



**MEETING OF THE CITY COMMISSION – AGENDA
WEDNESDAY, FEBRUARY 2, 2022 AT 1:30 P.M.
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER: Mayor Becky Smith

MEMBERS PRESENT

Vice Mayor Giefer
Commissioner Brinkman
Commissioner Gilligan
Commissioner Sauder

PROCLAMATIONS ESU
 EHRC POSTER & ESSAY WINNERS

PUBLIC FORUM

NEW BUSINESS

1) CONVENTION AND VISITORS ADVISORY BOARD (CVAB) APPOINTMENT.

Presented by Commissioners Jamie Sauder and Robert F. Gilligan.

RECOMMENDED ACTION: Appoint Deon Morrow to serve on the Convention and Visitors Advisory Board.

2) MAINTENANCE AGREEMENT WITH EMPORIA PUBLIC LIBRARY.

Presented by Christina Montgomery, City Attorney.

RECOMMENDED ACTION: Approve Agreement

3) A RESOLUTION ESTABLISHING A HEARING DATE FOR THE ESTABLISHMENT OF AN RHID DISTRICT FOR THE PROPOSED KRETSINGER ADDITION.

Presented by Jim Witt, Special Projects Manager.

RECOMMENDED ACTION: Approve Resolution

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Approve the minutes of the January 19, 2022, City Commission Meeting.
- 2) Ratification and Approval of the Payroll Ordinances for the periods ending January 14, 2022.
- 3) December Budget.

- 4) Change Order No. 1 for the Public Works Center Pavement Improvement Project.
- 5) Change Order No. 2 for the Public Works Center Pavement Improvement Project.
- 6) Set Time and Date to Receive Bids for the 2022 Hazardous Sidewalk Improvements Project.

RECOMMENDED ACTION: Approve the Consent Agenda as presented.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Agenda Items for February 9, 2022 Study Session.

GOVERNING BODY COMMENTS

Mayor Becky Smith

Vice Mayor Danny Giefer

Commissioner Rob Gilligan

Commissioner Susan Brinkman

Commissioner Jamie Sauder

EXECUTIVE SESSION

1) AN EXECUTIVE SESSION FOR CONSULTATION WITH THE CITY ATTORNEY WHICH WOULD BE DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP. K.S.A. 75-4319(b)(2) IS THE AUTHORITY FOR THIS RECESS INTO EXECUTIVE SESSION.

RECOMMENDED ACTION: Recess into Executive Session for consultation with the City Attorney to discuss a privileged legal matter for 15 minutes inviting Special Projects Manager, Jim Witt and stating at which time the open meeting will resume.

ADJOURNMENT

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 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: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

SUBJECT: Proclamation Recognizing Emporia State University Founders Day.

RECOMMENDATION: Approve Proclamation.

BACKGROUND SUMMARY: *To Accept Lucy Steyer, ASG President.*

Proclamation

WHEREAS, Emporia State University has maintained and continuously created a momentous mission to empower people and communities through education; and

WHEREAS, Emporia State University provides access and opportunity for state, regional, national, and international experiences to the City of Emporia through its vision, mission, and values; and

WHEREAS, Emporia State University continually strives to thrive in and embrace an ever-changing, diverse world in providing programs for students and community members to gain a sense of respect and responsibility to advance the common good of our state, nation, and world; and

WHEREAS, Lyon County, the City of Emporia, and Emporia State University continue to build a University Community that strives for excellence in presenting campus and community opportunities, and commits to service to positively impact our campus and local communities; and

WHEREAS, Emporia State University will commence to celebrate its 159th anniversary on Founders' Day, February 18th, 2022;"

NOW, THEREFORE, I, Becky Smith, Mayor of the City of Emporia, Kansas, do hereby proclaim February 18th, 2022, as

"EMPORIA STATE UNIVERSITY DAY"

in Emporia, Kansas, and urge all Emporians to join together, going forward hand in hand, as we celebrate the founding of Emporia State University.

DONE this 2nd Day of February 2022

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

SUBJECT: Recognition of Winners of the Emporia Human Relations Commission Poster and Essay Contest.

RECOMMENDATION:

BACKGROUND SUMMARY:

The Emporia Human Relations Commission has recently conducted a contest for students to write an essay or create a poster demonstrating the importance of human rights and good human relations in our community.

The poster contest was open to students grades 3 through 5, and consisted of two themes: "Fair Housing: Building a Better Future" and "How do you show respect for one another?" There were 149 entries in the poster contest.

The essay contest was open to students grades 6 through 12, and challenged participants to answer one or more of the following: "What can I do to improve human relations in Emporia?", "What does human rights mean to me?", and What is the best way to improve human rights issues in the 21st century?"

ACTION RECORD

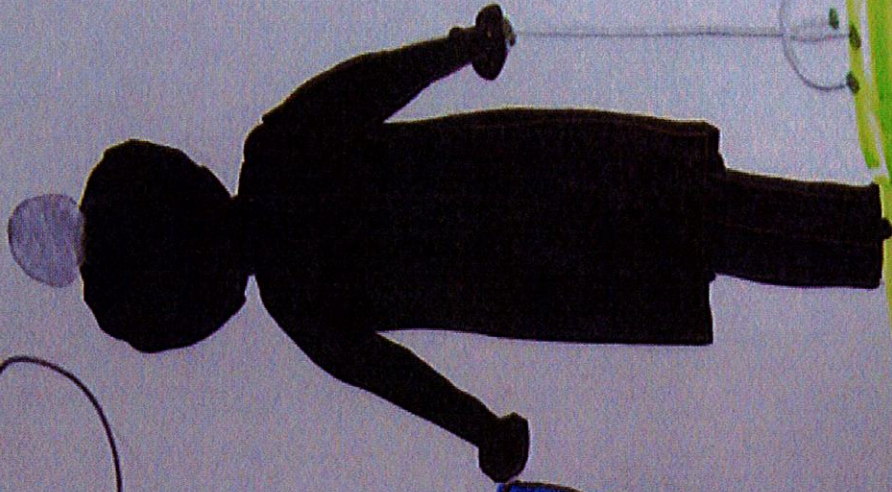
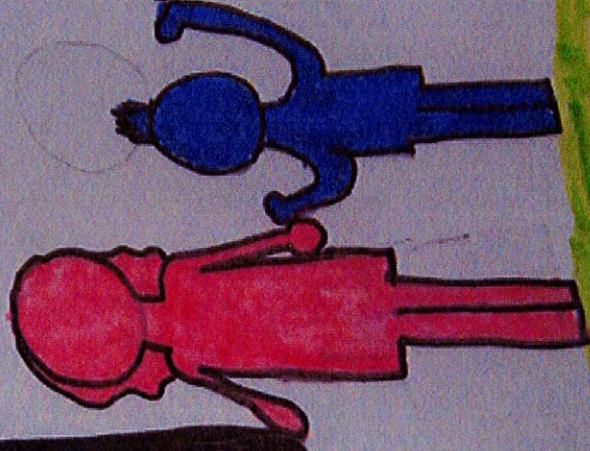
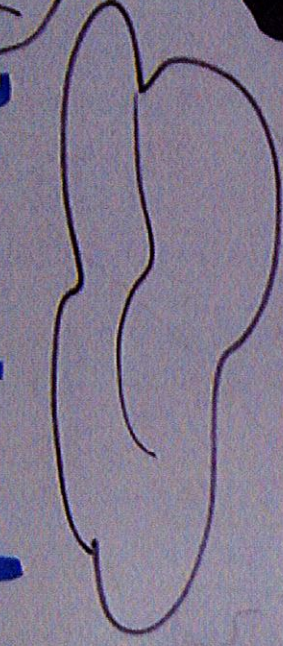
Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

We are all people! (Believe it)



We Should respect each other

12/17/20

Be Kind

Be nice

do nice things

Be helpful

Be respectful

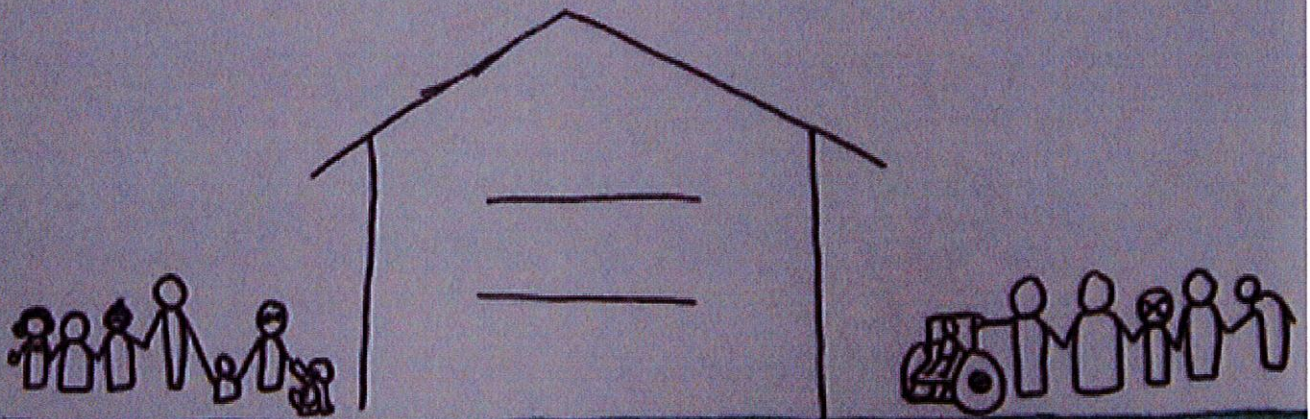
Be responsible

SHOW KINDNESS

to the



A persons a
person
No matter how
Small



Everybody deserves a home!

Human Rights

What are Human Rights? Human rights are what we believe that people are allowed to do, the limit or maximum a human should be able to do.

Human rights existed before laws. Everybody has their own opinion on what humans should be able to do, a lot of countries have different expectations and punishments. For example, there is communism in China, and capitalism in America.

Why would human rights exist? Let's say you were Jeff Bezos. You're living in your million dollar house with your golden car, butlers, technology, everything. Then suddenly, a man comes and takes everything you have. You'd be enraged, you'd want to get your lawsuit and bring him to jail, but that doesn't exist! The person has now "legally" stolen everything you have because he doesn't have a limit of what he can do.

There are moments where you will have to sacrifice your human rights to keep other people safe. For example, people wear masks to keep their friends, school, and family safe.

E4

Human rights are made from your moral compass. So to improve human rights, you will need better education, because better education improves your mental strength and makes you a better person. It also helps you realize the impact of your actions. That is how you improve human rights.

Ways people improved human rights are things like speaking up for what they cared about, writing a book, and listening to other people who have the same problem.

Overall, human rights is a thing that is made from your morals, and using that moral, it gives you an opinion about humans. This thing is important because it mostly helps people stay in control. That is what human rights are.

263 words

E3

Human Right Essay

In its most basic definition, human rights are rights that are "believed to belong justifiably to every person". That is the definition of human rights from the dictionary, but how do we decide if the right belongs justifiably? Human rights can't be this simply defined by a sentence just like how the question of the meaning of life can't be defined by a single sentence. When ethics and morals are involved, there is no just white or black area. Philosophy isn't as clear cut as that.

For instance, the question of human rights is more famously explored by the writing of the constitution of America which is still considered a newer country. The bill of rights or the first ten amendments are some of the human rights that Americans have. We may have the right to freedom of speech, religion, petition, press, and assemblies, but that doesn't mean other countries do. In the middle-east with countries ruled by the Taliban, people don't have freedom of religion. If a woman walked outside without being covered head to toe in clothing, then they would be stoned to death. The Taliban enacts and enforces islamic laws. In countries like China and Russia, people don't have the right to freedom of speech or press. If human rights extend to all humans, then is the bill of rights human rights? People in America have different rights than people of different countries, so are the rights in the constitution human rights? The rights in the constitution only applied to America and don't really extend to all people so what is a human right?

As a result, there are a lot of arguments that can be made about philosophical questions like human rights, but logically, rights have existed before the constitution. While the constitution is a good place to look for good rights, it may not necessarily be human rights. If a human right is something that believes to justifiably belong to everyone, then is it common sense like the rights of the 9th amendment. If a human right was taken away, would the person die? What may be justifiable to one country, is another matter to a different country. As established before, human rights can vary from region to region. Would denying someone the right to freedom of speech be taking away their human rights? In America, the answer is yes, but in other countries, it may be no.

Additionally, human rights aren't just in the bill of rights in the US constitutions. They predate the US constitutions as supported by the 9th amendment which protects people's unlisted rights like breathing. It wasn't created when the US constitution was being drafted, no, it existed since the first humans were alive but were added to and remodeled as humans evolved. All living beings have one goal and that goal is to survive. Evolution is all part of achieving that goal. Animals and plants adapt and change so they can thrive and live. Those who cannot evolve and adapt, become extinct. Human rights came from that.

To illustrate, imagine you are one of the early humans. The type of people you imagine when someone says cavemen. Now, imagine someone stole your food. You would be cheated and furious. That thief has stolen something that is believed to justifiably belong to you. Living beings need sustenance to survive. For plants, that is a mixture of sunlight, water, and nutrients.

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For other living beings like humans, that sustenance is food and water. Those are necessities of life which people believe to justifiable belong to every person. Human rights began from the need for survival but evolved as people gained intellect and became smarter. As cultures and thinking changed, so did the basic needs for people changed. It used to be just tools and abilities for survival, not rights including development and growth of the mind. The rights we believe to belong justifiably to everyone are rights that give us safety and don't limit our mental growth.

For instance, the right to breathe is a right that gives us safety and allows humans to continue functioning. If you don't breathe, then you don't get oxygen which is a necessity of life. Since this right is something you need to have to live, then the right to breathe should be a human right.

If human rights are that easy to decide, then why the discussion? Why the scrutiny? The reason why is the very history of humankind. The weak die while the strong thrive. Before even thinking about equality, humans have been enslaving others. Whether it be race, power, or ethnicity, people enslaved each other for profit. They didn't care about human rights. The slave owners only cared about profit and themselves. People of color have been oppressed for generations in America which is still a fairly new country compared to the others. Most of America's history had oppressed people just because of the color of their skins. Just because of their skin color, people were treated below and were thought of as objects or animals. They weren't treated as people. Children were faced with a lifetime of brutality and suffrage just because they looked different to the others. The law, which was supposed to be fair to everyone, treated people of color differently. People who committed murder were found innocent because of the the victim's color. Those people did much for America, yet they were being treated like animals. They didn't get human rights like the rest of America. That is why we have black lives matter and black history month. These organizations and events serve as a reminder to a dark history. A history where a mob of people would kidnap you and torture you just because your skin color is different.

If we lived in an ideal perfect world, this wouldn't have happened. Human rights are given to everyone and there wouldn't be a debate. Everyone would have the right to a happy life. A life where they have the basic rights for survival and their ideas can grow and flourish, but we don't live in an ideal world. Human rights can be taken away and people suffer as a result. The poor starve while the rich have lavish feasts courtesy of the poor. This happened many times in the past and one could argue that North Korea has this situation with its leader and its citizens. These people faced brutal treatments and we, the people, should try our best to reconcile. America has many faults, and so do many other countries, but we can learn from the past and change for the better. America was created so the people wouldn't have a ruler and everyone has freedom. The vikings led expansions because they didn't want to be ruled by an unfair king. The victims of the past didn't have a say in their torment, but we have a voice and we can use that voice of today to make the day of tomorrow better.

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Even though the concept of human rights is not that new, people are still working with this and advancements for humans are recent. For example, presidents Biden and Trump lived in a time where there existed many racist people. The lynching or murder of Emmett Till happened in 1955. Biden would have been about 12 years old when this happened. Those men who torture and then murdered Emmett Till were found innocent and then sold their story on how they killed Emmett Till for a small fortune. This was 66 years ago from 2021 which is the year in which this essay is being written. Human relations are always trying to be improved. So, how can we improve human rights?

A simple way to help improve human rights relations is donations. Even something as boring and insignificant as an everyday item for people of the middle class like a bottle of water can mean life or death for someone down on their luck. Donations can be given by people of wealth, the government, and just normal people. An example of a country giving donations is the United States. The United States is the largest donor in the world. Ireland is also a large food aid donor. As mundane as food aid sounds, it is incredibly important. For instance, the Great Hungry or Great Famine of Ireland. In 1855, the Irish Potato Famine began, it permanently changed the politics in Ireland and the people of Ireland understand the depth of despair that a famine can cause. The population of Ireland fell by about 20%-25% due to death and emigration. That is why the government of Ireland is a big donor in food aid. Schools have annual food donation drives.

While donations are greatly appreciated, it is only a temporary solution. Donations are just to help ease the pain of poverty but it cannot solve it. World hunger and world poverty have been problems that donations are keeping at bay but the problem will get worse. Donations are only based on the goodwill of people and the wealth of these people. What will happen to the people living in poverty when that goodwill runs out? What will happen to the people whose wealth has run out?

Capitalism is flawed but so is communism. Capitalism awards people who are innovative, creative, hard-working, and most importantly, those who get the opportunity to earn wealth. In theory, the smarter you are and the harder you work translates to great wealth. You get what you put in. This idea of economic growth is not bad, but people who don't get the opportunity to work suffer. These people could have been in Harvard or other colleges but they couldn't find a job. These people could have been one of the greatest minds if they got education.

Education can help people understand the world better. It helps them realize the impact of their actions and the nature of the world we live in. It is supposed to help them develop skills they will use in the world. These very skills you can learn from education could help financially or even help create inventions. The stock market is a place of opportunity. Opportunity for both the investor and the company issuing stocks but you need to know how it works. This knowledge can come from books or the education system. In most cases, people can get the majority of their knowledge from the education system but some knowledge that can make a living like the stock market is mostly found in books and online videos. The education system in

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the world differs from place to place so the quality of said education varies. In China, the education system focuses on math and science while education in India focuses on computers. The education system in America doesn't really have a focus on education. There are some exceptional students here and there, but 8th-graders have been working (and struggling) with math that has been learned in 6th grade. I say this from experience. I have seen 8th graders struggle with basic algebra while my cousin from China in 6th grade already learnt it. There may be more things to change and make more challenging in the education system but math is the one I am most familiar with.

As mentioned before, the skills you learn in school should help you in living, but after you go to college and graduate. What do you do after? College doesn't help you find a job or help you decide what you want to do with your life. You have to find these jobs by yourself. There are some business classes that talk about how to get jobs but these classes only last about a trimester or two but it is only really a mention. That's why people rely on other resources to find jobs. School didn't prepare them for finding a job so people use apps like Indeed. There are also problems with unemployment because people aren't prepared to find jobs or companies don't need them. The companies don't want to hire people if they already have an abundance of physical labor which most people can do. In theory, people want to hire smart people which usually and logically correlate to education and more specifically, degrees. People generally agree that having a good degree would give them a better chance at getting a good job but few people go to college because it costs too much or drop out because they are not understanding the classes. The cost of college varies from place to place, but people can go to college for free. There are some colleges that allow students to attend for free and those colleges include famous institutions like Harvard and Yale. The cost of colleges have many factors, but the most common is intelligence. We have heard about scholarships. These scholarships are financial help provided by the school to students of exceptional talent or ability. These scholarships can be sport related or academically given. Both of which can be cultivated early on during elementary, middle and high school. Talent helps with many things but grit and determination takes it further. You get what you earn. That applies to the gains of physical items as well as developing skills. This process of learning is supposed to be hastened by a mentor or teacher, but that will only happen if the student gets challenged. That challenge can be that of an intellectual problem or building up muscle. Muscle grows and becomes stronger only because of the challenges of lifting something heavy. This also applies to the mind. It only grows sharper with appropriate challenges. In turn, the improvement to education can lead to financial support from college because of the higher intelligence of the student. This would also improve the amount of skilled workers who are likely to understand what they are doing. This understanding can lead to reduced workplace accidents and increased respect for work. Education can help open the eyes of a person and introduce them to philosophy. In turn, this understanding of philosophy can lead to the realization and continued thinking about morals and human rights. To solve a problem, one must first find and understand the problem.

In conclusion, human rights are rights that every human needs to continue to exist and grow as a person. This growth can be intellectual, philosophical, or cultural. In order to improve

E3

human rights relationships, we should improve the accessibility of education and increase the learning difficulty of said education.

1828 words

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2

For thousands of years people have been fighting for human rights. It is astounding how this fight hasn't ended yet, that groups of people have to stand up for their values because they are not respected by others. According to the Oxford Dictionary human rights means "a right that is believed to belong justifiably to every person." In my opinion, human rights are inalienable rights that are given to every person in the world, no matter your race, sexuality, nationality, or religion. I believe that we are free, we are equal, and we have the ability to have our own ideas and thoughts. Human rights have changed overtime for good and for bad.

Many people in the world, including me, believe that human rights in the 21st century should be improved. One way that we can improve access to human rights is we could teach people to be more inclusive. We could first begin to achieve inclusivity on a smaller scale, in schools. Schools should have more options for students to participate in cultural clubs and classes. We need students who attend school to be more confident in themselves. Not only that, schools should also teach students to stand up for themselves as well as others around them while not feeling embarrassed about it. In the 21st century, we have controversial issues such as human trafficking, the refugee crisis, workers' rights, LGBTQ+ rights and many more. Schools need to shed light on those debatable topics that make students more aware of the world and how human rights are changing.

Ways I can improve human relations in Emporia can be to train current clubs to teach diversity. For example, a club at my school called Latinos Unidos which teaches about culture, being a part of a community and empathy to help people at schools and around the area feel

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comfortable to be who they are. Not only that, but I can participate in community service, offer to help at shelters, and inform others about events happening in town.

Considering that the fight for human rights is still happening, and that I believe that human rights are a basic set of rights that are inalienable, therefore, we need to teach our younger people to be more inclusive. At Emporia High School, we can start helping people be more inclusive by training clubs in diversity.

392 words

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

SUBJECT: Public Forum.

RECOMMENDATION:

BACKGROUND SUMMARY:

Citizen Appearance Procedures

Presentation 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, City Employee, individual group or corporation.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

ITEM NUMBER: 1

SUBJECT: Appointment for Convention and Visitors Advisory Board (CVAB).

RECOMMENDATION: Review recommendation and appoint to the CVAB.

BACKGROUND SUMMARY:

Currently the City has two board openings on the Convention and Visitors Advisory Board (CVAB). At this time, we have received one application from Deon Morrow. City Commissioners Gilligan and Sauder have interviewed this candidate and recommend appointing him to the board. Attached is a copy of his application.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

APPLICATION FOR ADVISORY BOARD MEMBERSHIP



DATE: 01/10/2022

NAME: Deon NA Morrow
First Name MI Last Name
1027 Lincoln st

ADDRESS: Street
Emporia KS 66801
City State ZIP

Email: morrowdeon7@gmail.com

PHONE: 6208039020

PLACE OF EMPLOYMENT: The Station/Dynamic Disc

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 24 years

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

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON THE

ADVISORY BOARD(S) MENTIONED ABOVE:

I'm an artist and was born and raised in emporia Kansas. I would like to build a place where the younger generation wants to invest in our city. I believe investing in art and spaces will create an environment to better our already great city.

OTHER ACTIVITIES AND INTERESTS:

Art
Event planning
Sport
Culture

In Lieu of Signature, Click Here

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

ITEM NUMBER: 2

SUBJECT: Consider approval of Maintenance Agreement with the Emporia Public Library for 2022.

RECOMMENDATION: Approve Agreement.

BACKGROUND SUMMARY:

The City of Emporia and the Emporia Public Library Board annually renew a cleaning and maintenance services agreement which sets the terms for employees from the City Building Maintenance Department to provide services for the Emporia Public Library. The contract is substantially similar to agreements from previous years with a fee increase of 3% and minor changes to services provided as agreed upon by city and library staff.

The Emporia Public Library Board has approved the agreement subject to approval by the City Commission. City staff recommends the 2022 contract be approved in the amount of \$40,736.71.

A copy of the agreement is attached for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of November, 2021 by and between the Board of Director of the City of Emporia Library, a body corporate and politic under the laws of the State of Kansas, hereinafter referred to as "LIBRARY", and the City of Emporia, Kansas, a municipal corporation organized under the laws of the State of Kansas, hereinafter referred to as "CITY".

WITNESSETH

WHEREAS, the LIBRARY occupies a building owned by the CITY and desires to make arrangements for the cleaning and janitorial services of the building and for the provision of plant maintenance; and

WHEREAS, the CITY is willing to provide such services to the LIBRARY in order to assist the LIBRARY in its obligations with respect to the maintenance of the building and to further assist with the maintenance of such building; and

WHEREAS, the LIBRARY desires to have the CITY provide such services upon the terms and conditions as contained herein and has determined that the expenditures of funds for such services would be an appropriate public purpose.

NOW, THEREFORE, the parties hereto in consideration of the mutual promises and covenants contained herein, do hereby agree as follows:

1. That the term of this agreement will be for a period commencing January 1, 2022 and ending December 31, 2022. Upon mutual agreement of the parties hereto this agreement may be extended upon such other and different terms as the parties may agree.
2. The LIBRARY shall pay to the CITY for the services to be provided a sum of \$40,736.71 payable annually on or before February 15, 2022.
3. The CITY shall provide cleaning and custodial services for the building occupied by the LIBRARY in accordance with the schedule attached hereto at Addendum 1, and incorporated by reference herein, and shall additionally provide manual labor, including but not limited to moving heavy boxes, setting up rooms, assisting with holiday decorations, moving furniture, equipment, etc and providing emergency services in connection therewith upon request and as personnel are available.

4. In addition to the provision of cleaning and custodial services as set forth in the preceding paragraph, CITY shall provide building and plant maintenance services to the Library. Such services shall include the provision of routine maintenance and repair to the building's environmental systems (heating, air conditioning, and air handling, electrical systems, plumbing system and elevator). Additionally, the CITY shall maintain a reasonably acceptable physical appearance and condition of the building on the interior and exterior, including the repair and replacement of damaged windows, damaged ceiling grid, wall cracks, patio and walkway brick deterioration, and miscellaneous repairs. The determination of what is reasonably acceptable appearance shall be a determination made mutually between the parties. The CITY will additionally provide emergency services upon request and as personnel are available.
5. It is anticipated between the parties that this contract will be continued from year to year and it is desired between the parties that a cost basis be more accurately determined for the amount of time and expenses reasonably necessary to provide the services contemplated by this agreement. As a consequence, the CITY agrees to maintain documentation as to the number of man hours expended, actual costs of supplies and materials, the number of machine hours utilized, and any other out-of-pocket expenditures dedicated to the performance of the services hereunder.
6. The LIBRARY will notify the CITY concurrently with the execution of this agreement of any separate maintenance agreements or warranties which may be in place with this respect to the plant and mechanical systems of the LIBRARY and the CITY agrees to take no such actions which would interfere with such maintenance agreements or warranties and where independent contractors or third parties are to be provided pursuant to such agreements or warranties for the repair and/or replacement of equipment or systems otherwise covered by this agreement the parties agree that those individuals shall be so utilized in accordance with such agreements and warranties.

7. As needed and at a mutually agreeable time by October 15 of each year, the CITY's building supervisor, the LIBRARY's building committee chair, and the LIBRARY Director shall meet to review contract performance, building status and potential building problems.
8. Any notices to be provided hereunder shall be provided as follows:
 - a. To the LIBRARY: c/o Library Director, 110 East 6th, Emporia, Kansas 66801;
 - b. To the CITY: c/o City Manager, 522 Mechanic, Emporia, Kansas 66801;
 - c. Or to such other persons as the parties hereto may designate in writing.
9. This agreement may be terminated upon the mutual consent of the parties hereto at any time after its execution. Should any termination of this agreement end during a month, then the LIBRARY's payment for such month shall be prorated.
10. Time is of the essence of this agreement.

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

CITY OF EMPORIA, KANSAS

Mayor

ATTEST:

City Clerk

BOARD OF DIRECTORS OF THE
CITY OF EMPORIA, LIBRARY
By:

ADDENDUM 1: CITY LIBRARY MAINTENANCE AGREEMENT

CLEANING, HOUSEKEEPING, AND MECHANICAL SYSTEMS DUTIES

DAILY AND WEEKEND RESPONSIBILITIES

1. Restrooms: Each restroom (including the staff restroom and family restroom) shall be cleaned thoroughly before 9:00 a.m., or as soon thereafter as circumstances permit, Monday through Friday and during the day if emergency situations arise. Restrooms shall also be cleaned by mid-afternoon on Saturdays and Sundays that the Library is open. This will be done by the weekend duty maintenance crew member.

Daily cleaning will be comprised of: cleaning mirrors; sanitizing urinals and sanitizing table, toilet bowls and sinks; sanitary napkin disposal and diaper pail are to be emptied; floors mopped with clean water and disinfectant; and paper towel and toilet paper dispensers filled as necessary.

2. Empty trash containers and move recycling materials to the designated outside location.
3. Sanitize and clean the drinking fountains.
4. Clean all interior and exterior vestibule glass, below the 7-foot level.
5. Dust mop and/or wet mop Main lobby and vestibules, as necessary. Vacuum the entry carpets and browsing area rugs daily.
6. Vacuum carpet in heavy traffic areas and stairs.
Dust mop and/or wet mop public staircase and landings daily.
7. Set up meeting rooms as schedules requires, realizing that other Library employees (not connected with the Maintenance Dept.) may at times need to assist when meetings are back-to-back or if "Maintenance Crew" is unavailable. Rooms shall be cleaned and tabletops wiped down between meetings as personnel and time permits.
8. Do a general trash clean-up (policing) of the outside areas of the Library including parking lots, courtyard, and lawn and planting beds and other areas as needed. Empty outside trash receptacles located throughout the courtyard.
9. Clean staff lounge (Breakroom) floor and meeting room kitchenette and empty trash can in each daily. Table tops, sinks, and dirty dishes are the responsibility of Library employees. Wipe down the exterior of the appliances, such as dishwasher, cabinets, stove and refrigerators.

10. Elevator should be cleaned, with walls wiped and floors wet mopped.
11. Snow removal shall take place daily, as needed. This is a priority job, taking precedence over all other daily duties. Restrooms shall be cleaned in addition to snow removal, but only after snow removal is complete. Weekend and holiday snow removal shall take place only if the Library is open.

WEEKLY RESPONSIBILITIES

1. Dust chairs, benches and display cases throughout the Library. The City shall not be responsible for dusting open shelving, table-tops and work areas.
2. Library employees should ensure that all plants that need watering have the proper protection under each container. If water spills occur, they should be promptly cleaned up. Library employees are responsible for watering inside plants. City Maintenance shall maintain underground sprinkler system for grass surfaces.
3. Mowing of the Library grass will take place weekly, or as needed. City maintenance shall maintain trees and bushes as needed. City shall not be responsible for-maintaining planting beds, bushes and weed removal in planting beds. City Maintenance shall maintain cracks and expansion joints on hard surfaces for removal of weeds and grass as time allocation permits.
4. Clean both sides of the plexiglass areas on stairway and mezzanine and spot-clean any interior partition glass.
5. Vacuum all remaining carpet not included with daily duties insuring the entire building is vacuumed within a one-month period.
6. Dust mop and/or wet mop floor tile behind circulation desk and underneath furniture on both 1st and 2nd floors.
7. Dust mop and/or wet mop staff work area and Building Maintenance area, as well as the west stairwell as needed.
8. City Maintenance shall monitor and repair underground irrigation system for proper operation.

MONTHLY RESPONSIBILITIES

1. Vacuum all upholstered furniture, chairs and benches. Clean wooden chair arms.
2. Clean and sanitize bathroom partitions as necessary.
3. Dust Venetian blinds.

QUARTERLY RESPONSIBILITIES

1. Clean inside and outside of all 1st floor windows
2. Clean inside of all 2nd floor windows.
3. Power wash plastic meeting room chairs.
4. Dust ceiling fans and blades throughout the building.
5. Change air filters in air handler.

ANNUAL RESPONSIBILITY

1. It is agreed upon that there will be a “designated” library cleaning days on-a mutually agreed upon days in the first 20 days of August. These “designated” cleaning days will be used to take care of many of the small cleaning and maintenance problems at the facility.

MISCELLANEOUS RESPONSIBILITIES

1. Annually, bi-annually or as needed, floor brick surfaces and vinyl tile shall be stripped and new finish applies.
2. Carpeting shall be chemically cleaned annually by a professional outside contractor, by the power extraction method. Cleaning smaller areas of carpet may be done by City Maintenance as needed.
3. Replacement of lightbulbs shall be on an as required basis.
4. Painting and minor remodeling jobs shall be completed on a time available basis.
5. The exterior glass on windows, doors, and the skylight shall be washed and cleaned annually.
6. Sweep and remove trash from mechanical, west stairwell, and Friends of the Library areas in the basement as needed.

SUPPLIES

The City will provide all housekeeping and custodial supplies, which will include such items as paper towels, toilet tissue, cleaning chemicals, hand soaps, trash bags, and other items as may be essential for safe operation. City will provide light bulbs, ballasts, light fixtures and air filters as needed.

EQUIPMENT

The "City" will provide most equipment for doing the aforementioned work (i.e., vacuum cleaners, scrubbing machines, mowers, etc.) replacement of this service type equipment shall be part of the contracted monies and shall be city property.

TERMS

All work being performed shall be part of the contracted amounts with any special projects, other than emergencies receiving approval from Library Director and Facilities Manager.

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

ITEM NUMBER: 3

SUBJECT: Resolution establishing a hearing date for the establishment of an RHID District for the proposed Kretsinger Addition.

RECOMMENDATION: The proposed district meets all legal requirements under Kansas Statutes – Approve.

BACKGROUND SUMMARY:

The Commission passed Resolution #3643 on April 21, 2021 which was the first step in the development of a formal RHID. The Resolution required by state law as part of the RHID process cited the need for housing, specified the potential district boundaries and general development plan. This Resolution along with the Housing Needs Analysis completed by the Emporia Chamber of Commerce and its partners in 2020 was submitted to the Kansas Department Commerce for review and designation. On June 2, 2021 the Secretary of Commerce approved the designation.

The creation of the district is the next step in the process. The establishment of a formal district does not guarantee that funding will be secured for the public improvements necessary to allow residential development but does formally create the RHID process as a financial tool to finance the said improvements

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

Resolution# _____

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

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

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

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

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

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

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

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

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 3643 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution and Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated June 2, 2021, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the "District"); and

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

WHEREAS, the Plan includes:

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

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

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

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

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

Housing Facilities- The housing facilities will be composed of 53 single family housing units.

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

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on March 16th, 2022 in the City Commission Meeting Room of the Civic Auditorium, 515 Mechanic St., Emporia, Kansas; the public hearing is to commence at 7 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

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

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

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

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

Adopted by the Governing this 2nd day of February, 2022

Becky Smith, Mayor

Kerry Sull, City Clerk

Attachment A

Legal description:

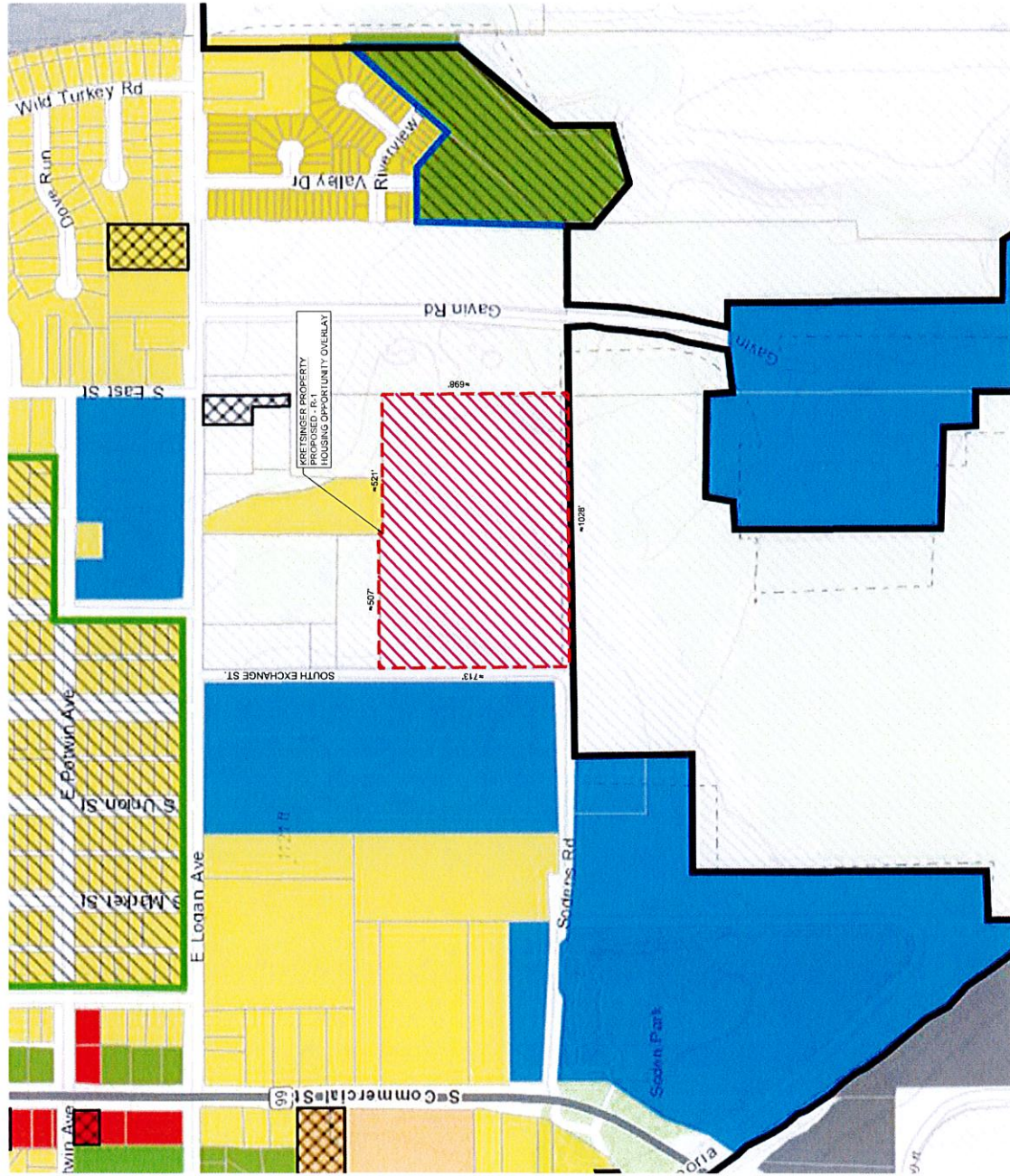
A TRACT OF LAND IN THE NE1/4 OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., DESCRIBED AS FOLLOWS: BEGINNING AT A STONE THAT IS S89°53'02"W, 1022.43 FEET AND S0°16'06"E, 689.37 FEET FROM THE NORTHEAST CORNER OF SAID NE1/4 AND DESCRIBED ON PAGE 491 IN BOOK 129 OF MISCELLANEOUS RECORDS 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.

Attachment B

See attached Map

CURRENT ZONING -
A-L AGRICULTURAL

PROPOSED ZONING -
R-1 LOW DENSITY RESIDENTIAL
HO-O HOUSING OPPORTUNITY OVERLAY



NOTE: ZONING MAP FROM CITY OF EMPORIA WEBSITE. SHALL NOT BE CONSIDERED SURVEY ACCURATE.

NO SCALE

Engineer: BAB	
Draftsman: DJG	
Date: 11.02.21	
Project No: 20-1050E	
Srt. No. 1	Total Shts. 1

REVIEW
NOT FOR
CONSTRUCTION
11.02.21

KRETSINGER DEVELOPMENT
SOUTH EXCHANGE ST/EMPORIA KS

REZONING

Attachment C

Kretsinger, John D & Claudia V; Revocable Trust
and their Successors and Assigns
802 S Commercial St
Emporia, KS 66801-8805

⊟Valuation

Class	2021 Appraised Value		Total
	Land	Building	
A	\$1,930	\$0	\$1,930
Total	\$1,930	\$0	\$1,930

Development Plan

Kretsinger Addition

S. Exchange and Sodens Rd.

Ignite Emporia - Project Developer



1. Legal Description and Map (Exhibit A)

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.

2. Assessed Valuation for Tax Year 2021 was \$1,930.00

Valuation

Class	2021 Appraised Value		
	Land	Building	Total
A	\$1,930	\$0	\$1,930
Total	\$1,930	\$0	\$1,930

3. Primary Owner:

Kretsinger, John D & Claudia V; Revocable Trust
and their Successors and Assigns
802 S Commercial St
Emporia, KS 66801-8805

4. Development of a new 52 Lot Subdivision for the development of single-family homes with a target market price of \$200,000 to \$225,000. ("Target Market Price" reflects Slab on Grade 3 Bedroom/2 Bathroom Home of roughly 1,200 Square Feet Livable Space. Owner additions or upgrades including basement options not included in target price point.) Example Floorplan can be viewed in Exhibit B.

5. Names and addresses of developer and property owned in District Emporia Area Chamber of Commerce, 719 Commercial St. Emporia, KS
See Exhibit C for List of Board of Directors
6. Contractual Assurances of the Developer – Developers intend to utilize the RHID tool to reimburse the cost of construction of development infrastructure estimated to be approximately \$3.5 Million in total cost. Financing for the project will be negotiated with City input on best responsible strategy for City of Emporia Tax Payers.

7. Comprehensive Feasibility Analysis

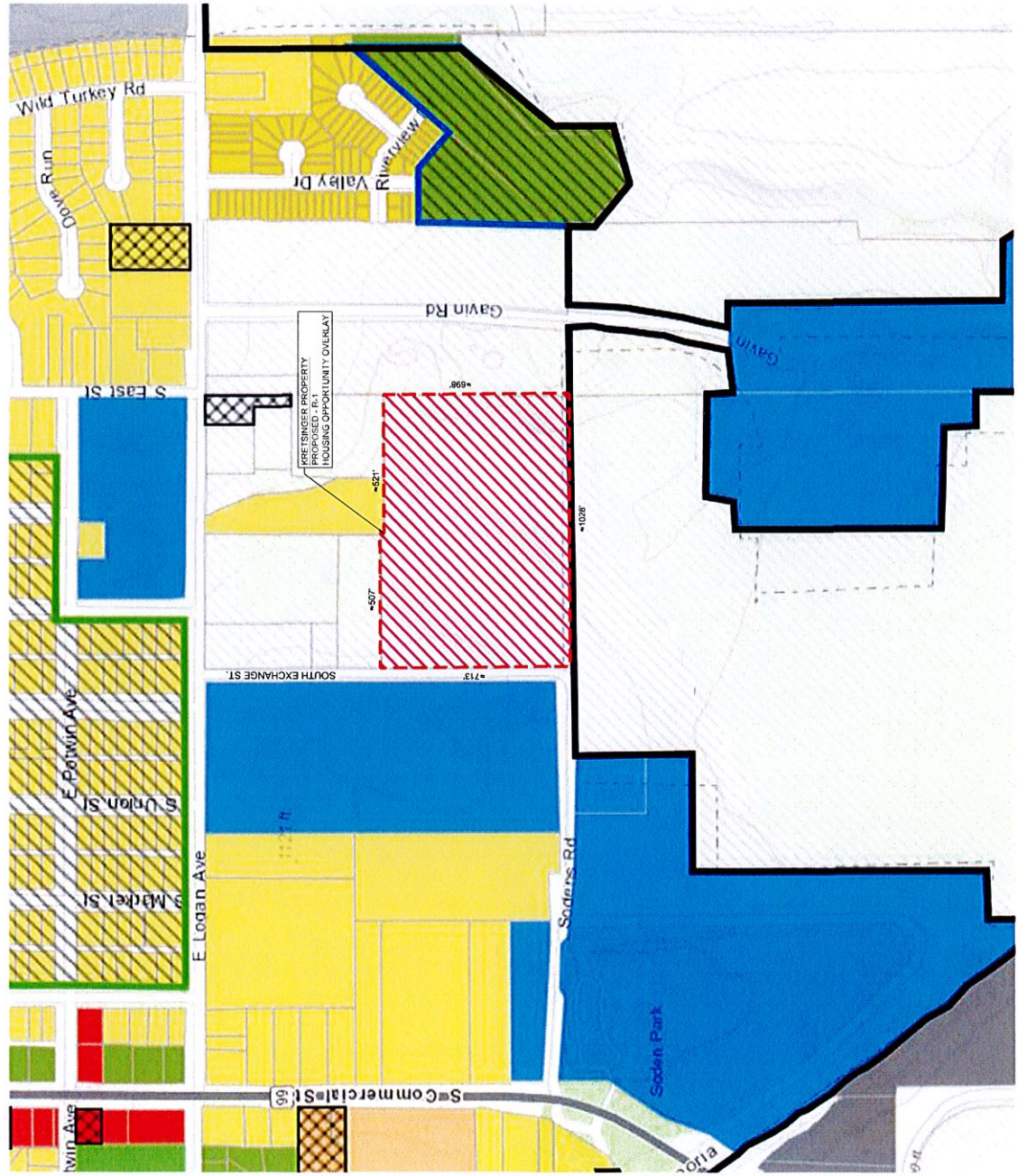
Exhibit D shows an RHID Revenue project based on a 4-year neighborhood build out schedule. Because of anticipated demand and collaboration with multiple local builders the build out phase could be completed within 3-years of lots being made available for construction.

8. The Lyon County Housing Study completed in 2020 indicated a critical need for available lots for housing development to help ease the strain on our current housing market. While this development won't solve our current housing shortage it will create an opportunity for new homes to be added to our inventory and can be combined with additional efforts to explore infill development, upper-story development and additional single-family projects both detached and attached. There is a critical need for housing for our local workforce and community and this project hopes to help fill this need.

 KRETSINGER PROPERTY

CURRENT ZONING -
A-L AGRICULTURAL

PROPOSED ZONING -
R-1 LOW DENSITY RESIDENTIAL
HO-O HOUSING OPPORTUNITY OVERLAY



NOTE: ZONING MAP FROM CITY OF EMPORIA WEBSITE. SHALL NOT BE CONSIDERED SURVEY ACCURATE.

NO SCALE

Engineer.	BAB
Draftsman	DUG
Date	11.02.21
Project No. 20-1050E	
Sht. No.	Total Shts.
1	1

Project No. 20-1050E	
Sht. No. 1	Total Shts. 1

REVIEW
NOT FOR
CONSTRUCTION
11.02.21

REZONING

REZONING

NO.	REVISIONS	DATE	INITIALS

EXHIBIT B



The Net Positive Studio
 Architecture, Net Zero
 Housing to Strengthen
 and Sustain Communities
 APO-design | Kansas State University
 AAS 5 | Fall 2021

Faculty Lead:
 Prof. Michael Gibson, AIA, NCARB, LEED A.P.
 ph: (785) 532-5953 (Architecture Department)
 mdgibson@ksu.edu

Client:
Ignite Emporia
 719 Commercial St
 Emporia, KS 66801
 Ph: (820) 342-1600

Job: Harmony

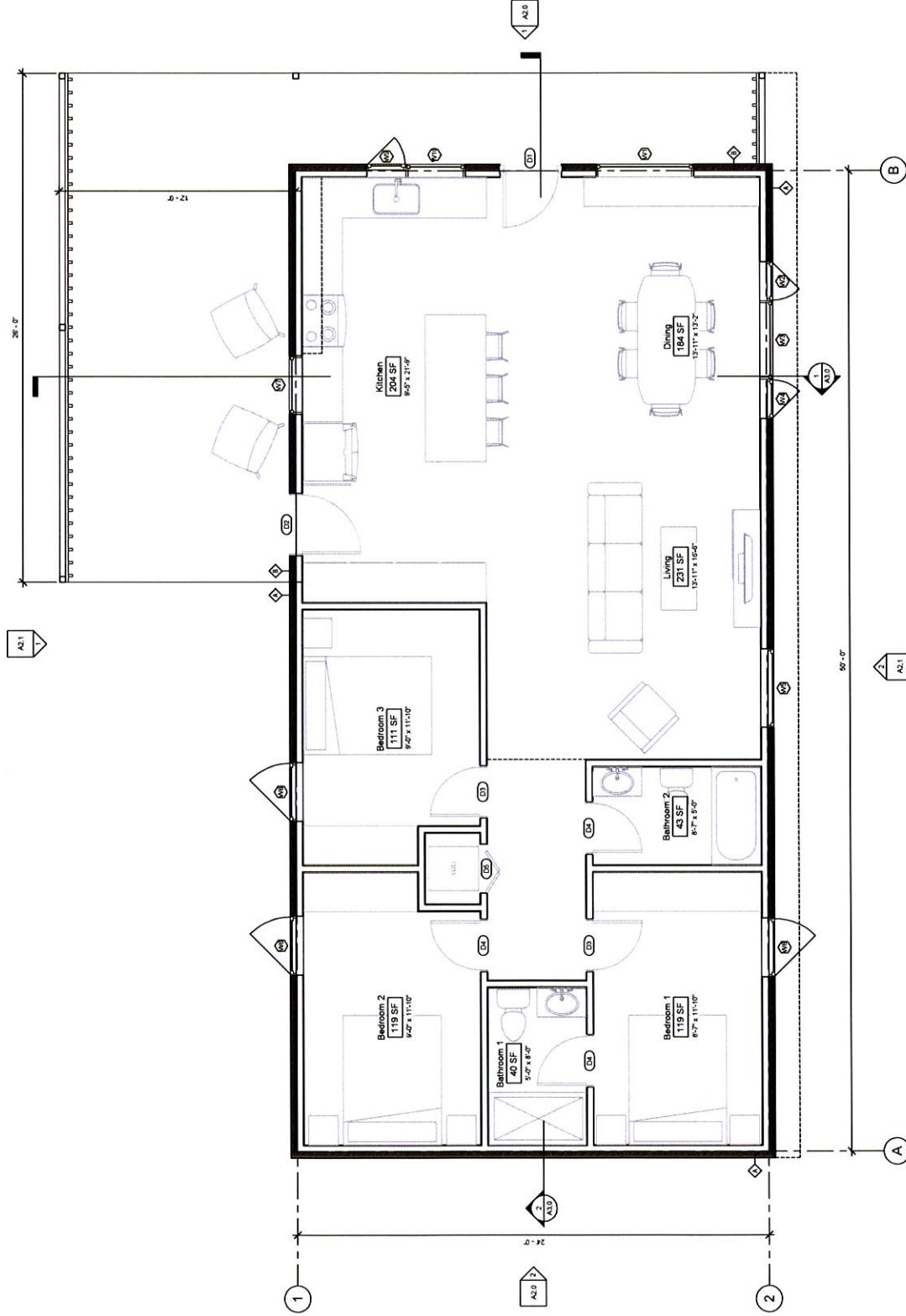


Issue: Schematic
Construction Documentation

Date: December 6, 2021

Floor Plan

A1.2

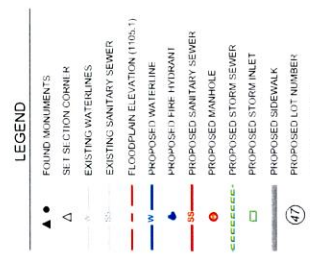


1 | Floor Plan
 A1.2 SCALE 3/8" = 1'-0"

Emporia Area Chamber of Commerce Board of Directors - 2022 - Exhibit C

First Name	Last Name	Organization	Role
Allison	Anderson-Harder	Emporia Public Schools	Board Member
Carla	Barnett	Community National Bank	Chairman of Board
Lori	Clark	Clark Carpet & Tile, Inc.	Board Member
Susan	Cochennet	Gufler Mansion	Board Member
Matthew	Coleman	Hill's Pet Nutrition, LLC	Vice-Chairman
Bryan	Crouch	Flint Hills Technical College	Vice-Chairman
Tyler	Curtis	Kansas Area United Methodist Foundation	Board Member
LeLan	Dains	Visit Emporia	Director Visit Emporia
Rob	Gilligan	Emporia Area Chamber of Commerce	Director Ignite Emporia
Kelly	Heine	Emporia State University	Board Member
Ronda	Henery	Jack's Lawn & Pool Store	Board Member
Matt	Johnson	Keller Williams Realty Diamond Partners Inc.	Chair-Elect
J. Greg	Jordan	Lyon County History Center	Visit Emporia Liaison
Joey	LeMay	Simmons Pet Food KS, Inc.	Vice-Chairman
Amy	Little	Emporia Area Chamber of Commerce	Membership Director
Jeanine	McKenna	Emporia Area Chamber of Commerce	President/CEO
Dan	Nichols	Pizza Ranch	Board Member
Nik	Roth	PrairieLand Partners	Immediate Past Chair
Houston	Sober	Houston Sober Agency - Farmers Insurance	Board Member
Trey	Sommers	Sommers Auto Plaza	Board Member
Josh	Thuma	Agler & Gaeddert, Chtd.	Treasurer
Aaron	Trelc	Mark II Lumber	Board Member

[illegible]



*Kretsinger
Subdivision*

an Addition to the City of Emporia, Lyon County, Kansas

Prepared By:



BG CONSULTANTS
INGENIEURBÜRO ARCHITEKTUR - SCHULFACHUNG

January 14, 2022
MARTIN LUTHER KING, JR. MEMORIAL LIBRARY

1120E

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

SUBJECT: Communications

RECOMMENDATION:

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 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 19, 2021.
 - b. Consider ratification of Payroll Ordinance for the periods ending January 14, 2022.
 - c. December Budget.
 - d. Consider approval of Change Order No. 1 for the Public Works Center Pavement Improvement Project.
 - e. Consider approval of Change Order No. 2 for the Public Works Center Pavement Improvement Project.
 - f. Consider approval of Time and Date to Receive Bids for the 2022 Hazardous Sidewalk Improvements Project.
-

RECOMMENDATION:

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

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

SUBJECT: Consider approval of Change Order No. 1 for the Public Works Center Pavement Improvement Project.

RECOMMENDATION: Staff recommends approval of Change Order No. 1 in the amount of \$5,740.00 for the Public Works Center Pavement Improvement Project.

BACKGROUND SUMMARY

Public Works staff is requesting approval of a change order to the Public Works Pavement Improvement Project. In order to address drainage issues, we need to add a section of concrete to the northwest side of the building. The new concrete will be tied into the existing concrete slab to allow for adequate drainage. The change order will add 76 square yards of concrete to the project and \$5,740.00 to the original contract price.

The new total contract amount will be \$582,645.50.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

SUBJECT: Consider approval of Change Order No. 2 for the Public Works Center Pavement Improvement Project.

RECOMMENDATION: Staff recommends approval of Change Order No. 2 in the amount of \$16,945.22 for the Public Works Center Pavement Improvement Project.

BACKGROUND SUMMARY:

Public Works staff is requesting approval of a change order to the Public Works Pavement Improvement Project. We would like to add a concrete storage pad 202 ft x 10 ft to the east side of the Solid Waste Collections barn for the storage of trash and recycling poly carts. This will allow for better organization of the division's assets, making it more efficient to complete work orders. The change order will add 225 square yards of concrete and \$16,945.22 to the original contract price.

The new total contract amount, including Change Order No. 1, will be \$599,590.72.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

SUBJECT: Set 2:00 p.m., Tuesday, February 22, 2022 as time and date to receive bids for the 2022 Hazardous Sidewalk Improvements Project.

RECOMMENDATION: Set bid time and date.

BACKGROUND SUMMARY:

This is the annual hazardous sidewalk program. With this bid, prices will be set, and a contractor selected for the 2022 Hazardous Sidewalk Project.

Attached is the Invitation to Bid.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

INVITATION TO BID

Sealed bids for the **2022 Hazardous Sidewalk Project** will be received at the office of the City Clerk, City of Emporia, Kansas located at 104 E. 5th Avenue, up to **2:00 p.m. on Tuesday, February 22, 2022**, and then publicly opened in the Engineering Department's Conference Room located at 522 Mechanic Street. A non-mandatory pre-bid conference will be held at 2:00 p.m. on Tuesday, February 15, 2022, at the same location.

The work will consist of all Hazardous Sidewalk replacement at locations assigned by the City for the Calendar Year 2022. Contractor will receive a Purchase Order as requests are received and will have 60 calendar days from the date of the Purchase Order to complete the work at the site or sites indicated. Unit prices will be per Purchase Order and not based on total project quantity:

<u>BID ITEM</u>	<u>ESTIMATED QUANTITY</u>
4" Sidewalk (0 SF –100 SF)	50 SF
4" Sidewalk (101 SF – 250 SF)	1,800 SF
4" Sidewalk (251 SF +)	2,000 SF
6" Sidewalk	400 SF
6" Reinforced Sidewalk	250 SF
Miscellaneous Site Work	50 HR
Curb & Gutter (Remove & Replace)	60 LF
Handicap Ramp (Warning Panel)	20 SY
Handicap Ramp (No Panel)	5 SY
Saw Cutting	100 LF

Specifications and bid documents are on file at the office of the City Engineer, 522 Mechanic Street, P.O. Box 928, Emporia, KS 66801 (620-343-4260). The cost for specifications and bid documents is twenty dollars (\$20), which is nonrefundable. If the Contractor prefers plans and bid documents sent by UPS there is an additional required fee of five dollars (\$5). Also, the Contractor may request an electronic copy of specifications and bid documents for a flat rate fee of twenty dollars (\$20). The City of Emporia Master Set of Specifications (for all projects) is available upon request for a cost of \$20 for a hard copy. A contractor either shall have a current set of City Master Specs or have a signed contractor's acknowledgement on file with the City Engineer's Office that they have read and shall abide by the Master Set of Specifications on the City Web page in order to bid City of Emporia projects.

Each bid shall be accompanied by a certified check, a cashier's check, or an approved bidder's bond in the flat rate amount of \$1,000. Any bid bond must be with a surety and guaranty company authorized to do business in the State of Kansas and acceptable to the City as Surety. It will be the intent of the City to no longer add large sections of downtown sidewalk to this program unless agreed to by the contracted contractor.

The Bidder to whom the Contract is awarded will be required to furnish a statutory bond for twenty thousand dollars (\$20,000) and a performance and maintenance bond for twenty thousand dollars (\$20,000); the bonds to be acceptable to the City of Emporia, Kansas, and conform to the requirements of the Contract documents.

The City of Emporia, Kansas, reserves the right to reject any or all bids and to waive defects in bids. No bids will be withdrawn for a period of thirty (30) days after the time set for opening of bids.

If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact Jeff Lynch, City of Emporia ADA Coordinator at least 48 hours before the event at 620-343-4291 or e-mail jlynch@emporia-kansas.gov

THE CITY OF EMPORIA, KANSAS

Kerry Sull
City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 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.

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

Tentative Agenda for February 9th Study Session

- Discuss Flashing light at the Intersection of 6th Avenue & Congress Street.
- Discuss Extra Strength Sewer Rate Increase.
- Post Construction Stormwater Ordinance Discussion.
- Discuss Sewer Use Ordinance and Industrial Pretreatment Program.
- Discuss 12th Avenue Elevated Storage Tank Logo.
- Discuss Proposal for Conduction of Community Survey for the City.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

SUBJECT: Governing Body Comments.

RECOMMENDATION:

BACKGROUND SUMMARY:

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

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: February 2, 2022

SUBJECT: Executive Session.

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commission request a 15-minute Executive Session for consultation with the City Attorney to discuss a legal matter and to invite Jim Witt, Special Projects Manager.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

COMMISSION MEETING

7:00 P.M.

JANUARY 19, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January 19, 2022, with Mayor Smith presiding and Commissioners Brinkman, Giefer, Gilligan and Sauder present. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery via phone.

Representatives of Delta Chapter of Sigma Tau Gamma Fraternity, were in attendance to accept a proclamation declaring January 20, 2022 as "Delta Chapter of Sigma Tau Gamma Fraternity Day" in Emporia. They stated the Delta Chapter of Sigma Tau Gamma Fraternity was originally founded as Alpha Sigma Alpha Fraternity in 1916 at Kansas State Normal. The Fraternity's mission is "to be a Fraternity of Courageous and Noble Gentlemen who Always Endeavor Forward." The Fraternity and its members believe in the Principles of Learning, Integrity, Excellence, Leadership, Citizenship and Brotherhood. They stated the Delta Chapter of Sigma Tau Gamma Fraternity takes pride in helping the Emporia, Kansas community through the Emporia Public Library and Special Olympics.

Mayor Smith then presented the proclamation.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

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

Dylan Gutierrez, 209 E. Logan Avenue, addressed the Governing Body with concerns over a proposed subdivision on property located on the east side of Sodens Road and South Exchange Street. He then reviewed his outline of concerns and was opposed to any changes to the property.

Ken Barrows, 704 S. Commercial Street and Luann Gutierrez, 209 E. Logan Avenue, addressed the Governing Body in opposition of the proposed subdivision on the property.

**CITY COMMISSION
(Board Appointment)**

Natural Resources Advisory Board:

It was moved by Commissioner Gilligan seconded by Commissioner Sauder that Patricia Seanz-Reyes be appointed to the Natural Resources Advisory Board to fill an unexpired term that expires December 31, 2023. The vote follows: Commissioner Gilligan, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Letter of Support for Rural Innovation Strategies, Inc.)
(Economic Adjustment Assistance - Heartland Regional Grant)
(Letter of Support for Center on Rural Innovations's)
(Economic Development Administration) - Good Jobs Challenge)**

Rob Gilligan, Ignite Emporia Director, was recognized and addressed the Governing Body. He stated Rural Innovation Strategies, Inc. was founded on 2017 to advance economic prosperity in rural America to show the need for creating vibrant digital economic development within rural communities across the country. Through the Heartland Startup Community Design Sprint, a 3-day, facilitated workshop experience in each community that will lead to a customized core curriculum for entrepreneurial events for each community. Six months of post Sprint implementation support to assist with implementing the work plans in each community will be provided. He stated Rural Innovation Strategies, Inc. is requesting funding from the Economic Development Administrations 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. He stated participants are asked to provide support letters to document their need for this programming and willingness to participate. He stated

he was recommending approval of the Letters of Support for RISI's EDA Economic Heartland Regional Grant and CORI Good Jobs Challenge Grant Proposal.

Commissioner Brinkman made a motion authorizing the Mayor to sign the Letters of Support for the RISI's EDA Economic Adjustment Assistance Heartland Regional Grant and CORI Good Jobs Challenge Grant Proposal. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

PLANNING AND DEVELOPMENT

**(MAPC Excerpts of Regular Meeting Held 12-21-21)
(Application No. 2021-21 - Request of John & Claudia Kretsinger)
(Rezone 16.8 Acre Unplatted Parcel of Land)
(Located East Side of Sodens Road & South Exchange Street)
(From A-L, Agricultural to R-1, Low Density Residential)**

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.**

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of John and Claudia Kretsinger for the ability to create a Housing Opportunity Overlay District on the subject property and develop the property in a manner that is outside normal development parameters for residential use and districts in Emporia. The applicant desires to develop this area into a housing development. The property is currently undeveloped and zoned A-L, Agriculture and the proposed zoning district R-1, Low Density Residential is consistent with the comprehensive plan. A public hearing was held and positive support for rezoning came from the property owners, agents for the owners and developers. He stated no person spoke in opposition at the public hearing. At their December 21, 2021 regular meeting, the Planning Commission approved Application 2021-21 changing the zoning from A-L, Agricultural to R-1, Low Density Residential with a vote of 6-0-1.

PLANNING AND DEVELOPMENT

**(MAPC Excerpts of Regular Meeting Held 12-21-21)
(Application No. 2021-21 - Request of John & Claudia Kretsinger)
(Rezone 16.8 Acres Unplatted Parcel of Land)
(Located on the East Side of Sodens Road & South Exchange Street)
(From A-L, Agricultural to R-1, Low Density Residential)
(Ordinance Number 22-03)**

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, to which the City Clerk assigned Ordinance Number 22-03, was presented to the Governing Body for their consideration.

Commissioner Gilligan stated he would abstain from the vote.

Commissioner Brinkman made a motion to approve Ordinance Number 22-03, an ordinance to rezone 16.8 acres parcel of land located on the East side of Sodens Road and South Exchange Street from A-1, Agricultural to R-1, Low Density Residential. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioner Gilligan abstained.

PLANNING AND DEVELOPMENT

**(Application No. 2021-22 - Request of John & Claudia Kretsinger)
(Conditional Use Permit for 16.8 Acres Unplatted Parcel of Land)
(Located on the East Side of Sodens Road & South Exchange Street)
(Establishment of Housing Opportunity Overlay District)**

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, 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.

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of John and Claudia Kretsinger for a Conditional Use Permit designating a Housing Opportunity Overlay District for a 16.8 acres unplatted parcel of land located on the East side of Sodens Road and South Exchange Street. The applicant is requesting a Conditional Use Permit for the establishment of a Housing Opportunity Overlay (HOO). In order to qualify for an HOO, the zoning must be R-1 or R-2. The CUP would allow for reductions in lot sizes to 5,800 sq. ft. versus 9,000 sq. ft.; reduced rear yard to 20 ft. from 25 ft.; increased maximum lot coverage from 35% to 40%; and creates

a minimum habitable space of not less than 900 sq. ft. He stated the future map indicates this area will be within the Single-family detached zoning district. At their December 21, 2021 regular meeting the Planning Commission voted to approve Application 2021-22 with a vote of 5-1-1.

PLANNING AND DEVELOPMENT

**(Application No. 2021-22 - Request of John & Claudia Kretsinger)
(Conditional Use Permit for 16.8 Acres Unplatted Parcel of Land)
(Located on the East Side of Sodens Road & South Exchange Street)
(Establishment of Housing Opportunity Overlay District)
(Ordinance Number 22-04)**

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 22-04, was presented to the Governing Body for their consideration.

Commissioner Gilligan stated he would abstain from the vote.

Commissioner Sauder made a motion to approve Ordinance Number 22-04, an ordinance issuing a conditional use permit to allow a Housing Opportunity Overlay District for 16.8 acres parcel of land located on the East side of Sodens Road and South Exchange Street. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioner Gilligan abstained.

PLANNING AND DEVELOPMENT

**(MAPC Excerpts of Regular Meeting Held 12-21-21)
(Application No. 2021-20 - Request of Crosswinds)
(Conditional Use Permit for 1519 Merchant Street)
(Relocate Administrative and Counseling Offices)**

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.

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of Mental Health Center of East Central Kansas (Crosswinds) for a Conditional Use Permit to allow for the relocation of its administrative and counseling offices to 1519 Merchant Street. He stated the CUP will allow for a behavioral counseling and administrative support in a R-3, High Density Residential area. He stated the CUP will be tied to the owner of the property, if the owner leaves the building the CUP would not exist. The required number of parking spaces based on the size of the building would be 33 and 40 are provided. At their December 21, 2021 regular meeting the Planning Commission voted unanimously in favor of the Conditional Use Permit for 1519 Merchant Street.

PLANNING AND DEVELOPMENT
(Application No. 2021-20 - Request of Crosswinds)
(Conditional Use Permit for 1519 Merchant Street)
(Relocate Administrative and Counseling Offices)
(Ordinance Number 22-05)

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 22-05, was presented to the Governing Body for their consideration.

Commissioner Sauder stated he would abstain from the vote.

Commissioner Gilligan made a motion to approve Ordinance Number 22-05, an ordinance authorizing a Conditional Use Permit for 1519 Merchant Street. Commissioner Giefer seconded the motion. The vote follows: Commissioner Gilligan; aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; and Mayor Smith, aye. Commissioner Sauder abstained.

PLANNING AND DEVELOPMENT
(MAPC Excepts of Regular Meeting Held 12-21-21)
(Application No. 2021-23 - Request of CMR Holdings/Guardian Constr.)
(Conditional Use Permit located at 2606 W. Hwy 50)
(Allow Storage Units)

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.

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of CMR Holding/Guardian Construction for a Conditional Use Permit to allow storage/warehousing in a C-3 General Commercial District located at 2606 W. Highway 50. Phase 1 consists of 46 new storage units and Phase 2 consists of 107 storage units. Phase 3 will not be developed as storage units and will not be included in the Conditional Use Permit. The property is an irregular lot sized 3.39 acres and is currently vacant commercial property. The City Technical Review Team met and reviewed the application. A storm water study prepared by a civil engineer would need to be approved prior to development. At their December 21, 2021 regular meeting the Planning Commission voted unanimously to approve the Conditional Use Permit to allow storage units for the property located at 2606 W. Highway 50.

Commissioner Giefer stated he had concerns about making sure the area around the storage units had concrete parking and not gravel. He wanted to make sure the paving would be completed.

PLANNING AND DEVELOPMENT

**(Application No. 2021-23 - Request of CMR Holdings/Guardian Constr.)
(Conditional Use Permit located at 2606 W. Hwy 50/Allow Storage Units)
(Ordinance Number 22-06)**

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk

assigned Ordinance Number 22-06, was presented to the Governing Body for their consideration.

Commissioner Brinkman made a motion to approve Ordinance Number 22-06, an ordinance issuing a Conditional Use Permit to allow storage units in accordance with Section 9-4, and table 9.2 of the Zoning Regulations at property located at 2606 W. Highway 50. 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 MANAGER'S REPORTS

This is the time for the City Manager to make comments and reports to the public. **The following is general information for the month of December for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

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

2. City Share from County Tax

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

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

Consent Agenda

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

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

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

CITY COMMISSION

(City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution 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 26th Study Session at 10:00 a.m.

- **Update from Empower House Ministries.**
- Discuss KDHE Pretreatment Changes.
- 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 Improvement Project for 10ft. Additional concrete in Eastside of Sanitation Barn.
- Discuss Extra Strength Sewer Rate Increase.
- Discuss Post Construction Stormwater Ordinance.
- Update on Strategic Planning.

CITY COMMISSION

(Public Comment)

This is the time for Mayor and City Commissioners to make comments and reports to the public. No comments were made at this time.

EXECUTIVE SESSION

Commissioner Giefer made a motion to adjourn into Executive Session to discuss proprietary information regarding two upcoming projects and to invite Special Projects Manager Jim Witt, from 7:47 p.m. to 8:12 p.m., in the City Commission Meeting Room. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 8:12 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed proprietary information regarding two upcoming projects and no action was taken.

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

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk