearing the Planning Commission voted unanimously to recommend approval of the Conditional Use Permit to the Governing Body.
- The Governing Body may;
 - Approve Ordinance Authorizing the Conditional Use Permit;
 - Deny the Conditional Use Permit with a 2/3 vote of the entire body;
 - Return the application to the Planning Commission for further study with the Governing Body's reasons for doing so;
 - Table the Matter for further study.
- Attached:
 - Staff Report for Planning Commission Meeting.
 - Aerial Photo of the Subject Property and Surrounding Area.
 - Zoning Map of the Subject Property and Surrounding Area.
 - Excerpt of Minutes from the December 21, 2021, Planning Commission Meeting.
 - Ordinance.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

Letter from ESU

EMPORIA STATE UNIVERSITY

Office of the PRESIDENT

Campus Box 4001
1 Kellogg Circle
Emporia, Kansas 66801-5415
620.341.5551
emporia.edu

November 16, 2021

TO WHOM IT MAY CONCERN:

Re: Rezoning Request by Crosswinds Counseling & Wellness

The purpose of this letter is for Emporia State University to formally express its full support of the rezoning request being made by Crosswinds Counseling & Wellness. Crosswinds is planning on purchasing the former Chi Omega House (a sorority house) located on Merchant Street directly west of the ESU campus.

Their intent is to use this building in the offering of their counseling and wellness services, as well as normal operations, which does and will continue to benefit people living in Emporia, Lyon County, and neighboring areas. It is necessary that this property be rezoned from its current status as "high density residential" to "conditional use."

ESU is fully in support of this request for rezoning. Crosswinds has an excellent reputation in the services they offer as well as in how they operate their business activities. ESU has no doubt that Crosswinds will be a good and responsible neighbor. ESU also believes that the services offered by Crosswinds are a necessity for our community and our area and that the granting of this rezoning request will prove to be very beneficial for all concerned.

Thank you for your consideration.

Sincerely,



Dr. George Arasimowicz
Acting President and Provost

**PLANNING COMMISSION
STAFF REPORT
December 21, 2021
AGENDA ITEM NO. 3**

Application #: 2021-20

Applicants: Mental Health Center of East Central Kansas (a.k.a. Crosswinds)

Requested Action: Conditional Use Permit

Purpose: To meet needs as desired use is not listed as an outright permitted use in an R-3 District.

Address: 1519 Merchant Street

Legal description:

THE NORTH HALF OF THE EAST HALF OF LOT 26 IN TOWN OF NORMAL ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE WEST 150 FEET; THENCE NORTH 50 FEET; THENCE EAST 150 FEET; THENCE SOUTH 50 FEET TO THE PLACE OF BEGINNING.

ALSO:

THE EAST HALF AND THE EAST 50 FEET OF THE WEST HALF OF LOT 27 AND THE SOUTH HALF OF THE EAST HALF AND THE EAST 50 FEET OF THE SOUTH HALF OF THE WEST HALF OF LOT 28 IN TOWN OF NORMAL ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

Lot Size: 56.400 sq ft; approx.. 1.29 acres

Existing Zoning: R-3, High Density Residential

Surrounding Zoning: North R-3, East (across Merchant St.) is Public (ESU), South R-3, West R-3

Surrounding Actual Uses: North- Multi-Family; East is ESU, South- Multi-Family and a Christian Student Center, West- Single Family Detached

Recommendation: Approve the request for a CUP.

Analysis:

The applicant is requesting a Conditional Use Permit to allow for a behavioral counseling and administrative support in an R-3 High Density Residential area. This requested is consistent with Section 6-4, Table 6-2 of the Zoning Regulations that allows for a similar and higher intensity uses with a Conditional Use. The applicant desires to use this location for a counseling center with administrative support. There are 44 rooms in the building, and 12,064 square feet of interior space. There are approx. 40 parking stalls on site. The number of stalls are required at this location (sq. footage per Table 22-501a) is 33.

Applicable Regulations: Section 6-4, Table 6-2

Table 6-2

✓ = Permitted with a Conditional Use Permit

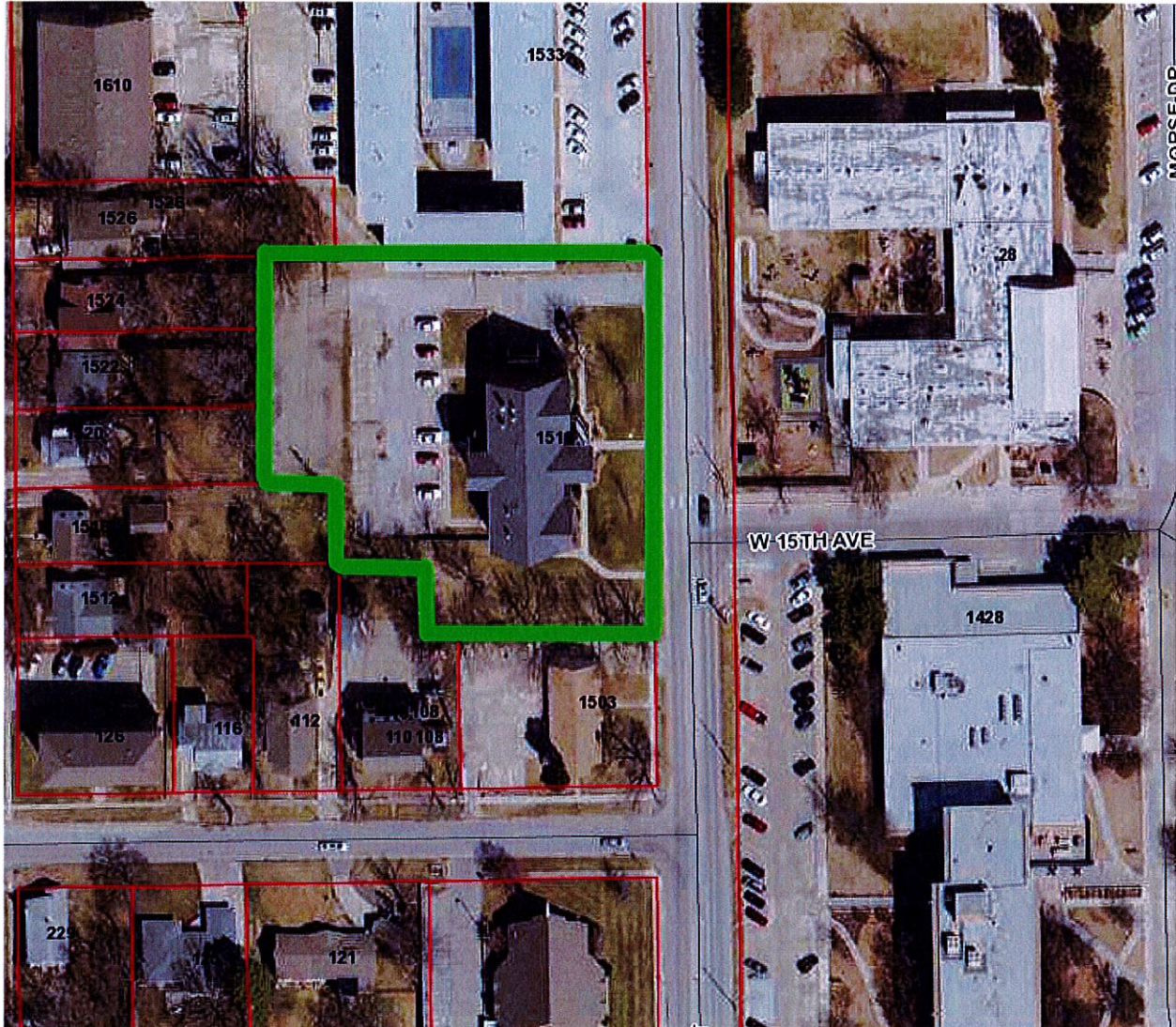
Use		R-1	R-2	R-3
1.	Lodging houses			✓
2.	Animal shelters, Animal foster home, Animal rescue home	✓ (9)	✓ (9)	✓ (9)
3.	Barber-beauty shops			✓ (1)
4.	Bed and breakfast inns	✓	✓	✓
5.	Cemeteries and crematories	✓	✓	✓
6.	Day care facilities: adult day care homes and centers, child care centers, day care homes, family day care homes, group day care homes and preschools	✓ (2)	✓ (2)	
7.	Large group homes	✓ (3)	✓ (3)	✓ (4)
8.	Rehabilitation houses			✓ (4)
9.	Group boarding homes for minors	✓ (5)	✓ (5)	✓ (6)
10.	Group boarding homes for adults	✓ (7)	✓ (7)	✓ (6)
11.	Safe houses	✓ (8)	✓ (8)	
12.	Public and private schools, elementary and secondary	✓	✓	✓
13.	Public parks and public recreation areas	✓	✓	✓
14.	Fraternal organizations, lodges			✓
15.	Nursing homes, rest homes, convalescent homes and similar facilities			✓
16.	Telephone exchanges, electric substations and similar public utilities	✓	✓	✓
17.	Churches and similar places of worship	✓	✓	✓
18.	Any public building or land use by any department of the City, County, State or Federal government.	✓	✓	✓
19.	Fraternity and sorority housing			✓
20.	Student activity centers			✓

26-109. Factors to be Considered in an Application for a Conditional Use Permit:

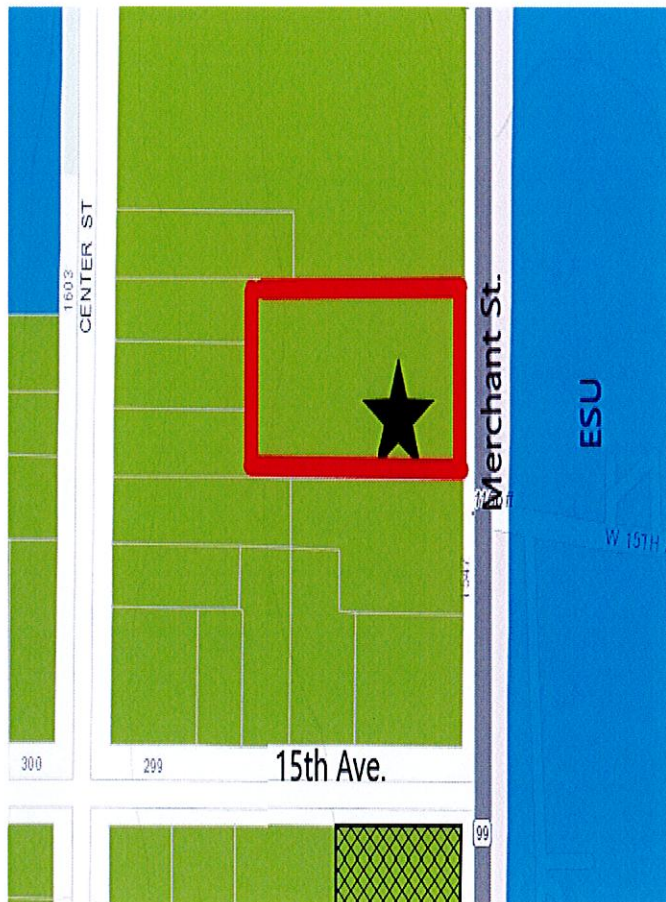
The Planning Commission may recommend approval of a Conditional Use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such Conditional Use, using the following factors as guidelines: **1.** Whether approval of the conditional use would be consistent with the intent and purpose of these regulations; **2.** Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **3.** Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided; **4.** Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; **5.** The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped); **6.** Whether the applicant's property is suitable for the proposed conditional use; **7.** The recommendations of professional staff; **8.** Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **9.** Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use; **10.** Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; **11.** For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Lyon County, and amendments thereto; and **12.** Such other factors as may be relevant from the facts and evidence presented in the application.

Attachments: Aerial Photo/Zoning Map/ ESU Letter/Application

Aerial Photo



Current Zoning Map



Zoning Districts

-  A-L - Agricultural
-  C-1 - Office and Service Business
-  C-2 - Restricted Commercial
-  C-3 - General Commercial
-  C-4 - Central Business
-  I-1 - Light Industrial
-  I-2 - Heavy Industrial
-  M-P - Mobile Home Park
-  MHS - Manufactured Home Subdivision
-  P - Public Use
-  R-1 - Low Density Residential
-  R-2 - Medium Density Residential
-  R-3 - High Density Residential

EXCERPT OF MINUTES- 12/21/2021

EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, December 21, 2021, with Chairman Thomas presiding. Commissioners Bucklinger, DeWitt, Weaver, Barnes, Duncan, and Colson present.

City staff: Jeff Lynch and Moriah Keen were present.

APPLICATION 2021-20 A request of Mental Health Center of East Central Kansas (a.k.a. Crosswinds) for a Conditional Use Permit to allow for the relocation of its administrative and counseling offices to 1519 Merchant St.

Applicants: Mental Health Center of East Central Kansas (a.k.a. Crosswinds)

Lot Size: 56,400 sq ft. or approximately 1.29 acres

Existing Zoning: R-3, High Density Residential

Surrounding Zoning: North R-3, East (across Merchant St.) is Public (ESU), South R-3, West R-3

Surrounding Actual Uses: North- Multi-Family; East is ESU, South- Multi-Family and a Christian Student Center, West- Single Family Detached

City staff recommends to approve the request for a CUP.

Lynch gave the Analysis: The applicant is requesting a Conditional Use Permit to allow for a behavioral counseling and administrative support in an R-3 High Density Residential area. This request is consistent with Section 6-4, Table 6-2 of the Zoning Regulations that allows for a similar and higher intensity uses with a Conditional Use. The applicant desires to use this location for a counseling center with administrative support. There are 44 rooms in the building, and 12,064 square feet of interior space. There are approx. 40 parking stalls on site. The number of stalls are required at this location (sq. footage per Table 22-501a) is 33.

Conflict of Interest: **Member Weaver** said he is part of the leadership team that will be directing a capitol campaign for Crosswinds. **Member Colson** said that **Member Weaver** does not have to abstain because it is nonprofit and there is no substantial interest. **Chairperson Thomas** said what we have done in the past is for the member to use their conscience and have an option to abstain from voting.

Staff confirmed jurisdiction over this application.

Questions were asked to the City staff regarding the uses of conditional and permitted uses. **Lynch** said that it will be specific to what is on the application. In this case, on the permit it would specifically list administration offices and behavioral counseling. Being an R-3 it could also be the outright permitted uses. If the conditional use permit gets approved, the specific conditional use and the outright permitted uses are allowed to stay. Lynch recommends if approved we have the conditional use only for the life of the same ownership that it is going to.

Public comment was opened:

Amanda Cunningham, 2373 Road H5 Americus, KS on behalf of Crosswinds (Applicant):

Crosswinds is currently sitting on a land lease with our current administration building and therapy building; it expires in 2024 after 30 years. It originally had two 10-year extensions but the hospital is wanting to break the lease in 2024 so that they can expand. Crosswinds is looking in conjunction with another building because the 1519 Merchant St is not big enough for all of their departments. Crosswinds currently have 5 buildings in Emporia that they serve out of, so they are trying to consolidate and have two buildings instead of five. This building will primarily be for administrations and adult services, which will limit traffic and parking needs.

Lynn Cunningham, 519 South West St. Emporia, KS: She is a relative that has been helping Crosswinds. They have looked for a place over a year now and could not find anything. This house on 1519 Merchant St. is a good fit for what Crosswinds is planning on doing and it is big enough. They have hired other people to inspect the building and it is suitable.

Dione Hall 1526 Center St. Emporia, KS. She and her husband have lived directly behind and to the north of the property for 42 years. They are not opposing Crosswinds or special needs people. Their concern is the unknown behaviors from the clients being across the street from college students and a preschool. They have conditions that they would like to be met. They would like to make sure that there is no overnight clients or residence. The Conditional Use Permit does expire if they do sell the property. When Chi Omega built the house no water shed was put in. Would like the new owners to be responsible to get that water shed taken care of. The water comes down on to our property. They have spent thousands of dollars on their property to get the water out of their property, but it is still eroding the back yard.

Amanda Cunningham said that our neighbors on Lincoln and 12th St. would say that we have not caused any disruptions to their homes. There have been homes up for sale in that neighborhood and they have been able to sell their house. The intent is to have majority admin in the 1519 building and stationary daytime program for adults. The traffic in and out of the property will be minimal. We would be really good stewards of the building. From her understanding the only other bidder was a fraternity house. Crosswinds is a little bit more neighborly than a fraternity. We would still share walk through spaces. We are intending to work with Chi Omega to allow them to use the house for their meetings. Crosswinds is wanting to be good neighbors and good stewards of the community.

The Public hearing was closed.

Member Bucklinger said if there were to be any negative consequences it would be to the university and the university is in favor of Crosswinds being located on 1519 Merchant St. He doesn't see any issues

Motion:

Member Colson made a motion to approve Application 2021-20 as long as it matches permitted uses and the conditional use permit will expire should there be a change in ownership or current ownership terminated. **Member Barnes seconded.**

Discussion:

Member Barnes asked how does the water shed fit into this discussion? **Lynch** said that zoning will not affect it, unless there is new construction going in. Lynch has reached out to the City Engineer and he is willing and ready to take calls, if people are interested in knowing what could be done. It has been some time since that building has been built, there has been new staff since then so the City is unfamiliar with the issue. If there is something on record that is available, we will find it. Since it is private property the City Engineer wants to make sure that they have something worked out with the owners before they step foot on the property.

Approved 7:0.

ORDINANCE NO. _____

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. A Conditional Use Permit is hereby granted to allow Administrative and Counseling Offices pursuant to Section 6-4 of the Emporia Zoning Regulations.

Commonly known as: 1519 Merchant Street, legally described as:

THE NORTH HALF OF THE EAST HALF OF LOT 26 IN TOWN OF NORMAL ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF; THENCE WEST 150 FEET; THENCE NORTH 50 FEET; THENCE EAST 150 FEET; THENCE SOUTH 50 FEET TO THE PLACE OF BEGINNING.

ALSO:

THE EAST HALF AND THE EAST 50 FEET OF THE WEST HALF OF LOT 27 AND THE SOUTH HALF OF THE EAST HALF AND THE EAST 50 FEET OF THE SOUTH HALF OF THE WEST HALF OF LOT 28 IN TOWN OF NORMAL ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

Section 2. Conditional Use Permit granted for: Administrative and Counseling Offices

Section 3. The Conditional Use Permit is issued for the applicants use only and shall expire with a change of ownership or use:

Section 4. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 19th day of January 2022.

BECKY SMITH, Mayor

ATTEST:

KERRY SULL, City Clerk

MEETING DATE: January 19, 2022

ITEM NUMBER: 6

SUBJECT: Consider Approval of an Ordinance Authorizing a Conditional Use Permit for 2606 W Hwy 50.

RECOMMENDATION: Approve the Ordinance Authorizing the Conditional Use Permit.

BACKGROUND SUMMARY:

- At their December 21, 2021 meeting, the Planning Commission did recommend approval of a Conditional Use Permit to the Governing Body that would allow for storage units at the subject property (excerpt of minutes attached).
- The applicant has requested the Conditional Use Permit to allow for storage units to be built in a phased manner on the subject property. The development will occur in accordance with Phase 1 and 2 of the development plan. Phase 1 consists of 46 new 10'x15' storage units. Phase 2 would consist of 107 10'x15' storage units. Phase 3 will not be developed as storage as indicated on the development plan and was not included in this Conditional Use Permit.
- The subject property is an irregular lot located in the northwest corner of Anderson ST and W Hwy 50;
 - With a Lot Size of 147,875 square feet or 3.39 acres
 - Current Zoning of C-3 General Commercial;
 - Currently vacant commercial property.
- Storage is an allowed use with a conditional use permit.
 - Per section 9-4 and Table 9-2 Item 20 of the zoning regulations.
- At the public hearing on the request, mostly positive support for the development of storage units in Phase 1 and 2 was expressed. There was opposition to Storage Units being constructed in Phase 3 and the developer stated that he was not requesting the conditional use permit include that area or portion of the development plan at this time.
- Following the Public Hearing, the Planning Commission did make a recommendation to the Governing Body to approve the Conditional Use Permit and approve the ordinance authorizing the Conditional Use Permit, subject to the following conditions;
 - Only Phase 1 and 2 of the Development Plan;
 - Screening shall be included along the north property line and going south for 130 feet starting at the northeast corner of the property;
 - A landscaping plan shall be submitted and approved prior to building permits being issued;
 - A photometric plan shall be submitted and approved prior to building permits being issued if the storage facility will be open 24 hours a day.
- The Governing Body may;
 - Approve the Ordinance Authorizing the Conditional Use Permit.
 - Deny the Conditional Use Permit by a 2/3rds vote of the Entire Body.
 - Return the matter to the Planning Commission with reasons attached for further consideration.
 - Table the Matter for further study.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

-
- Attached
 - Staff Report to the Planning Commission.
 - Excerpt of Minutes from the Planning Commission meeting.
 - Location Map.
 - Development Plan.
 - Ordinance.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

ORDINANCE NO. _____

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

Section 1. A Conditional Use Permit is hereby granted to allow Storage Units in accordance with Section 9-4, and table 9-2, of the Zoning Regulations:

Commonly known as: 2606 W. Highway 50, legal description known as:

LOT 2 IN S&S ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

AND A PART OF LOT 3 OF S&S ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS; AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER ON OCTOBER 21, 2020; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 3 AND BEING ALSO THE NE CORNER OF SAID ADDITION; THENCE S.00°42'20"E. (GRID BEARINGS) ON THE WEST LINE OF ANDERSON STREET FOR 143.00 FEET; THENCE S.89°14'30"W. PARALLEL WITH THE NORTH LINE OF SAID ADDITION FOR 111.56 FEET TO THE EAST LINE OF LOT 2 OF SAID ADDITION; THENCE N.00°42'20"W. ON THE EAST LINE OF SAID LOT 2 FOR 113.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE S.89°14'30"W. ON THE NORTH LINE OF SAID LOT 2 FOR 133.75 FEET; THENCE N.00°42'20"W. FOR 30 FEET TO THE NORTH LINE OF SAID ADDITION; THENCE N.89°14'30"E. ON SAID NORTH LINE FOR 245.31 FEET TO THE POINT OF BEGINNING.

Section 2. Conditional Use Permit granted for: Development of Storage Units

Section 3. The following additional conditions were imposed upon the Conditional Use Permit: To include Phases 1 and 2 (North sections of property) only; include screening along the north property line, and south from the NE corner approximately 130 ft. If the proposed facility will be open 24 hours, it would be required for the City Site Plan Review Committee to review and give approval of a photometric (lighting) plan, and landscape plan prior to issuance of a building permit. Phase 3 (nearest Highway 50) is specifically excluded.

Section 4. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 19th day of January 2022.

BECKY SMITH, Mayor

ATTEST:

KERRY SULL, City Clerk

**PLANNING COMMISSION
STAFF REPORT
December 21, 2021
AGENDA ITEM NO. 6**

Application #: 2021-23

Applicant: CMR Holdings LLC, c/o Guardian Construction

Requested Action: Conditional Use Permit

Purpose: To allow for the development of storage units.

Project Address: 2606 W. Highway 50

Legal description:

LOT 2 IN S&S ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS,
ACCORDING TO THE RECORDED PLAT THEREOF.

AND A PART OF LOT 3 OF S&S ADDITION TO THE CITY OF EMPORIA, LYON
COUNTY, KANSAS; AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER ON
OCTOBER 21, 2020; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NE CORNER OF SAID LOT 3 AND BEING ALSO THE NE CORNER
OF SAID ADDITION; THENCE S.00°42'20"E. (GRID BEARINGS) ON THE WEST LINE OF
ANDERSON STREET FOR 143.00 FEET; THENCE S.89°14'30"W. PARALLEL WITH THE
NORTH LINE OF SAID ADDITION FOR 111.56 FEET TO THE EAST LINE OF LOT 2 OF
SAID ADDITION; THENCE N.00°42'20"W. ON THE EAST LINE OF SAID LOT 2 FOR
113.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE S.89°14'30"W.
ON THE NORTH LINE OF SAID LOT 2 FOR 133.75 FEET; THENCE N.00°42'20"W. FOR
30 FEET TO THE NORTH LINE OF SAID ADDITION; THENCE N.89°14'30"E. ON SAID
NORTH LINE FOR 245.31 FEET TO THE POINT OF BEGINNING.

Lot Size: Irregular, 147,875 s.f.; Approximately 3.39 acres

Existing Zoning: C-3 General Commercial

Existing Land Use: Vacant Commercial Building- former fuel station/convenience store/auto
repair

Surrounding Zoning: North- Public, East- East- C-3 & I-1, South- C-3, West- C-3

Surrounding Land Uses: North- Fairgrounds; East- offices/vet hospital, South- Hwy
50/Commercial Retail, West- Propane Retailer/Extension Office

Similar Past Applications: A2016-01, 1301 E. 6th Ave.; A2011-05- 2301 W. 7th Ave.

Future Zoning Per Comprehensive Plan: Commercial, with warehousing as a possible
conditional use.

Analysis: The applicant is requesting a Conditional Use Permit (CUP) be approved for the development of self-service storage units. Storage and warehousing is only allowed within a C-3 district upon issuance of a CUP. The future regulating map indicates this area will be zoned Commercial. Past usage of this property was a full service truck stop, which was a more intense use than the proposed development. This application was reviewed by the City Technical Review Team on 10/8/21. A storm water study prepared by a civil engineer would be required and approved prior to development.

Staff Recommendation: Staff recommends approval upon proper screening and other criteria. This would include screening along the north property line, and south from the NE corner approximately 130 ft. Also, include screening with a solid fence/wall (to be reviewed and approved from plans) in front along Hwy 50 if the existing building does not provide full screening along the south side. In lieu of front (south) side screening the units may be designed so no overhead doors are visible from Highway 50. Furthermore, if the proposed facility will be open 24 hours, it would be required for the site plan committee to review and give approval of a photometric (lighting) plan, and landscape plan prior to issuance of a building permit.

APPLICABLE REGULATIONS:

SECTION 9-4 CONDITIONAL USES

9-401. In the commercial districts the uses listed in Table 9-2 within the designated zoning districts are allowed upon the issuance of a Conditional Use Permit in accordance with the provisions of Article 26.

Table 9-2

✓ - Permitted Uses

✓() - Permitted Use with Conditions

Use		C-1	C-2	C-3
20.	Storage or warehousing, except for products of a highly explosive, combustible or volatile nature			✓

26-109. Factors to be Considered in an Application for a Conditional Use Permit:

The Planning Commission may recommend approval of a Conditional Use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such Conditional Use, using the following factors as guidelines: **1.** Whether approval of the conditional use would be consistent with the intent and purpose of these regulations; **2.** Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **3.** Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided; **4.** Whether the

proposed use is made necessary or desirable because of changed or changing conditions in the area affected; **5.** The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped); **6.** Whether the applicant's property is suitable for the proposed conditional use; **7.** The recommendations of professional staff; **8.** Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **9.** Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use; **10.** Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; **11.** For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Lyon County, and amendments thereto; and **12.** Such other factors as may be relevant from the facts and evidence presented in the application.

EXCERPT OF MINUTES- 12/21/2021

EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, December 21, 2021, with Chairman Thomas presiding. Commissioners Bucklinger, DeWitt, Weaver, Barnes, Duncan, and Colson present.

City staff: Jeff Lynch and Moriah Keen were present.

APPLICATION 2021-23 A request of CMR Holdings/Guardian Construction for a Conditional Use Permit to allow storage/warehousing in a C-3 General Commercial District, located at 2606 W. Highway 50.

Lynch gave the analysis: The applicant is requesting a Conditional Use Permit (CUP) be approved for the development of self-service storage units. Storage and warehousing is only allowed within a C-3 district upon issuance of a CUP. The future regulating map indicates this area will be zoned Commercial. Past usage of this property was a full service truck stop, which was a more intense use than the proposed development. This application was reviewed by the City Technical Review Team on 10/8/21. A storm water study prepared by a civil engineer would be required and approved prior to development.

Staff Recommendation: Staff recommends approval upon proper screening and other criteria.

No contact of interest was indicated.

Staff confirmed jurisdiction over this application.

The Public hearing was opened:

Peter Hauf, 517 Merchant St Emporia, KS (Applicant): The owners are working on a phase plan. There will be up to 45 units, it will be invisible from Highway 50. Depending on profitability and financial feasibility they will extend further down to the south, which is included in their other phases. In the end if it all goes well they would prefer to have rental lease retail space on the side of Highway 50, which will be several years in the future.

Member Barnes asked if this Conditional Use would take care of this phase and future phases or would the applicant have to come back for expansions. **Lynch** said that the Conditional Use will take care of the future phases as well.

Jeff Hodges, 2604 W. Highway 50 Emporia, KS: He has no issues with Phase 1. The space along Highway 50 has one of the best commercial properties that we have left in Emporia. He believes that the property along 6th Ave should not be used for storage units. If it does get approved, he would like the board to stipulate by having property set aside for Phase 1 and have the front property stay C-3. He stated their intent is to do commercial along the highway and he doesn't think it is a great use for that property.

Hauf stated Phase 3 which will be along Highway 50 in the future. The hope will be that it will be more developed and a bit more commercially feasible space. He has a site plan where we keep the storage units further to the north, which is shown in Phase 1 and Phase 2. Everything to the south of it will be developed as retail or commercial uses.

Public hearing closed.

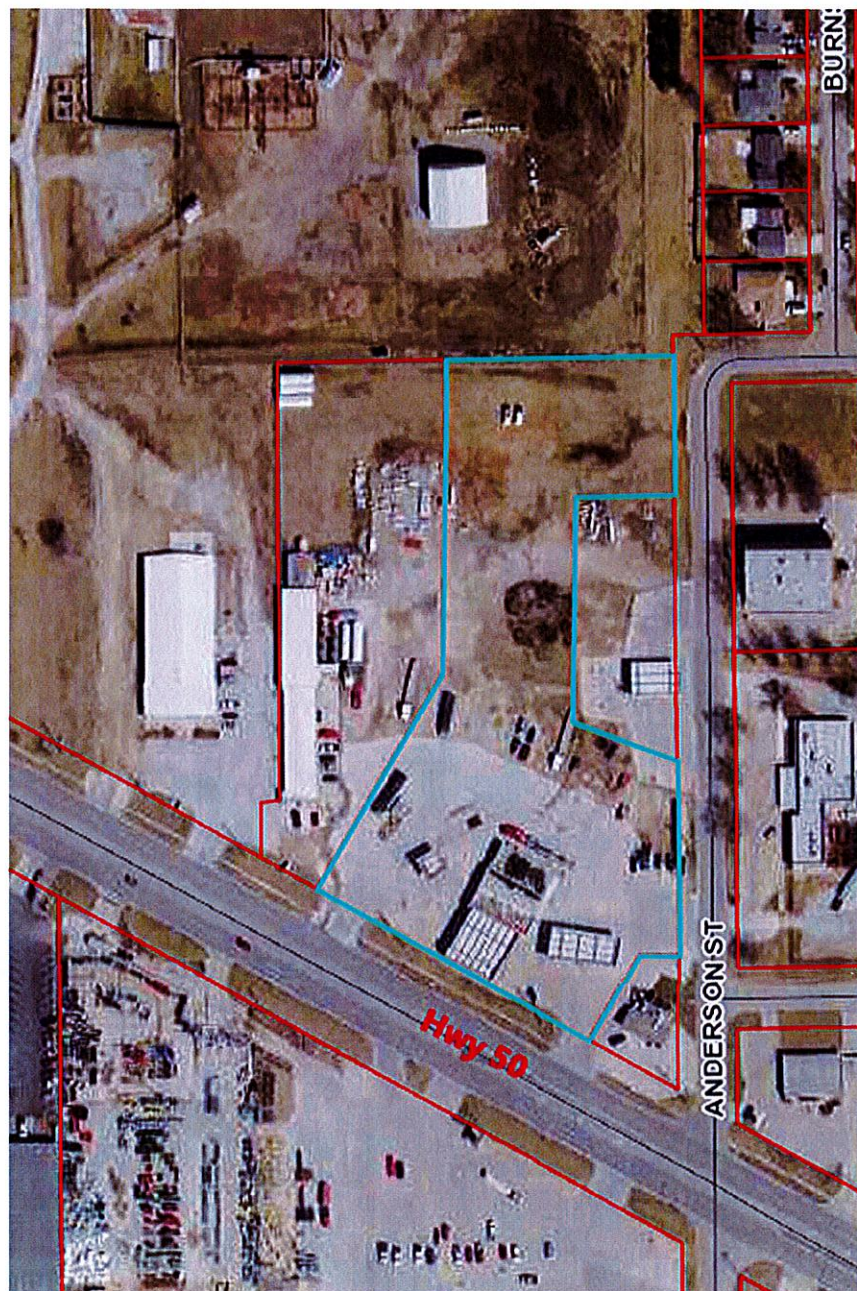
Member Colson made a motion to approve the Conditional Use Permit for Phase 1 and Phase 2 of this property per submitted plans, specifically excluding Phase 3, also inclusive of the staff recommendations. Member Duncan seconded.

Member Barnes asked for Jeff Hodge's comments on Phase 1 and 2 after looking at the phases. Jeff Hodges said that he is okay with Phase 1 and 2, but not Phase 3.

Member Colson asked the applicant if they want approval for Phase 1 and 2 or do they only want the approval if it is all or nothing. **Hauf** said that they are okay with just an approval for Phase 1 and 2.

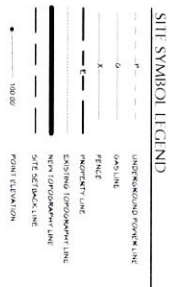
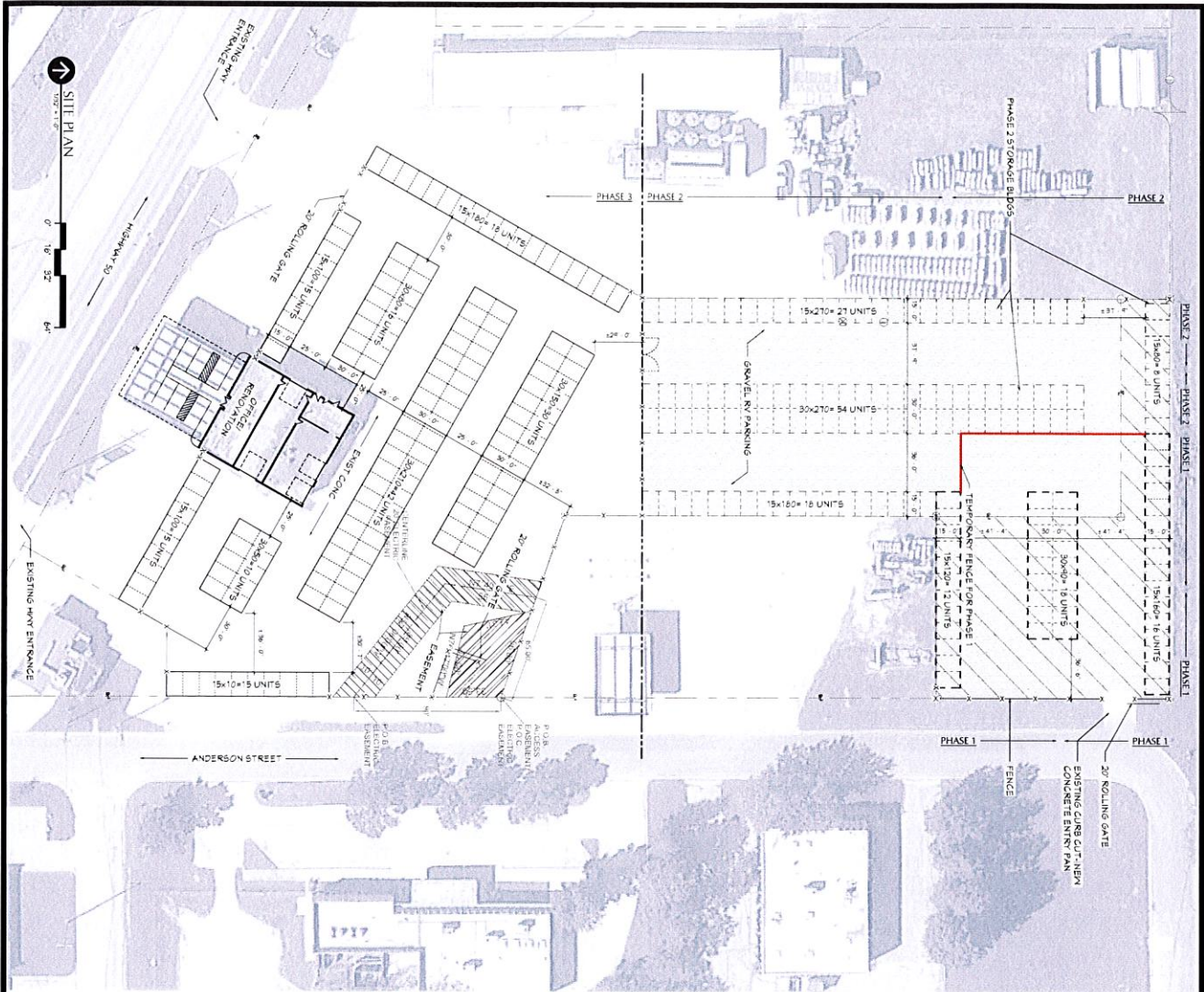
Approved 7:0.

Aerial Map



Current Zoning Map

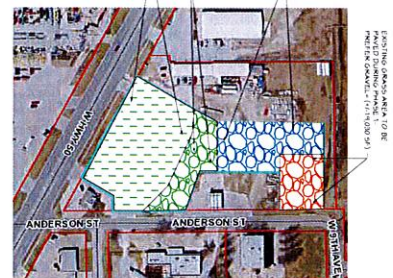




PROPOSED WORK

- PHASE 1:**
CONSTRUCT STORAGE UNITS AT PHASE 1 AREA
INSTALL NEW PAVING AT PHASE 1 AREA (SILK VARIANCE
FOR GRAVEL IN LIFT OF HARD PAVING)
- PHASE 2:**
CONSTRUCT STORAGE UNITS AT PHASE 2 AREA
INSTALL NEW PAVING AT PHASE 2 AREA (SILK VARIANCE
FOR GRAVEL IN LIFT OF HARD PAVING).
- PHASE 3:**
REPAIR AND INSTALL NEW PAVING AT PHASE 3 AREA
CONSTRUCT STORAGE UNITS AT PHASE 3 AREA ON
EXISTING HARD PAVING.
RENOVATE EXISTING CONVENIENCE STORE INTO
OFFICE/RETAIL SPACE
PHASE 1 & 2 AREAS TO REMAIN GRAVEL PAVED

CLINICAL LEGAL DISSEMINATION PER COUNTY INFORMATION:
5 & 6 ADDITION, 508, 1195, R1E1, ACRES 3.3, 1.7 & BEG. NE COR LT 3
5143 WILL 1/6 N1/4 W3/4 S7 AND 1/4 S7 TO POB (3:30.0, 5:57.91)
ADDITIONAL EASEMENT AT WEST SIDE AS DESCRIBED IN LOT GRANT
SURREY PREPARED BY CLOUTCH ON 10/09/2020 LOT AND EASEMENTS
OVERLAYED HERE FOR REFERENCE PURPOSES.



MEETING DATE: January 19, 2022

SUBJECT: Communications

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Manager presents Financials and Building Permits.

The following is general information for the month of December 2021 for the community:

1) Monthly Local Retail Sales Tax Receipts Update

	2020	2021	
	\$417,750.68	\$584,593.19	Increase of \$166,842.51 for the month, and
YTD	\$4,991,594.83	\$ 5,439,665.64	Overall increase of 8.98% from year 2020

2) City Share from County Tax

	2020	2021	
	\$208,371.40	\$292,771.85	Increase of \$84,400.45 for the month, and
YTD	\$2,535,236.18	\$ 2,822,749.09	Overall increase of 11.34% from year 2020

3) **Building Permits issued from 12/1/2021 to 12/31/2021 for new construction, remodeling / repairs and demolition.**

Total number of building permits issued through Code Services:	56
Total of valuations associated with those building permits:	\$ 2,105,605.00
Total number of dollars collected for Building Permit Fees:	\$ 10,281.63

Construct - single family dwellings	1
Demo - single family dwellings	4

Flint Hills Mall CID for December 2021	\$ 19,040.44
Year to Date Total	\$ 211,692.23

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

MEETING DATE: January 19, 2022

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 Regular Meeting held on January 5, 2022.
 - b. Consider ratification of Payroll Ordinance for the periods ending on December 17 & December 31, 2021.
 - c. Consider Appointment of City Commission Liaison to Emporia Enterprises Board.
-

RECOMMENDATION:

- a. Approve Minutes.
- b. Approve Payrolls.
- c. Approve Appointment.

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

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

MEETING DATE: January 19, 2022

SUBJECT: Consider Appointment of City Commission Liaison to Emporia Enterprises Board.

RECOMMENDATION: Appoint Commissioner Giefer to serve as liaison to Emporia Enterprises Board.

BACKGROUND SUMMARY:

Commissioner Danny Giefer has expressed interest in serving as the City Commission liaison to the Emporia Enterprises Board. Staff recommends approval.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

MEETING DATE: January 19, 2022

SUBJECT: Informational Items Presented by the City Manager.

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.

January 26th Study Session

- Discuss KDHE Pretreat Changes.
- Discuss Changes to City of Emporia Flag.
- Discuss 12th Avenue Elevated Storage Tank Logo.
- Change Orders for PWC Pavement Improvements Project for Addition to Existing Drainage.
- Discuss Change Orders for PWC Pavement Improvements Project for 10ft. Additional Concrete in Eastside of Sanitation Barn.
- Discuss Extra Strength Sewer Rate Increase.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

MEETING DATE: January 19, 2022

SUBJECT: Governing Body Comments.

RECOMMENDATION:

BACKGROUND SUMMARY

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

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

MEETING DATE: January 19, 2022

SUBJECT: Executive Session.

RECOMMENDATION: Approve Executive Session.

BACKGROUND SUMMARY:

At this time, the City Commission request a 20-minute Executive Session to discuss proprietary information regarding two upcoming projects and to invite Special Projects Manager Witt.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

SAUDER _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

COMMISSION MEETING

1:30 P.M.

JANUARY 5, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January 5, 2022, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Brinkman, Giefer, Sauder, and Smith present. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

Consent Agenda

Mayor Gilligan requested to remove item b. Consider ratification of Payroll Ordinance for the period ending on December 17, 2021; this item to be moved to the next regular meeting for approval.

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

- a. Consider minutes of the Regular Meeting held on December 15 and Adjourned Meeting held on December 22, 2021.

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

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

Jennifer Danler, representing Sacred Heart Catholic School, was in attendance to accept a proclamation recognizing the week of January 30th through February 5th, 2022 as "Celebrating Catholic School Week" in Emporia. She stated each year the Archdiocese of Kansas City in Kansas designates one week during the year to highlight Catholic Schools. The presence of a Catholic school in our community has proven to be additional amenity and incentive in the education of the youth of the City of Emporia. She stated Sacred Heart Catholic School is proud to be where students consistently work to their full potential. The legacy of Sacred Heart School will live on for many years thanks to dedicated administrators, teachers and students as well as a very supportive community.

Mayor Gilligan then presented the proclamation.

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
(Kansas State Water Revolving Loan Fund)
(Public Hearing)**

Dean Grant, Public Works Director, stated the City will need to conduct a public hearing to inform the public on the proposed application to Kansas Public Water Supply Loan Fund.

Thaniel Monaco, representing BG Consultants, was recognized and addressed the Governing Body. He stated the City is seeking a loan from the Kansas State Water Supply Loan Fund for replacement, upgrade or add waterlines in the water distribution system not to exceed \$15,000,000.00. A list of potential projects will be reviewed at a later date. He stated the advantages of financing municipal water distribution system improvements from the loan fund are as follows:

The interest rate is subsidized by the Kansas Department of Health and Environment (KDHE) and is lower than traditional methods of debt financing.

The initial borrowing costs are much lower than traditional debt financing.

The loan fund repayments are based on a 20-year amortization schedule, but the debt can be retired at anytime.

Interest only accrues on funds that are withdrawn during the construction period.

He stated the City is required to hold a public hearing regarding the loan prior to adoption of the resolution approving the application.

Mayor Gilligan then declared the public hearing opened.

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

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
(Kansas Public Water Supply Loan Fund)
(Application for Loan)
(Resolution Number 3661)**

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated the adoption of this resolution is a necessary step in the process of securing a loan from the Kansas Public Water Supply Loan Fund. The resolution authorized the completion and submittal of an

application to KDHE regarding the loan.

Commissioner Brinkman made a motion to approve Resolution Number 3661, a resolution authorizes the completion of an application to the Kansas Department of Health and Environment regarding a loan from the Kansas Public Water Supply Loan Fund. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

BONDS

**(Authorize Issuance of General Obligation Bonds)
(Purchase of Acquiring Equipment for City Street Department)
(Ordinance Number 22-01)**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF EMPORIA, KANSAS TO PAY THE COSTS OF ACQUIRING EQUIPMENT FOR CITY SERVICES PURSUANT TO ARTICLE 12, SECTION 5, OR THE CONSTITUTION OF THE STATE OF KANSAS, to which the City Clerk assigned Ordinance Number 22-01, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated this ordinance authorizes General Obligations Bonds for the purchase of a Bucket Truck for \$162,481.00; a 2021 Elgin Whirlwind Street Sweeper for \$284,902.42 and a 2021 John Deere Backhoe for \$112,407.00 and all related equipment. The approval of this proposed ordinance will allow bonds to be issued in the amount of \$570,000.00.

Commissioner Brinkman made a motion to approve Ordinance Number 22-01, an ordinance authorizing the issuance of General Obligations Bonds for the purchase of acquiring equipment for City Street Department. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**INDUSTRIAL REVENUE BONDS
(S&S Quality Meats, LLC and Smoots Enterprises II, LLC)
(Approving Option to Purchase 2015 Series A and B IRB's)
(Resolution Number 3662)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this resolution approves a request by Smoots Enterprises, II, LLC to exercise the option to purchase the 2015 Series A and B Industrial Revenue Bonds. These industrial revenue bonds were issued to finance development of the Fanestil refrigerated warehouse and fresh market. She stated this will allow Smoots Enterprises, II, LLC to proceed with refinancing the industrial revenue bonds as S&S Quality Meats, LLC and will repeal a similar resolution relating to an option to purchase in connection with the 2015 Bonds, which was anticipated in the fall of 2020, but not finalized.

Commissioner Giefer made a motion to approve Resolution Number 3662, a resolution approving the sale of a certain project financed with the proceeds of revenue bonds of the city; authorizing the execution and delivery of special warranty deed; a bill of sale; a termination and release of lease and satisfaction discharge and release of indenture. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Gilligan, aye.

**INDUSTRIAL REVENUE BONDS
(S&S Quality Meats, LLC)
(Authorize the Issuance of Taxable Industrial Revenue Bonds Series 2022)
(Ordinance Number 22-02)**

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REFUNDING REVENUE BONDS, SERIES 2002 (S&S QUALITY MEATS, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,495,000 FOR THE PURPOSES OF REFUNDING, REDEEMING AND RETIRING THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2015 AND SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2015 ORIGINALLY ISSUED TO FINANCE CERTAIN COMMERCIAL IMPROVEMENTS IN THE CITY ON BEHALF OF SMOOTS ENTERPRISES ii, LLC; AUTHORIZING THE EXECUTION OF A TRUST INDENTURE BY AND BETWEEN THE CITY AND SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, AS TRUSTEE, AUTHORIZING EXECUTION OF A LEASE BETWEEN THE CITY AND S&S QUALITY MEATS, LLC; APPROVING THE FORM OF GUARANTY AGREEMENTS; BY AND BETWEEN THE CITY, S&S QUALITY MEATS, LLC, AND RCB BANK, AS PURCHASER OF THE SERIES 2002 BONDS AND AUTHORIZING OTHER NECESSARY DOCUMENTS AND REPEALING ORDINANCE NO. 20-26 OF THE CITY, to which

the City Clerk assigned Ordinance Number 22-02, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated this ordinance authorizes the City of Emporia to issue taxable industrial revenue bonds, Series 2002 on behalf of S&S Quality Meats, LLC to refinance the 2015 Bonds which were issued to finance the existing refrigerated warehouse and fresh market operated by Fanestil. The issuance of the 2022 Industrial Revenue Bonds is in anticipation of the construction of a new production facility adjacent to the project financed by the 2015 Bonds. RCB Bank, the owner of the Series A, 2015 Bonds has restructured its loan and will purchase the Series 2022 Bonds. The ordinance repeals a similar ordinance for a refinancing of the 2015 Bonds, which was anticipated in the fall of 2020, but not finalized.

Commissioner Smith made a motion to approve Ordinance Number 22-02, an ordinance authorizing the issuance of taxable industrial revenue bonds Series 2022 to S&S Quality Meats, LLC, in the aggregate principal amount of \$1,495,000.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Gilligan, aye.

CITY OF EMPORIA
(Adopt 2022 Legislative Policy Statement)

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the City adopts its legislative position detailing the City's goals from the State Legislature during the upcoming legislative session. The 2022 draft proposal is similar to the 2021 Legislative Policy Statement with additional sections in support of continuing the current revenue sharing formula for countrywide sales and use taxes and in opposition to industry specific property tax exemptions. She then reviewed the 2022 Legislative Policy Statement as follows:

HOME RULE - We believe the governing of public affairs should be as close to the people as possible and that Home Rule is essential to vigorous, effective and responsible local government under our representative system.

Home Rule is crucial to the continued ability of locally elected officials to solve problems in ways most appropriate to local needs and conditions. Legislative which affirms the ability to pass local laws on the same subject is strongly supported.

FUNDING LOCAL GOVERNMENT - Revenue streams designated for specific state aid programs should be directed to those programs without reallocating revenues to the state. Legislative action reducing local revenues must be matched with action to replace the reduced funds.

KDOT - The City supports full restoration of KDOT funding. State highway funds should be used for highway improvements only. The City-County Highway Fund is essential to maintaining local roads and should be fully funded. The City also supports increasing the amount of State funding which supports maintenance of State highways within city limits.

PUBLIC EDUCATION - We believe the state legislature should provide balanced education funding with continued support for K-12, job training, technical colleges and our state universities. Coordination of higher education program should be encouraged. To support a strong economic future, we need a prepared workforce.

HIGHER EDUCATION - The City supports both ESU and the Flint Hills Technical College on their legislative issues and agendas. The City supports increased state funding for higher education in Kansas. Investment in higher education is investment in Kansas cities.

SALES TAX FAIRNESS - We are supportive of initiatives to eliminate sales tax on food at a state level. Should the state eliminate state sales tax on food, we believe municipalities should retain the ability to tax sales of food as food tax generates twenty to twenty-five percent of total sales tax revenue in the City of Emporia.

BUDGETING - The statutory timetable or budget preparation, publication, hearing, adoption and certification should be extended by at least one month. The increasingly efficient methods of communication and data transmission should allow such an extension without an undue impact upon county offices and would help ensure the municipality's receipt of accurate assessed valuation information.

EMS/HOSPITAL FUNDING - Emergency medical services and public hospitals must provide medical services without regard to ability of patients to pay. The expansion of Medicaid in Kansas would allow medical providers to be at least partially compensated for some medical services to economically disadvantaged citizens. We support the expansion of Medicaid in Kansas.

ECONOMIC DEVELOPMENT - We support the Department of Commerce economic development and workforce development incentives including Rural Housing Incentive Districts, the PEAK program and the HPIP program.

KPERS - The City supports the continued commitment to stabilize and fully fund the Kansas Public Employees Retirement Systems (KPERS).

COUNTYWIDE SALES AND USE TAXES - We support maintaining the existing city-county revenue sharing formula which benefits both city and county taxpayers and ensures there is a fair method to distribute funds that are generated primarily in cities.

PROPERTY TAX EXEMPTIONS - We support a broad tax base and believe existing property tax base should be protected. We encourage the legislature to resist any proposal for industry specific exemptions.

Commissioner Sauder stated he felt Housing was an issue that needed to be addressed.

Following further discussion it was the consensus of the Commission to include a supportive housing statement as follows:

HOUSING - The lack of quality, affordable housing in the city and across the state creates an impediment to growth and economic development. We support programs that encourage access to quality housing, including but not limited to, the recommendations of the State Housing Study.

Commissioner Brinkman made a motion to adopt the City of Emporia 2022 Legislative Policy Statement. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION

(Adopt 2022 Joint Legislative Statements for Emporia and Lyon County)

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated City staff met with the local Legislative Policy Committee whose members represent the Chamber of Commerce, Lyon County, City of Emporia and input from numerous community organizations. The statement was prepared by the Emporia Chamber of Commerce and addresses local priorities in areas of Safety, Tax Policy, Education, Health Care, Economic Development and Transportation. She stated the final document will be prepared after each organization has had an opportunity to review the draft document and make a participation decision. She stated staff was recommending approval of participation in the 2022 Joint Legislative Statement for Emporia and Lyon County. If any substantial changes are made

to proposed statement the final document will be returned to the Commission for review.

Commissioner Sauder made a motion to approve the 2022 Joint Legislative Statement for the Emporia and Lyon County Area. Commissioner Brinkman seconded the motion. The vote follow: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

Mayor Gilligan stated the City Manager should be authorized to approve on behalf of the City of Emporia.

Commissioner Sauder amended his original motion to authorize City Manager Cocking to approve the 2022 Joint Legislative Statement for the Emporia and Lyon County Area on behalf of the City of Emporia. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognized employees for outstanding contributions and provides the public information that may be of a general interest. The following information was presented at the meeting.

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

TENTATIVE AGENDA FOR JANUARY 12TH STUDY SESSION AT 10:30 a.m.

Discuss Strategic Planning.

Discuss Changes to City of Emporia Flag.

Discuss 12th Avenue Elevated Storage Tank Logo.

Discuss Change Orders for PWC Pavement Improvements Project for Addition to Existing Drainage.

Discuss Change Orders for PWC Pavement Improvements Project for 10ft. Additional concrete in eastside of Sanitation Barn.

Discuss Extra Strength Sewer Rate Increase.

Joint Luncheon w/BZA & Planning Commission

**2021 CITY COMMISSION
(State of City Speech)
(Mayor Robert Gilligan)**

By Tradition, the Mayor of Emporia has offered an annual update and assessment of our City as both an organization and a community during the annual State of the City address. In the past this would lead into our Spring election cycle or mid-term activities but with the change to the election calendar in 2017 this now serves to wrap up my year in the Mayor's seat, and set the stage for the coming year. I would like to begin today by looking at the City as an organization, to celebrate our successes but also highlight some opportunities that should be a priority for discussion and action in the coming months.

Financially the City of Emporia continues to be in strong shape, with our reserve levels at or above goal in all of our funds. 2021 continued to be a strong year for economic activity in our community continues to drive our sales tax collections.

Sales tax - city wide sales tax was \$5,439,665.64 an 8.98% increase over 2020 (\$448,071)

Sales tax - county wide sales tax was \$2,822,749 an 11.34% increase over 2020 (\$287513)

In November of 2022 the Voters of Lyon County overwhelming supported the renewal of the County Wide \$0.01 Sales tax for a 15-year extension through 2039. This revenue source, approved by voters three times now has provided the resources for the City of Emporia to make critical capital investments in our community. In 2021 the City's share of the County Wide sales tax invested in 3 areas of need:

\$1,760,000 spent on street paving and sidewalk projects

\$680,000 invested in City facilities and building improvements

And \$60,000 in storm water projects within Emporia.

In addition to the revenue generated by our citizens and visitors through property and sales taxes, City Staff continues to look for additional resources from Federal, State and Local programs to help fund projects and opportunities in our community.

In 2021 the City of Emporia received just over \$3.5 Million in grant funding for several critical projects. This funding includes:

\$1,865,839.55 in American Rescue Plan funding for projects and needs in reaction and recovery from the COVID-19 Pandemic.

Grants for the Emporia Municipal Airport from FFA in the amount of \$13,000 and \$32,000 for COVID relief as well as \$212,000 of funding through the FFA and KDOT for resurfacing, lighting improvements and the first steps of an

extension project that will help make are airport more accessible for private jet activity that is an important piece of our local business and industrial activity.

We were also awarded \$700,000 in CDBG for Rehab of Lift station #2 to help in our continued efforts for improving and updating our aging wastewater system infrastructure.

A \$525,000 grant to resurface streets in and around Industrial Park III to support the continued investment and job growth from our local industries like Simmons, Michelin, Hills and Norfolk Iron & Metal.

Finally, our housing specialist Jeff Lynch continues to show success in leveraging state resources by securing a \$200,000 Housing grant to assist with home rehab projects in Emporia.

Gifts and Contributions:

In 2021 our community was the beneficiary of the charitable support of many groups and individuals with significant contributions to current and future projects.

Phase 1 of the Emporia Friends of the Zoo Oasis Campaign came to fruition with the completion of the new Zoo Entrance, Donor Recognition Plaza, Pond redevelopment and Kookaburra Exhibit. These projects were made possible by the supporters of the \$4.1 Million Dollar Oasis campaign and we look to see continued projects and investments in 2022 with the expansion of the Zoo Education Center, additional parking and access improvements and continued exhibit improvements throughout the zoo.

A long-planned project for a basketball court and playground improvements in Eastside Community park was completed at the end of 2021. This is the latest of several park improvements made over the years with support from the Eastside Community Group as well as donors like the Jones Trust and Trusler Foundation.

The All-Veteran's Memorial Park at Soden's Grove saw its expansion project begin during the 4th quarter of 2021 that will allow for several more memorial stones to be added to our park. This expansion was made possible with financial support from our Veteran's Memorial Park Committee and also Frank & Barb Lowery who donated land for the expansion to take place on.

Finally, at the end of 2021 the City was able to open our newest addition, Reeble Park, home to 6 new dedicated Pickleball Courts. This project was several years in discussion but was made possible with the donation of land from the Emporia County Club and financial contributions from Jane and Bernie Reeble, Larry & Kathy Putnam, Stormy and Peggy Suprian, Bev & Larry Scott, Margie and Chuck Grimwood, Lu & Jerry Olmstead. This will serve as a great addition to our community for years to come.

We can also look forward to some great improvements in 2022 to our Santa Fe Park area because of local donors and young leaders that stepped forward to begin conversations. What started as an online petition organized by

Maddux Gutierrez in the summer of 2020 as our youth were doing their best to stay outside and active during the early months of the COVID-19 pandemic, to our commitment from the City Commission to engage the design services of the American Ramp Company specialist in designing Action Sports Park projects for Skating and Cycling concluded with a phone call from the Emporia Community Foundation that a local family that wished to remain anonymous would like to offer a lead gift for the improvements to be made at Santa Fe Park with a contribution of \$250,000 to our Kahola Park Fund held at the Foundation. The generosity of our community continues to shine through and this project will be another great improvement to look forward to in 2022.

The City of Emporia is made up of 256 budget positions across 17 different unique departments or programs that provide services to our community 24 hours per day, 365 days per year. More than any other governmental agency or organization, the City of Emporia impacts and serves our residents every single day in some capacity. The employees that make up our organization are the lifeblood our services and their dedication to serving our community is something that goes beyond the limited compensation and benefits that we offer. Our organization, just like many others in our community, is facing a labor shortage that leaves about 10% of our positions vacant and unfilled currently. This limits our ability to serve the community in the best way possible and places a greater burden of responsibility on those members of our organization that are here. In 2022, the City Commission in collaboration with our City Administration should put significant work into examining our current Organizational Chart, identifying what opportunities and needs we have and make an effort to continue to invest in our employees in a similar way to our first steps taken in 2021 with adjustments to our pay plan and wages within the 2022 budget.

I would be remiss to not recognize our leadership transition at the end of 2021 with Mark McAnarney retiring from the City of Emporia after 32 years of service. His leadership and love for our community was greatly appreciated and he will certainly be missed in that role, but we also look forward to new ideas and perspectives with new leadership from Trey Cocking as our new City Manager in Emporia.

From a Community perspective 2021 continued to be a year of activity and growth in Emporia as new projects and expansions in business and industry, retail and housing were completed, started or announced. From business and industry Dynamic Discs completed the process of moving their Distribution and headquarters from a 20,000 square foot warehouse on East 6th Ave to fill the recently vacated 80,000 square foot building at 840 Overlander Road, with a great redevelopment of that space and continued investment in growth and job creation. Michelin completed a multi-million-dollar expansion of their offices and location in Industrial Park 3 and continue to grow and add job opportunities in our community, and S&S Meats were able to break ground on their expansion and relocation project that will allow them to modernize and expand their business model for future job growth

here in Emporia. Several other local businesses continued to grow and add job opportunities in 2021 but our limited labor pool has proven to be a limiting factor and something that will need to be a priority for 2022.

Our retail sector saw several new additions and announcements in 2021, the opening of Union Street Social added a new dining opportunity for our community, the Pavilions announced and has begun construction on 3 new retail locations that will house a Marshall's, Shoe Show and Ross Dress for Less, that will help to fill a large gap in our soft goods retailer market locally. Many local businesses have continued to invest and grow as opportunities presented but once again, a limited labor market proves to be restrictive and a complicating factor.

For Emporia to continue to grow and thrive in 2022 our focus as a community and as a city organization should be in trying to help solve the bottleneck that our current housing situation has put on our community, just like many others. Our community continues to make investments, which can be seen by looking at our building permit numbers from 2021. All told we issued 755 building permits in 2021 with a total investment valuation of \$62,810,742.00. This includes our commercial investments, investments in our schools through the recently approved bond issue, investments in our existing homes and some new exciting multi-family projects with an expansion of the Whittier Place Apartment Complex as well as a new upper story redevelopment in downtown Emporia. But when it comes to the investment in single family homes 2021 was pretty much a stalemate. From January to December, we issued a total of 14 permits for new Single Family home builds in the Emporia City Limits, FOURTEEN! During that same year we issued 11 Demolition permits for single family residences leaving us with a net gain of 3 new single-family homes in 2021.

If the Emporia community is hoping to continue to grow and thrive our priority over the next several years should be to explore any and all options to improve our housing situation from both owner-occupied housing as well as rental housing. This can start by the city filling the important role our Human Relations Coordinator will play in helping us to respond to a growing problem of neglect in part of our local rental market. Next, the City will have to lead the way in housing development by supporting strategies to make lots available for development and looking at new and inventive strategies to redevelop the growing number of abandoned or vacant homes that are not currently habitable in our community. This will take an effort of both public sector, private sector, non-profit and others to tackle but our community is poised and ready to grow if we can help remove the barriers.

Emporia continues to be an example of a community that does more than can be expected and certainly outperforms many other communities both similar in size and larger in many ways. Our future looks positive if we are willing to look and take on new opportunities, challenge our traditional strategies for new or better performance and continue to make the

investments in our people and our community to set the stage for growth and prosperity. I hope that we the Emporia City Commission can take this opportunity we have before us in 2022 and help lead the way to a continued brighter future for our entire community.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive to discuss a legal matter with the City Attorney and to invite Kevin Hanlin, WLW Facilities Manager, from 2:15 p.m. to 2:25 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 Sauder, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session at 2:25 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed a legal matter with the City Attorney and no action was taken.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

Commissioners Brinkman, Giefer, Gilligan, Sauder and Smith convened as the Governing Body.

City Clerk Sull administered the Oath of Office.

Commissioner Giefer made a motion nominating Becky Smith to serve as Mayor for the coming year. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Smith, aye.

Commissioner Giefer made a motion nominating Danny Giefer to serve as Vice-Mayor for the coming year. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Approve Surety Bonds)**

Commissioner Brinkman made a motion to approve Surety Bonds for the City Manager Cocking, City Clerk Sull and City Treasurer Harrouff. The City has obtained Surety Bonds from Cincinnati Insurance Co. for the 2022 fiscal year. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Designate Official City Newspaper)**

Commissioner Giefer made a motion to designate The Emporia Gazette to be the official City newspaper, as per K.S.A. 12-1420. The City is required by State law to designate an official newspaper, which must have a general circulation in the City. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Smith, aye;

CITY COMMISSION
(Designate Financial Institutions)

Commissioner Giefer made a motion to designate the following financial institution to serve as depositories of funds of the City of Emporia, per K.S.A. Supp. 9-401: Citizens State Bank; Community National Bank & Trust; ESB Financial; Lyon County State Bank and Capital Federal. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

REGIONAL DEVELOPMENT ASSOCIATION OF EAST-CENTRAL KANSAS BOARD
(Appoint Governing Body Representation)

Commissioner Gilligan made a motion to appoint Commissioner Sauder as the representative of the Governing Body to participate in the activities of the Regional Development Associate of East-Central Kansas Board. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

JOINT ECONOMIC DEVELOPMENT ADVISORY COUNCIL
(Appoint Governing Body Representation)

Commissioner Gilligan made a motion to appoint Commissioner Brinkman as a representative of the Governing Body to participate in the activities of the Joint Economic Development Advisory Council. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

RECREATION COMMISSION
(Appoint Governing Body Representation)

Commissioner Gilligan made a motion to appoint Commissioner Giefer as a representative of the Governing Body to participate in the activities of the Emporia Recreation Commission. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

EMPORIA COMMUNITY FOUNDATION BOARD
(Appoint Governing Body Representation)

Commissioner Gilligan made a motion to appoint Mayor Smith as a representative of the Governing Body to participate in the activities of the Emporia Community Foundation Board. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner

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

**WILLIAM ALLEN WHITE COMMUNITY PARTNERSHIP
(Appoint Governing Body Representation)**

Commissioner Gilligan made a motion to appoint Mayor Smith as a representative of the Governing Body to participate in the activities of the William Allen White Community Partnership. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**EMPORIA ENTERPRISES
(Appoint Governing Body Representation)**

Commissioner Gilligan made a motion to appoint Commissioner Sauder as a representative of the Governing Body to participate in the activities of the Emporia Enterprises Board. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**EMPORIA CONVENTION AND ADVISORY BOARD
(Appoint Governing Body Representation)**

Commissioner Gilligan made a motion to appoint Commissioner Brinkman as a representative of the Governing Body to participate in the activities of the Emporia Convention and Advisory Board. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**JOINT CITY/COUNTY FACILITIES AND SERVICES COMMUNITY BOARD
(Appoint Governing Body Representation)**

Commissioner Gilligan made a motion to appoint Commissioner Gilligan as a representative of the Governing Body to participate in the activities of the Joint City/County Facilities and Services Community Board. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

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

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk