



**MEETING OF THE CITY COMMISSION - AGENDA
WEDNESDAY, JULY 20, 2022 AT 11:00 AM
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER

Mayor Becky Smith

MEMBERS PRESENT

Vice Mayor Giefer
Commissioner Brinkman
Commissioner Harter
Commissioner Sauder

PROCLAMATIONS

PUBLIC FORUM

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Hate speech, profanity, and defamation are not allowed. Please state your name and address prior to making comments.

NEW BUSINESS

1) Ordinance No. 22-34 for Rezoning Property within the City of Emporia.

Presented by:

Justin Givens, Administrator of Planning & Zoning

Recommended Action: Approve Ordinance

2) Change Order No. 2 for Americus Road Sanitary Sewer Extension Project No. SS2002.

Presented by:

Jim Ubert, City Engineer

Recommended Action: Approve Change Order

3) Ordinance No. 22-35 Relating to Meetings of the Governing Body.

Presented by:

Christina Montgomery, City Attourney

Recommended Action: Approve Ordinance

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

1) June Financial & Permits

2) June Budget

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Approve the minutes of the July 6, 2022, City Commission Meeting.
 - 2) Ratification and Approval of the Payroll Ordinances for the period ending July 1, 2022.
- Recommended Action:** Approve the Consent Agenda as presented.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Agenda Items for all Upcoming Commission Meetings.

GOVERNING BODY COMMENTS

Mayor Becky Smith
Vice Mayor Danny Giefer
Commissioner Erren Harter
Commissioner Susan Brinkman
Commissioner Jamie Sauder

EXECUTIVE SESSION

- 1) **The City Commission requests an Executive Session to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships for potential economic development projects. K.S.A. 75-4319(B)(4) is the authority for this recess into Executive Session.**

Recommended Action: Recess into Executive Session to discuss proprietary information of third parties for potential economic development projects for 15 minutes, inviting Special Projects Manager Jim Witt, and stating at which time the open meeting will resume.

RECESS

Recess to Conference Room 1AB for Study Session

STUDY SESSION ITEMS

- 1) Designing City Logo with Crowd Sourcing & RFQ
- 2) American Legion Commander Child's Presentation "Project Atlas"
- 3) Budget Discussion

ADJOURNMENT



Commission Action Report

Title: Ordinance No. 22-34 for Rezoning Property within the City of Emporia
Proposed Agenda Date: July 20, 2022
Presented By: Justin Givens, City Planner

BACKGROUND:

At the April 6, 2022, City Commission meeting, the City Commission returned the proposed rezoning to the Planning Commission for further consideration. At the April 6th meeting, the applicant expressed a desire to have a portion of the property rezoned to R-3 High-Density Residential Zoning as opposed to having the entirety of the properties rezoned to R-2 Medium Density Residential Zoning.

At their May 17, 2022 meeting, the Emporia Metropolitan Planning Commission did recommend approval of a zoning change for property located on the east side of Michelle St., south of 12th Ave., and north of 9th Ave. A portion of which would be rezoned to R-3 High-Density Residential Zoning and a portion which would be R-2 Medium Density Residential Zoning.

Attached is an excerpt of minutes from the May meeting including the staff's report to the Planning Commission.

DISCUSSION:

The proposed rezoning would facilitate the development of 15 - 20 single-family attached units and multi-plex units. The applicants are working with the City to help minimize some of the flooding issues that occur in the area during high rain events as well. The proposed development consists of 5.6 acres of undeveloped land that is currently zoned C-3 General Commercial and R-1 Low-Density Residential. The applicants originally applied for R-3 High-Density Zoning, but upon discussion with the Planning Commission, it was agreed upon that R-2 Medium Density Zoning was more appropriate for the location and scope of the proposed project.

After further discussion with their engineer and city staff, the applicants determined that the amount of land that would need to be dedicated to mitigating stormwater issues was greater than originally planned.

Based on this information, the applicants requested that the north portion of the property (currently adjacent to R-3 zoned properties) be rezoned R-3 as originally requested, and the balance of the property be classified as R-2. The R-3 zoning would allow for additional housing units to be developed, minimizing the financial impact of land dedicated to stormwater management.

The Planning Commission, in reconsidering the application, agreed with the applicants, and approved recommended rezoning a portion of the property R-3 and the remainder of the property R-2.

At the original Public Hearing, there were several members of the surrounding area that shared concerns about existing stormwater issues in the area, the impact of this project on street flooding, as well as the impact of possible apartments on the neighborhood. The area that is remaining R-2 would eliminate the potential for apartments adjacent to single-family homes, and the developers will have to work with the city to mitigate the increase in stormwater for their property as well as additional stormwater that runs across their property.

FINANCIAL CONSIDERATIONS:

There are no financial considerations for this item.

OTHER CONSIDERATIONS:

The Governing Body, when considering a recommendation from the Planning Commission on a Rezoning Application may; 1) Adopting the ordinance as presented or with conditions that the Governing Body sees fit; 2) Overriding the Planning Commission's recommendation by a 2/3 majority vote of the entire City Commission; 3) Table the request for further study; 4) Return the application to the Planning Commission, giving reasons for doing so.

RECOMMENDED ACTION:

Staff is recommending the Governing Body adopt the Ordinance rezoning the property to R-3 High-Density Residential and R-2 Medium Density Residential.

ATTACHMENTS:

Excerpt of Minutes (including staff report)

Rezoning Ordinance No. 22-34

Aerial Map

Current Zoning Map

Proposed Rezoning Map

Plan ELC Map

ORDINANCE NO. 22-34

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM C-3 GENERAL COMMERCIAL DISTRICT AND R-1, LOW DENSITY RESIDENTIAL DISTRICT TO R-2 MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT AND R-3 HIGH DENSITY RESIDENTIAL ZONING DISTRICT AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING

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

Section 1. The following described properties are hereby rezoned from C-3 General Commercial District to that of R-2, Medium Density Residential Zoning to wit:

A TRACT LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., CITY OF EMPORIA, LYON COUNTY, KANSAS; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTH LINE OF TWELFTH AVENUE AT A POINT 40 FEET SOUTH AND 389.33 FEET EAST OF THE NW CORNER OF SAID SE1/4; THENCE ON AN ASSUMED BEARING OF EAST ON THE SOUTH LINE OF TWELFTH AVENUE FOR A DISTANCE OF 788.78 FEET TO THE WEST LINE OF WHILDIN STREET; THENCE SOUTH 00 DEGREES 33 MINUTES 14 SECONDS WEST ON SAID WEST LINE FOR A DISTANCE OF 50.89 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE A.T. & S.F. RAILWAY; THENCE ON A CURVE TO LEFT HAVING A RADIUS OF 1949.53 FEET WITH A CHORD BEARING OF SOUTH 37 DEGREES 16 MINUTES 46 SECONDS WEST FOR AN ARC DISTANCE OF 866.37 FEET TO THE NE CORNER OF LOT 16 OF EASTWOOD THIRD ADDITION; THENCE NORTH 65 DEGREES 33 MINUTES 02 SECONDS WEST ON THE NORTHERLY LINE OF SAID LOT 16 FOR A DISTANCE OF 119.80 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 36 SECONDS WEST ON THE NORTH LINE OF LOT 16 AND 15 IN EASTWOOD THIRD FOR A DISTANCE OF 165.67 FEET TO THE EAST LINE OF MICHELLE STREET; THENCE NORTH 00 DEGREES 34 MINUTES 38 SECONDS EAST ON THE EAST LINE OF MICHELLE STREET FOR A DISTANCE OF 524.24 FEET; THENCE WEST ON THE NORTH LINE OF MICHELLE STREET FOR A DISTANCE OF 101.19 FEET TO THE EAST LINE OF MARY STREET; THENCE NORTH 00 DEGREES 50 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 170.22 FEET TO THE SOUTH LINE OF TWELFTH AVENUE; THENCE NORTH 89 DEGREES 59 MINUTES 44 SECONDS EAST ON THE SOUTH LINE OF TWELFTH AVENUE FOR A DISTANCE OF 100.36 FEET; THENCE SOUTH 00 DEGREES 34 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 9.40 FEET TO THE POINT OF BEGINNING.

EXCEPT THE FOLLOWING TRACT:

A TRACT LOCATED IN THE SE1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., CITY OF EMPORIA, LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTH LINE OF TWELFTH AVENUE AT A POINT 40 FEET SOUTH AND 490.95 FEET EAST OF THE NORTHWEST CORNER OF SAID SE1/4; THENCE EAST (ASSUMED) ON SAID SOUTH LINE FOR A DISTANCE OF 340 FEET; THENCE SOUTH AT RIGHT ANGLES FOR A

DISTANCE OF 430 FEET TO THE WESTERLY RIGHT OF WAY OF THE A.T. & S.F. RAILWAY; THENCE WEST AT RIGHT ANGLES FOR A DISTANCE OF 340 FEET; THENCE NORTH AT RIGHT ANGLES FOR A DISTANCE OF 430 FEET TO THE POINT OF BEGINNING.,

AND EXCEPT THE FOLLOWING TRACT:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6th P.M., IN THE CITY OF EMPORIA, LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 11; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11 EAST 389.33 FEET; THENCE SOUTH 40 FEET TO THE POINT OF BEGINNING; THENCE EAST 101.62 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO LEGEND HILLS LLC AS DESCRIBED ON DOCUMENT 2019-04449 IN THE LYON COUNTY REGISTER OF DEEDS; THENCE ALONG THE WEST LINE OF SAID LEGEND HILLS LLC TRACT SOUTH 185 FEET TO THE EXTENDED CENTERLINE OF MICHELLE STREET, A PUBLIC STREET IN THE CITY OF EMPORIA; THENCE ALONG THE EXTENDED CENTERLINE OF SAID MICHELLE STREET WEST 101.62 FEET TO THE EAST LINE OF EAST WOOD ADDITION IN THE CITY OF EMPORIA, LYON COUNTY, KANSAS; THENCE ALONG THE EAST LINE OF SAID EAST WOOD ADDITION NORTH 25 FEET TO THE NORTH LINE OF SAID MICHELLE STREET; THENCE ALONG THE NORTH LINE OF SAID MICHELLE STREET WEST 100 FEET TO THE EAST LINE OF MARY STREET, A PUBLIC STREET IN THE CITY OF EMPORIA; THENCE ALONG THE EAST LINE OF SAID MARY STREET NORTH 170 FEET TO THE SOUTH LINE OF 12TH AVENUE, A PUBLIC STREET IN THE CITY OF EMPORIA; THENCE ALONG THE SOUTH LINE OF SAID 12TH AVENUE THE FOLLOWING TWO COURSES:

1. EAST 100 FEET
2. SOUTH 10 FEET TO THE POINT OF BEGINNING

Section 2. The following described properties are hereby rezoned from R-1 Low Density Residential to that of R-2, Medium Density Residential Zoning to wit:

LOT 15, 16, 17, 18, 19, 20 AND 21 IN EASTWOOD 3RD ADDITION TO THE CITY OF EMPORIA, LYON CONTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

Section 3. The following described property is hereby rezoned from C-3 General Commercial District to that of R-3, High Density Residential Zoning to wit:

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6th P.M., IN THE CITY OF EMPORIA, LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 11; THENCE ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11 EAST 389.33 FEET; THENCE SOUTH 40 FEET TO THE POINT OF BEGINNING; THENCE EAST 101.62 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED

TO LEGEND HILLS LLC AS DESCRIBED ON DOCUMENT 2019-04449 IN THE LYON COUNTY REGISTER OF DEEDS; THENCE ALONG THE WEST LINE OF SAID LEGEND HILLS LLC TRACT SOUTH 185 FEET TO THE EXTENDED CENTERLINE OF MICHELLE STREET, A PUBLIC STREET IN THE CITY OF EMPORIA; THENCE ALONG THE EXTENDED CENTERLINE OF SAID MICHELLE STREET WEST 101.62 FEET TO THE EAST LINE OF EAST WOOD ADDITION IN THE CITY OF EMPORIA, LYON COUNTY, KANSAS; THENCE ALONG THE EAST LINE OF SAID EAST WOOD ADDITION NORTH 25 FEET TO THE NORTH LINE OF SAID MICHELLE STREET; THENCE ALONG THE NORTH LINE OF SAID MICHELLE STREET WEST 100 FEET TO THE EAST LINE OF MARY STREET, A PUBLIC STREET IN THE CITY OF EMPORIA; THENCE ALONG THE EAST LINE OF SAID MARY STREET NORTH 170 FEET TO THE SOUTH LINE OF 12TH AVENUE, A PUBLIC STREET IN THE CITY OF EMPORIA; THENCE ALONG THE SOUTH LINE OF SAID 12TH AVENUE THE FOLLOWING TWO COURSES:

1. EAST 100 FEET
2. SOUTH 10 FEET TO THE POINT OF BEGINNING

All generally located: south of E. 12th Ave. and east of Michelle St. and north of E. 9th Ave.
Emporia, KS

Section 3. This ordinance shall become effective upon publication in the official city newspaper.

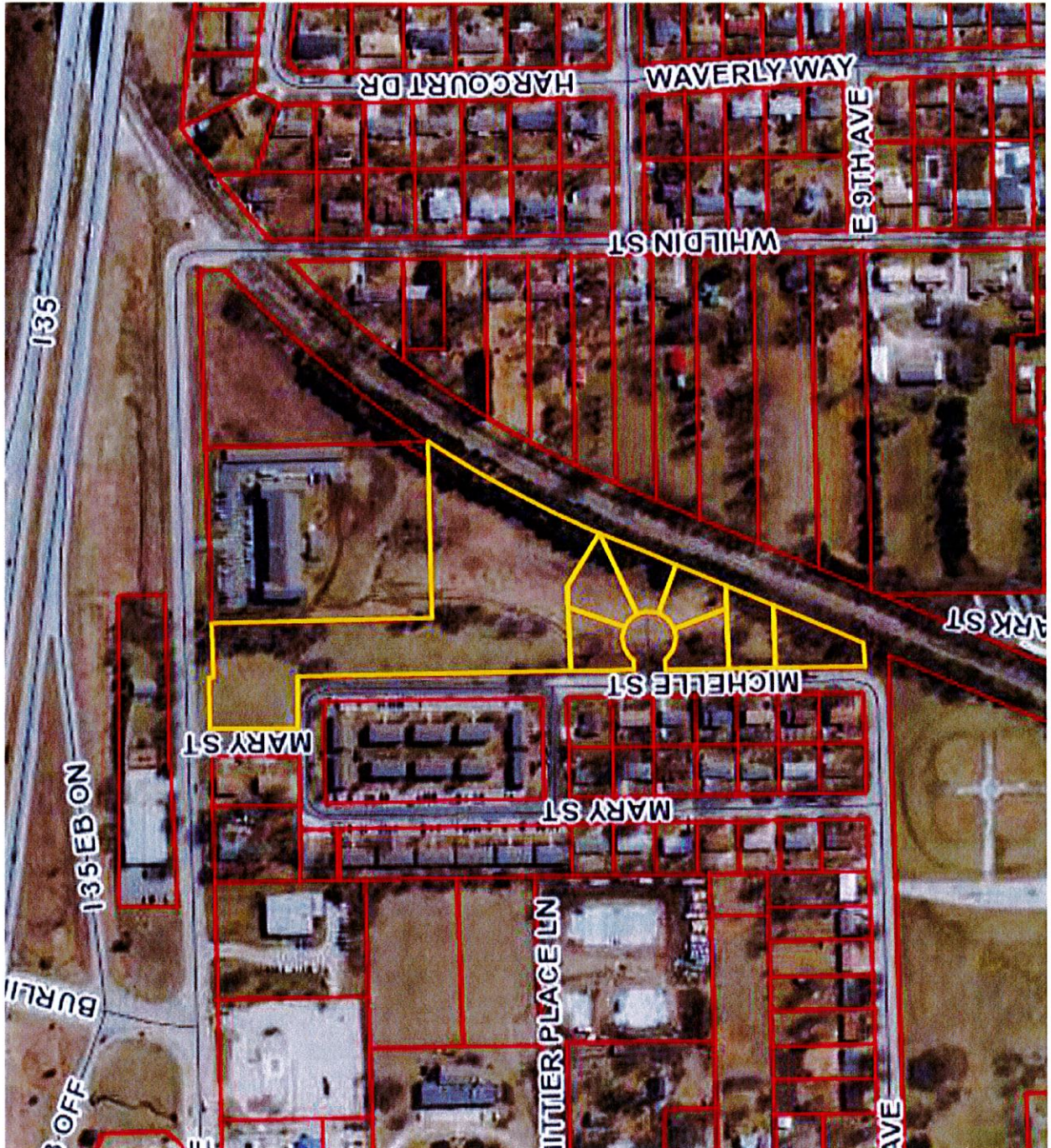
PASSED AND APPROVED this 20th day of July 2022.

BECKY SMITH, Mayor

ATTEST:

KERRY SULL, City Clerk

MICHELLE ST REZONING AERIAL MAP



EXCERPT OF MINUTES- 5/17/2022

EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, May 17, 2022, with Chair Thomas presiding. Members Bucklinger, Weaver, Barnes, and Duncan were present. Member Colson was absent.
City staff: Justin Givens and Moriah Keen were present.

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

2b. Consider an Application PC 2022-01 Requesting Rezoning of Property Located Adjacent to Michelle St. Between E. 9th Ave. and E. 12th Ave.

Chair Thomas confirmed that the Planning Commission has a quorum.

Chair Thomas asked if proper notice had been given and if the City had jurisdiction on the item. **Givens** confirmed that proper notice was originally provided at the hearing in March. The application was sent back by the City Commission for further considerations and no new notice was necessary, and the City had jurisdiction.

Chair Thomas asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No commissioners needed to recuse themselves due to a conflict of interest and no ex parte communications were reported.

Givens gave the updated analysis from the staff report:

Updated Analysis:

The applicants and their agent have reevaluated the amount of property that will be lost to mitigate stormwater generated from off-site sources, as well as within their own development. Due to the reduction in developable ground, the applicants requested prior to the City Commission meeting on April 6, 2022, that a northern portion of their property be zoned R-3 so that they can increase the density of development.

Based on this request, the City Commission voted to return the item to the Planning Commission for further consideration.

The original staff report follows, as ultimately no conditions have changed within the area since the Planning Commission first considered it. Staff is attaching an excerpt of minutes from the April 6, 2022 City Commission meeting and the March 15, 2022 Planning Commission meeting.

Analysis: The applicants are proposing to develop approximately 18 single-family attached dwellings on the property. Full development plans will be forth coming if the rezoning is approved. The property is currently vacant and the south portion has been platted. A concept layout has been provided. A more detailed analysis is included in the section below.

Givens stated that the original public hearing was held during the March meeting and it is not required to have a Public Hearing.

Commissioner **Weaver** asked if the southern portion of the property is platted. **Givens** said yes and that the applicant would probably have to replat the southern portion of the property.

Commissioner **Barnes** asked if we approve the application how would the R-3 portion of the property be defined. **Givens** said that we can come up with a legal description of the area that will be zoned R-3. Chair **Thomas** asked can we say the portion of the property that is north of 11th Ave until there is a legal description for the R-3 portion of the property.

Commissioner **Duncan** asked the Public if anyone had any comments about the application since there was no public hearing. There was no comment from the public.

Commissioner **Weaver** made a motion to approve Application PC 2022-01 to rezone the portion of the property north of E 11th Ave to R-3 and the remainder of the property R-2. Commissioner **Barnes** seconded the motion. **Approved 5-0.**

Original Staff Report:

Application #: PC 2022-01

Applicants: Bluesky Development & CM2 Development

Requested Action: Recommend the Approval of Rezoning 5.6 acres from R-1 Low Density Residential & C-3 General Commercial to R-3 High Density Residential.

Purpose: Applicants desire rezoning approximately 5.6 acres of vacant ground to R-3 High Density Residential to facilitate the construction of 15-20 single-family attached units.

Address: Generally located east of Michelle St. between E. 12th Ave., and E. 9th Ave.,

Legal description: See Attached Notice

Lot Size: 5.6 acres

Existing Zoning: R-1 Low Density Residential / C-3 General Commercial

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

Surrounding Zoning:

North- C-3 General Commercial / R-3 High Density Residential

East- Abuts Railroad R-O-W / R-1 Low Density Residential

South- Public Use District

West – R-3 High Density Residential / R-1 Low Density Residential

Surrounding Actual Uses:

North- Emporia Rescue Mission / Legends Hills Apartment Complex

East – Railroad Spur / Large Lot Residential

South- City Park

West- Multi-Unit Housing / Single-Family Owner Occupied & Rental Properties

Analysis: The applicants are proposing to develop approximately 18 single-family attached dwellings on the property. Full development plans will be forth coming if the rezoning is approved. The property is currently vacant and the south portion has been platted. A concept layout has been provided. A more detailed analysis is included in the section below.

Considerations: 26-108. Factors to be Considered in a Rezoning:

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

1. Whether the change in classification would be consistent with the intent and purpose of these regulations; **The change in classification would be consistent with the intent of the zoning regulations. The R-3 High-Density Residential would allow for apartment complexes as well as single-family attached and detached homes and would be consistent with other properties within the area.**
2. The character and condition of the surrounding neighborhood and its effect on the proposed change; **The property abuts R-3 High-Density Residential to the north and properties across the street are mixed in zoning classification and use with a garden apartment multi-family cluster development and single-family detached units. Of the 14 single-family detached units on Michelle and Mary St. that were in the notification area, 8 are owner-occupied and 6 are rental units.**
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; **The area currently has high-density residential that was developed as recently as 2005. The area has remained largely the same since that last development.**
4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification; **As previously stated, the area is mixed with R-3 and R-1 zoning and uses. The change in classification would not have a negative effect on the existing properties within the area.**
5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity; **R-3 zoning is limited in that only apartments and single-family attached and detached units can be built which would be consistent with the surrounding area uses.**
6. The suitability of the applicant's property for the uses to which it has been restricted; **The northern part of the property is currently zoned C-3 General Commercial and has not developed as such. The area was mostly likely zoned C-3 to match the property to the north of 12th Street and due to its proximity to Burlingame Rd. Commercial development in this area is limited and has been stagnant for the past several years. The southern half of the area is currently zoned R-1 Low-Density Residential, but with the proximity to the railroad right-of-way is not an ideal location for single-family homes. The homes on the east side of the tracks are very deep lots and the actual homes sit in most cases more than 350 feet from the right-of-way.**
7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as allowing the land to be vacant or

undeveloped; **The property has not been developed at any point in the past. Development has occurred on surrounding properties but these properties have remained vacant with the southern area being vacant since platting in 1978.**

8. Whether adequate sewer and water facilities, and all other needed public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified; **Sewer and water lines are adjacent to the property and can be easily extended to serve the development. Stormwater will be considered prior to development as there is an existing drainage way on the property that will need to be accounted for. The road is sufficient to handle any increase in traffic in the area.**

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development; **Vacant R-3 Zoning is very limited in the city and extremely limited within the area. Legend Estates does have area to expand and if they choose to add additional units in the future, the proposed single-family attached development would be a good adjoining use.**

10. The recommendations of professional staff; **Based on current information, staff would recommend the approval of the rezoning as the proposed use and district would be suitable for the area and not have a negative impact on existing properties.**

11. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **The change in classification would be consistent with the Comprehensive Plan as it creates additional single-family attached housing, which is a need in the community as well as provides infill development of existing vacant property. Both of which are goals set forth in Plan ELC.**

12. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and, **The intended uses of the current zoning of the property C-3 General Commercial and R-1 Low-Density Residential will make the property difficult to develop and is very limiting to the property owners. The change in classification would maximize the value of the property, while not having a detrimental impact on the public health, safety, and general welfare of the area.**

13. Such other factors as may be relevant from the facts and evidence presented in the application.

Neighborhood Communications: At the time of writing this report, staff has been in communication with several citizens within the area, with only one having any objection to the project.

Recommendation: Staff recommends the Planning Commission forward a recommendation to approve the vacation to the Governing Body based upon a finding that the request is consistent with the future land use map and guidelines for consideration on rezoning.

Applicable Regulations:

Table 6-1

✓ = Permitted

Use		R-1	R-2	R-3
1.	Single-family dwellings	✓	✓	✓
2.	Two-family dwellings		✓	✓
3.	Three or more family dwellings			✓
4.	Bed & breakfast inns			✓(1)
5.	Lodging houses			✓(1)
6.	Group homes	✓	✓	✓
7.	Large group homes			✓(2)
8.	Day care facilities: adult day care homes and centers, child care centers, day care homes, family day care homes, group day care homes and preschools	✓(3)	✓(3)	✓
9.	Safe houses	✓(4)	✓(4)	✓
10.	Group boarding homes for minors	✓(5)	✓(5)	✓(6)
11.	Group boarding homes for adults			✓(6)
12.	Rehabilitation houses			✓(6)
13.	Golf courses(7)	✓	✓	✓

- (1) When having nine (9) or fewer sleeping rooms.
- (2) When having twenty (20) or fewer residents, including staff.
- (3) When having twelve (12) or fewer children for which care is provided.
- (4) When having six (6) or fewer sleeping rooms.
- (5) When having eight (8) or fewer residents plus no more than two (2) staff.
- (6) When having twenty (20) or fewer total residents and staff.
- (7) Excluding miniature and pitch and putt courses and commercially operated golf driving ranges.

Table 6-2

✓ = Permitted with a Conditional Use Permit

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

- (1) When located within a dwelling unit and operated by a resident of said dwelling unit and further providing that the use does not exceed twenty-five (25) percent of the floor area of the floor on which it is located.
- (2) For facilities having thirteen (13) or more children for whom care is provided.
- (3) For group homes having more than ten (10) residents, including staff.
- (4) For facilities having more than twenty (20) residents, including staff.
- (5) When having more than ten (10) residents, including staff.
- (6) When having more than twenty (20) residents, including staff.
- (7) When having fewer than twenty (20) residents, including staff.
- (8) When having seven (7) or more sleeping rooms.
- (9) The facility be located in a single family dwelling and permitted accessory structures and be contingent upon licensure by the State of Kansas under the Kansas Pet Animal Act.

Table 6-3

Use		R-1	R-2	R-3
1.	Single-family dwelling	9,000	9,000	9,000
2.	Two-family dwelling	NA	4,500	4,500
3.	Three and four family dwelling	NA	NA	3,000
4.	Five or more family dwelling	NA	NA	2,000

Additional requirements:

- (1) Maximum lot coverage by principal buildings not to exceed forty (40) percent.
- (2) County Sanitation code requires that tracts without public utilities be a minimum of ½ acre. Tracts without an approved public sewer treatment system require approval from the County Health Department.
- (3) Where lot has less area than required in Table 6-3 and was in existence as a separate lot prior to August 1, 1999, a zoning certificate may be issued for such lot in accordance with Section 21-2.

Table 6-4

District	Front (1) (feet)	Side (2) (feet)	Rear (3) (feet)
R-1	30	5	30
R-2	25	5	25
R-3 (4)	25	5	25

- (1) Front yards on arterial or collector streets shall comply with Article 24.
- (2) Where a lot is located at the intersection of two or more streets, there shall be a setback from the side street of the lot of one-half of the required front yard setback; except that when lots have been platted facing said side street, the setback from the side street shall be no less than five (5) feet less than the required front yard setback of the lots platted on the same street.
- (3) Or twenty (20) percent of the depth of the lot whichever is less.
- (4) See Section 8-402 for yard requirements in the HO-O, Housing Opportunity Overlay District.
- (5) See Section 7-602 for yard requirements in the EH-O, Elderly Housing Overlay District.

Attachments: Revised Concept Layout / Aerial Map / Current Zoning Map / Future Land Use Map / Excerpt of Minutes City Commission / Excerpt of Minutes Planning Commission

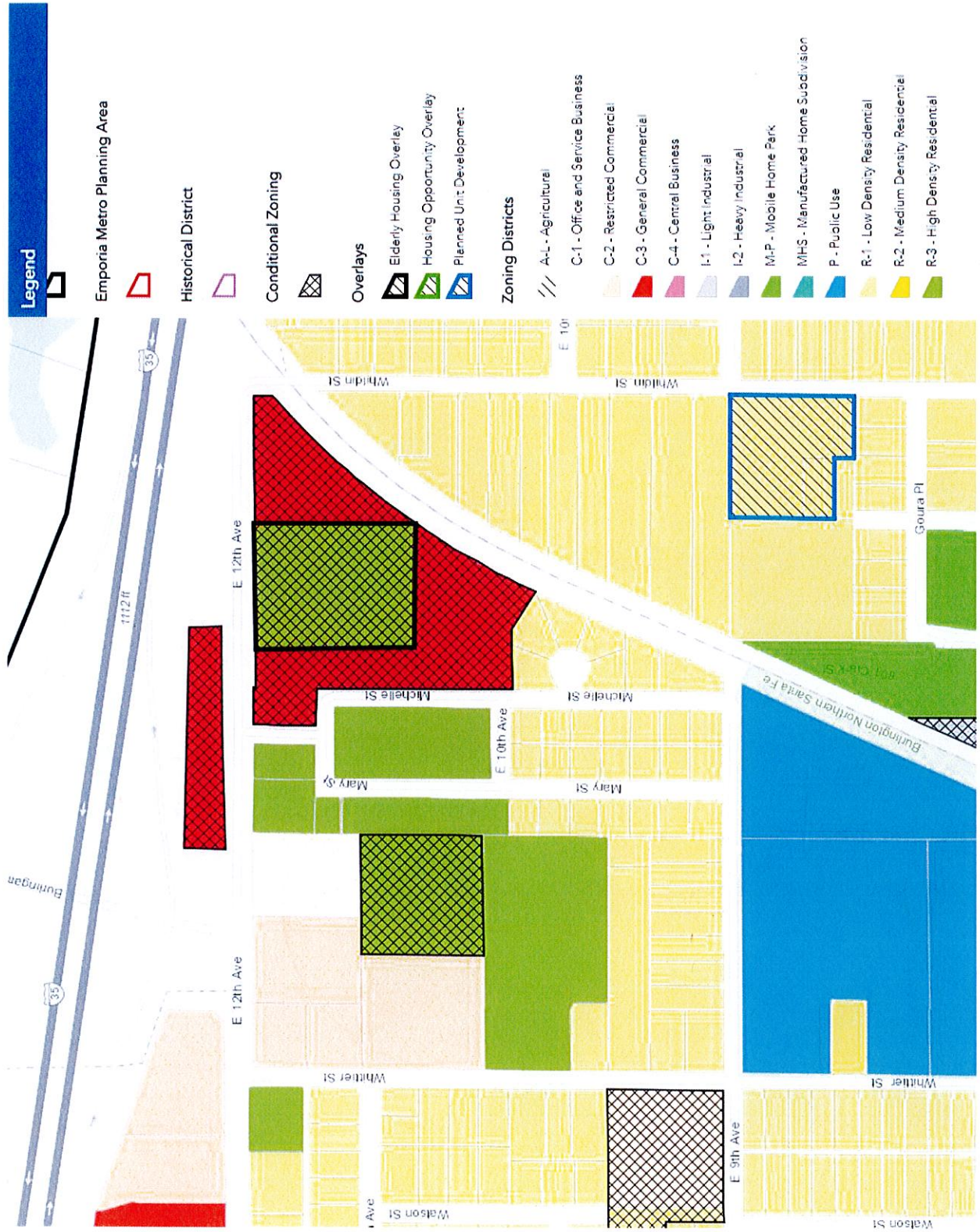
**MICHELLE ST REZONING
R-3 AND R-2 AREAS**



MICHELLE ST REZONING PLAN ELC MAP



MICHELLE ST REZONING ZONING MAP





Commission Action Report

Title: Change Order No. 2 for Americus Road Sanitary Sewer Extension Project No. SS2002

Proposed Agenda Date: July 20, 2022

Presented By: Jim Ubert, City Engineer

BACKGROUND:

During the construction of the Americus Road Sanitary Sewer Extension Project, Project No. SS2002, additional work was needed to raise the existing 12" water line in 18th Avenue where crossing the new 24" sanitary sewer to meet KDHE requirements and for some field changes to the project due to differing conditions from the plans. This change order resulted in an increase of \$18,135.00 to the contract price.

DISCUSSION:

N/A

FINANCIAL CONSIDERATIONS:

The total material cost to construct the sanitary sewer extension Carlson Utility for Everygy's usage at the new building location increased the contract price by \$18,135.00.

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Approve Change Order No. 2 for Americus Road Sanitary Sewer Extension.

ATTACHMENTS:

Attached is Change Order No. 2, Change Order No. 2 explanation, Exhibit A, and Exhibit B.

CHANGE ORDER NO. 2 (FINAL)
ON CONTRACT WITH CARLSON UTILITY LLC FOR THE CONSTRUCTION OF
AMERICUS ROAD SANITARY SEWER EXTENSION PROJECT NO. SS2002

July 14, 2022

This change in plans, made in accordance with the provisions of Paragraph 9, GS-4, General Conditions under the above Contract, provides for a change in the contract total due to estimated quantities being different than the actual quantities used in the construction of the Americus Road Sanitary Sewer Extension (Road 180), Project No. SS2002

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
AMERICUS ROAD SANITARY SEWER EXTENSION QUANTITIES ADDED:				
39.6	S.Y.	Concrete Pavement (8" Reinf.) (AE) @ One Hundred Fifty Dollars and zero cents (Unit Price in Words)	\$150.00	\$5,940.00
1	Ea.	Manhole (Sanitary Sewer) (5' Dia.) @ Eleven Thousand Five Hundred Dollars and zero cents (Unit Price in Words)	\$11,500.00	\$11,500.00
5	V.F.	Extra Manhole Depth (>6') @ Eight Hundred Dollars and zero cents (Unit Price in Words)	\$800.00	\$4,000.00
1	Ea.	2" Gate Valve @ Five Hundred Fifty Dollars and zero cents (Unit Price in Words)	\$550.00	\$550.00
2	Ea.	12" Fitting w/ Vertical Block @ Two Thousand One Hundred Fifty Dollars and zero cents (Unit Price in Words)	\$2,150.00	\$4,300.00
1	L.S.	Waterline Excavation and Backfill @ One Thousand Five Hundred Dollars and zero cents (Unit Price in Words)	\$1,500.00	\$1,500.00
1	Ea.	Manhole Field Marker @ One Thousand Five Hundred Dollars and zero cents (Unit Price in Words)	\$350.00	\$350.00

QUANTITIES OF CHANGE ORDER NO. 2 (FINAL) ADDED TO PROJECT:

\$28,140.00

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
AMERICUS ROAD SANITARY SEWER EXTENSION QUANTITIES DELETED:				
2	C.Y.	Rock Excavation @ Thirty Five Dollars and zero cents (Unit Price in Words)	\$35.00	\$70.00
440	L.F.	Temporary Slope Protection @ Seventeen Dollars and zero cents (Unit Price in Words)	\$17.00	\$7,480.00

5	L.F. Trench Excavation (10'-14') @ Six Dollars and zero cents (Unit Price in Words)	\$6.00	\$30.00
5	L.F. Sanitary Sewer Main (8") (SDR-35) @ Fourty Eight Dollars and zero cents (Unit Price in Words)	\$48.00	\$240.00
1	C.Y. Sediment Removal (Set Price) @ Thirty Five Dollars and zero cents (Unit Price in Words)	\$35.00	\$35.00
0.4	L.S. Seeding, Fertilizer & Mulching @ Four Thousand Five Hundred Dollars and zero cents (Unit Price in Words)	\$4,500.00	\$1,800.00

QUANITIES OF CHANGE ORDER NO. 2 (FINAL) DELETED FROM PROJECT:

\$9,655.00

TOTAL CHANGE ORDER NO. 2 (FINAL) ADDED TO PROJECT:

\$18,485.00

CONTRACTOR: Carlson Utility, LLC

BY: _____
OWNER or AUTHORIZED REPRESENTATIVE

APPROVED BY: THE CITY OF EMPORIA, KS

BY: _____
MAYOR

Date: _____

Attest: _____
CITY CLERK

Americus Road Sanitary Sewer Extension

Project No. SS2002

(Attachment "A")

Concrete Pavement

8" (Reinf.) (AE)

13 + 51:	Plan Quantity	= 8' x 40' = 35.6 S.Y.
	In the field measurements	= 10' x 40' = 44.4 S.Y.
15 + 60:	Plan Quantity	= 8' x 40' = 35.6 S.Y.
	In the field measurements	= 10' x 40' = 44.4 S.Y.
18 + 73:	Plan Quantity	= 15' x 40' = 66.7 S.Y.
	In the field measurements	= 16' x 40' = 71.1 S.Y.
19 + 43:	Plan Quantity	= 15' x 40' = 66.7 S.Y.
	In the field measurements	= 16' x 40' = 71.1 S.Y.
20 + 98:	Plan Quantity	= 9' x 40' = 40.0 S.Y.
	In the field measurements	= 10' x 40' = 44.4 S.Y.
26 + 06:	Plan Quantity	= 8' x 40' = 35.6 S.Y.
	In the field measurements	= 10' x 40' = 44.4 S.Y.
Total:	(Plan Quantity)	280.2 S.Y.
	(Final Quantity)	319.8 S.Y.

CITY OF EMPORIA					
WATERLINE RELOCATION NORTH OF ROAD 180					
BID ITEMS					
CARLSON UTILITY					
ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
BASE BID					
1	2" GATE VALVE	1.0	EA	\$ 550.00	\$ 550.00
2	12" FITTING	1.0	EA	\$ 1,250.00	\$ 1,250.00
3	12" FITTING W/ VERTICAL BLOCK	1.0	EA	\$ 2,150.00	\$ 2,150.00
4	12" PIPE	1.0	LF	\$ 200.00	\$ 200.00
5	EXCAVATION AND BACKFILL	1.0	LS	\$ 1,500.00	\$ 1,500.00
	TOTAL BASE BID				\$ 5,650.00

AMERICUS ROAD SANITARY SEWER EXTENSION
PROJECT NO. SS2002
EXPLANATION FOR CHANGE ORDER 2

During construction of the AMERICUS ROAD SANITARY SEWER EXTENSION, PROJECT NO. SS2002, changes and adjustment of quantities were made with additional changes deleted and added to the project. This change order results in an increase of the contract in the amount of \$19,835.00.

Quantities Added to the contract:

1. Concrete Pavement (8" Reinf.) (AE) –
This change was required in order to maintain a minimum of 12" of pavement resting on undisturbed earth beyond the edges of the trench line as the plans detailed. The increase in the item Concrete Pavement (8" Reinf.)(AE) was 39.6 S.Y. (See Attachment "A") with a unit price of \$150 for a total amount added to contract of \$5,940.00.
2. Manhole (Sanitary Sewer) (5' Dia.) –
The additional manhole was required for the connection of the 8" main running parallel to Road 180 that was added as part of Change Order #1 to the original 24" sanitary sewer interceptor line. The one additional Manhole (Sanitary Sewer)(5'dia) increased the original contract quantity by 1 unit for an increase to the contract of \$11,500.00.
3. Extra Manhole Depth (>6') –
The additional manhole was required for the connection of the 8" main running parallel to Road 180 that was added as part of Change Order #1 to the original 24" sanitary sewer interceptor line. Due to the depth of the main and the design top of rim elevation, an additional 5 V.F. of Extra Manhole Depth (>6') was required at a unit price of \$800 for an increase to the contract of \$4,000.00.
4. 2" Gate Valve –
This change was required in order to isolate the 2" waterline serving the businesses along the west side of Americus Road from the 12" watermain running east-west adjacent to Road 180. The 12" main was shut down for an extended period of time to raise the elevation to adequately clear the new sanitary sewer main per KDHE standards. The proposal approved for this work (See Attachment "B") indicated a unit price for the item 2" Gate Valve of \$550.00 each. One 2" Gate Valve was installed which increased the amount of the original contract by \$550.00.
5. 12" Fitting w/ Vertical Block –
During the installation of the 24" sanitary sewer main, the 12" watermain running adjacent to the north side of Road 180 was uncovered and field observations determined that there was only approximately 5 inches of clearance between the two pipes. Per KDHE standards, a minimum of 24" of separation is required between a sanitary sewer main and a watermain. It was decided upon to raise the water main to obtain the proper clearance. With the raising of the main, two vertical bends was required to correctly tie the line back in together. The proposal approved for this work (See Attachment "B") indicated a unit price for 12" Fitting w/ Vertical Block of \$2,150.00. The adjustment required two (2) vertical fittings which increased the amount added to the original contract by \$4,300.00.
6. Waterline Excavation and Backfill –
The approved proposal (See Attachment "B") for the adjustment of the 12" watermain had a lump sum unit price for Waterline Excavation and Backfill of \$1,500. This lump sum amount was an increase to the original contract in the amount of \$1,500.00.

7. Manhole Field Marker –

The additional manhole was required for the connection of the 8" main running parallel to Road 180 that was added as part of Change Order #1 to the original 24" sanitary sewer interceptor line. The one additional Manhole (Sanitary Sewer)(5'dia) required a field marker due to its location which increased the original contract quantity by 1 unit for an increase to the contract of \$350.00.

Quantities Deleted from the contract:

1. Rock Excavation –

During construction activities on the Americus Road base bid portion and on the Road 180 add on section, no rock ledges or formations were encountered during the trench excavation for this project. Thus, resulting in 2 C.Y. of rock excavation not being required with a unit price of \$35.00. The total amount deleted from the original contract is \$70.00

2. Temporary Slope Protection –

Due to the method of construction and decisions made in the field, the full amount of Temporary Slope Protection was not required on this project to adequately contain erosion and sediment from leaving the site. 440 L.F. of the original contract amount of 500 L.F. was not utilized at a unit price of \$17 which decreased the final dollar amount by \$7,480.00.

3. Trench Excavation (10' – 14') –

It was determined in the field to eliminate the 5' sewer main stub out on the west side of Manhole B-3 and to install a plug in its place. This resulted in a decrease to the line-item Trench Excavation (10'-14') by 5 L.F. at a unit price of \$6.00 for a deduction to the original contract of \$30.00.

4. Sanitary Sewer Main (8") (SDR-35) –

It was determined in the field to eliminate the 5' sewer main stub out on the west side of Manhole B-3 and to install a plug in its place. This resulted in a decrease to the line-item Sanitary Sewer main (8")(SDR-35) by 5 L.F. at an unit price of \$48.00 for a deduction to the original contract of \$240.00.

5. Sediment Removal (Set Price) –

This item was not used on the Change Order #1 portion of this project. The line-item Sediment Removal (Set Price) was underrun and the unit price deleted from the original contract by \$35.00.

6. Seeding, Fertilizer & Mulching –

A portion of the land disturbed by the installation of the 8" sanitary sewer directly adjacent to the proposed Everygy center did not require seeding as shown on the original plans due to the building construction was already underway. This resulted in a reduced amount of Seeding, Fertilizer & Mulching from the original plan quantity. The area was calculated to be .40 of the original Lump Sum amount of \$4,500 which is a reduction in the contract in the amount of \$1,800.00.



Commission Action Report

Title: Ordinance No. 22-35 Relating to Meetings of the Governing Body

Proposed Agenda Date: July 20, 2022

Presented By: Christina Montgomery, City Attorney

BACKGROUND:

During strategic planning sessions in April of this year, the City Commission discussed changing their regular meetings to a uniform time. The Commission has held meetings at 11:00 a.m. for the past two months on a trial basis.

DISCUSSION:

The ordinance proposal establishes regular meetings of the City Commission on the first and third Wednesdays of each month at 11:00 a.m. Regular meetings may be rescheduled by majority vote and special meetings may be called by the Mayor, by two members of the City Commission, or by the City Manager.

FINANCIAL CONSIDERATIONS:

N/A

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Adopt Ordinance No. 22-35 relating to meetings of the Governing Body.

ATTACHMENTS:

Ordinance No. 22-35

ORDINANCE NO. 22-35

**AN ORDINANCE RELATING TO MEETINGS OF THE GOVERNING BODY;
AMENDING CHAPTER 2-10 OF THE MUNICIPAL CODE OF THE CITY OF
EMPORIA, KANSAS BY THE ADDITION OF NEW SECTION 2-10 MEETINGS OF
THE GOVERNING BODY.**

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

Section 1. That the Code of the City of Emporia, Kansas, 1983, is hereby amended by adding a section, to be numbered 2-10, which said section reads as follows:

“Sec. 2-10 Meetings of the Governing Body. Regular meetings of the City Governing Body shall be on the first (1st) and third (3rd) Wednesdays of each month commencing at the hour of 11:00 o'clock a.m. The Governing Body may, by motion and a majority vote of those members present at a regularly called meeting, cancel a subsequent meeting and reschedule the same to another date and time as specified in the motion whenever the Governing Body determines in its discretion that a conflict exists with the normal, regular scheduled meeting. A call by the Mayor, two (2) members of the Governing Body, or the City Manager shall be sufficient warrant for a special meeting. A regular or special meeting shall always be open to the public.”

Section 2. All other provisions of the Municipal Code of the City of Emporia, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance once in the City’s official newspaper as provided by State law.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, KS as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas,
this 20th day of July 2022.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk



Consent Agenda

Proposed Agenda Date: July 20, 2022

Presented By: Trey Cocking, City Manager

ITEMS:

- A. Approve the minutes of the July 6, 2022, City Commission Meeting.
- B. Ratification and Approval of the Payroll Ordinances for the periods ending July 1, 2022.

RECOMMENDED ACTION:

Approve the Consent Agenda as presented.

ATTACHMENTS:

Consent agenda items.

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, July 6, 2022, with Mayor Smith presiding and Commissioners Brinkman, Giefer, Harter, and Sauder present. Also present were City Manager Cocking, City Clerk Sull and City Attorney Montgomery. Assistant City Manager Massey was absent.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Hate speech, profanity, and defamation are not allowed. Please state your name and address prior to making comments.

Tom McEvoy, ERC Director; and Amanda Gutierrez, Asst. Director of Operations, were in attendance to accept a proclamation declaring July 15, 2022 as "Parks and Recreation Professionals Day" in Emporia. They stated parks and recreation programs are an integral part of communities throughout this country, including the City of Emporia. Parks and recreation are vitally important to establishing and maintaining the quality of life in our communities. They stated Kansas local parks generate over \$1 billion in economic activity annually with the service of parks and recreation professionals. There are over 8,000 programmers, managers, maintainers, landscapers, facilitators, lifeguards, coaches, event organizers and caretakers who plan, provide, operate and enhance the experience of our parks, recreation programs, and facilities in the State of Kansas.

Mayor Smith then presented the proclamation.

**CITY COMMISSION
(Board Appointment)**

Multi-Use Path Planning Board:

It was moved by Commissioner Brinkman seconded by Commissioner Harter that Joe Foster be appointed to the Multi-Use Path Planning Board for a term that expires December 31, 2024. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Human Relations Commission:

It was moved by Commissioner Giefer seconded by Commissioner Brinkman that Aaron Larson be appointed to the Human Relations Commission for a term that expires on June 1, 2025. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Kansas Department of Commerce)
(Small Cities Community Development Block Grant Program)
(Rehabilitation for Building at 17 W. 4th Ave.)
(Accept Bid - Evergreen Construction)
(Approve Contract with GAS d/b/a Western Consultants)**

City Manager Cocking stated the Kansas Department of Commerce awarded the City of Emporia a \$250,000.00 grant to be used to improve the property located at 17 W. 4th Avenue to become a beer production facility for Radius Brewing. In addition, staff also recommended that Governmental Assistance Service d/b/a Western Consultants, be hired as the grant administrator for the project. He stated after the funds were awarded from the Kansas Department of Commerce, bids were solicited for construction services and two bids were received. The bids are as follows:

Mitchell-Markowitz	\$368,211.00
Evergreen Construction	\$320,541.00

He stated the Grant Administrators had an in-depth meeting with Evergreen to review their bid and confirm compliance with the contract documents and CDBG requirements for the project. This is a pass-through grant and Radius Brewing is responsible for any grant match and the costs of the administration. The City will not have any direct financial costs.

Following further discussion, Commissioner Brinkman made a motion to accept the bid from Evergreen Construction for \$32,541.00 and enter into a contract with Governmental Assistance Services for \$17,000.00 to administer the grant. Commissioner Giefer seconded the motion. The

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

**CITY COMMISSION
(2021 Annual Comprehensive Financial Report)**

Michael Keenan, Hood and Associates CPAs, was recognized and addressed the Governing Body. He stated the City of Emporia has contracted with Hood and Associates to conduct an annual audit of the financial reports of the City. They will also conduct a single audit of the Federal Grants received is more than \$750,000.00. He then reviewed the financial and compliance audit for the year ended December 31, 2021. He stated the responsibilities of the firm are to conduct their audit in accordance with generally accepted auditing standards, government auditing standards and uniform guidance. To obtain reasonable, not absolute, assurance that the basic financial statements are free of material misstatement. To report on internal controls over financial reporting and compliance with laws and regulations. As a result of auditing no illegal acts or changes in significant accounting policies occurred. There were no difficulties or disagreement with management and cooperation was achieved with full access to books and records. He stated financial statements are fairly presented in all material respects; there were no deficiencies in internal control to be considered as material weakness; and there were no noncompliance noted with finance-related laws and regulations that govern the City's operations.

Commissioner Harter made a motion to accept the 2021 Annual Comprehensive Financial Report. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye.

**PAVING
(2022 Crack Seal/Chip Seal Program)
(Bid)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated proposals were sent out for the 2022 Chip Seal Project and one bid was received from APAC-Kansas, Inc. The bid amount was 58% higher than the budgeted amount for the project due to the increase in oil prices. He stated the street department would like to contract with APAC-Kansas, Inc. to perform the crack seal portion of the project only. This will help extend the life of the pavement and the subgrade by stopping water from entering through the cracks and freezing or soaking into the road base and creating soft areas that eventually become potholes. The bid portion of the crack seal program is \$58,870.00. APAC-Kansas, Inc. is also asking to add \$1,595.00 to the contract to cover their insurance and bond costs, bringing the total to \$60,465.00. The budgeted amount for this project is \$200,000.00, the remaining balance of \$139,535.00 would be used to complete some of the add alternates from the 2022 street rehabilitation project. He stated staff recommends awarding the crack seal portion of the 2022 Chip Seal Project to APAC-Kansas, Inc. in the amount of \$60,465.00.

Following further discussion Commissioner Giefer made a motion to award the crack seal portion of the 2022 Chip Seal Project to APAC-Kansas, Inc. in the amount of \$60,495.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

PLANNING AND DEVELOPMENT

**(MAPC Excerpts of Regular Meeting Held 5-17-22)
(Application No. 2022-01 - Request of City of Emporia)
(Request to Vacate a Platted Alley in Hammond Park)**

Excerpts from May 17, 2022 Meeting:

The Planning Commission met in a regular session on Tuesday, May 17, 2022, with Chair Thomas presiding. Members Bucklinger, Weaver, Barnes, and Duncan were present.

Member Colson was absent.

City staff: Justin Givens and Moriah Keen were present.

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

Old Business:

2a. Consider an Application PC VAC 2022-01 Requesting the Vacation of a Platted Alley Generally Located In Hammond Park.

Chair Thomas confirmed that the Planning Commission has a quorum.

Chair Thomas asked if proper notice had been given and if the City had jurisdiction on the item. **Givens** confirmed that proper notice was provided to the newspaper and the property owners within 200ft of the property for the original public hearing, and that the City had jurisdiction.

Chair Thomas asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No commissioners recused themselves due to a conflict of interest and no ex parte communications were reported.

Givens gave the staff report:

Application #: PC VAC 2022-01

Applicants: City of Emporia

Requested Action: Recommend the Approval of Vacating a Platted Alley in Hammond Park

Purpose: Applicants desire to vacate an alley that has been platted including a portion that has been maintained as part of a private residence.

Address: Generally located east of State St., west of Center St., and south of 18th Ave. (Hammond Park)

Legal description: The 20-foot alley lying immediately east of lots 41 through 80 and immediately west of lot 81 through 120 in Organ's Subdivision of Lot Thirty-Eight in the Town of Normal, an Addition to the City of Emporia, Lyon County, Kansas.

Lot Size: N/A

Existing Zoning: Public Use District / Residential

Future Zoning in ELC Comp. Plan: Public Use District

Updated Analysis:

This was considered at the March 2022 meeting, but a technicality is requiring the Planning Commission to reconsider the item. A public hearing is necessary when considering a vacation, and while public comment was sought, an actual public hearing was not held. Staff has resent notification to adjacent property owners, and published a revised public hearing notice in the paper.

There have been no changes in the conditions that warranted the original vacation, and staff has, to date, not received any comment from the public against the vacation. Staff still recommends the approval of the vacation to clean-up property line issues for the homeowner at 305 W 18th.

Original Analysis:

An alley was originally platted between lots 41 through 80 and lots 81 through 120 in the Organ's Subdivision in 1888. Since the original platting, Hammond Park as well as several houses were developed in the area. One of those properties located at 305 W 18th has had a driveway and stonewall located within the alley since being built in 1924.

The vacation of the alley, and subsequent transfer of a portion of the property, will clean up ownership issues for the property owner.

Considerations: There are no private utilities within the alley, city sewer and water lines bisect the alley in several locations. A utility easement will be preserved once the alley is vacated. The utility lines are also located within Hammond Park, and do not enter onto private property so the need for utility easements is reduced.

The Utility Advisory Board meet on December 21, 2021, and recommends approval of the vacation.

Neighborhood Communications: At the time of writing this report, staff has had several phone calls about the vacation, but has received no objections from any member of the public.

Recommendation: Staff recommends the Planning Commission forward a recommendation to approve the vacation to the Governing Body based upon a finding that;

- 1- Due and Legal Notice has been given - notices were mailed to all abutting property owner and owners within 200 ft. of the alley, as well as provided in the official newspaper as prescribed by law.
- 2- No private rights will be injured or endangered - the vacation will actually facilitate abutting property owners to clean ownership of property that is mainted in a private manner.
- 3- The public will suffer no loss or inconvinience, Hammond Park will still be open as a public park and all public utility lines will still have access to be maintained in necessary if the vacation is approved.

Applicable Regulations: Section 12-4 Vacation of Streets, Alleys, Easements, and Plats

SECTION 12-4 VACATION OF STREETS, ALLEYS, EASEMENTS AND PLATS

12-401. a. The following procedures are provided to vacate streets, alleys or

other public reservations such as, but not limited to public easements, dedicated building setback lines, access control, or a part thereof, and including all or parts of recorded plats within the corporate limits of the City:

1. Petitions for vacations received from the Governing Body, the owner of

platted land or the owner of land adjoining on both sides of any street,

alley, easement or other public reservation may be filed with the

Zoning

Administrator.

2. The petition shall be reviewed by and comments submitted to the Planning Commission by the Utility Advisory Committee.

3. Following its receipt of the comments of the Utility Advisory Committee,

the Planning Commission shall make a recommendation to the Governing Body as to whether the vacation should be approved or disapproved and

with or without conditions attached. If the Planning Commission determines that:

- (a) due and legal notice has been given;
- (b) no private rights will be injured or endangered; and
- (c) the public will suffer no loss or inconvenience;

then the Planning Commission shall recommend that such vacation be approved and entered at length in the minutes. Such recommendation may provide for the reservation to the City and/or the owners of any lesser property rights for public utilities, rights-of-way and easements for public service facilities originally located in such vacated land or planned for the future. The petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk by any owner who would be a proper party to the petition, but has not joined therein. Furthermore, when only a portion of a street, alley or public reservation is proposed to be vacated, the petition shall not be recommended by the Planning Commission nor granted by the Governing Body if a written objection is filed with the Clerk by any owner of lands which adjoin the portion to be vacated. The recommendation of the Planning Commission to the Governing Body shall be made as provided by K.S.A. 12-752 for the submission and approval of a final plat, and the Governing Body may approve or disapprove the vacation or approve it with or without reservation of lesser easements than as recommended by the Planning Condition.

4. Following the approval of the vacation by the Governing Body, the City Clerk shall certify a copy of the order to the Lyon County Register of Deeds.

Attachments: Aerial Map/Original Plat with Vacation Area highlighted

The Public Hearing was opened.

The City of Emporia (the applicant) had no further information to be provided.

There was no comment from the public during the public hearing.

The Public Hearing was closed.

Commissioner **Duncan** made a motion to approve Application PC VAC 2022-01. Commissioner **Bucklinger** seconded the motion. There was no further discussion. **Approved 5-0.**

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated this was a request from the City of Emporia to vacate an alley that has been platted including a portion that has been maintained as part of a private residence. The vacation of this alley would allow for the City to proceed with the sale of a portion of the park to the property owner located at 305 W. 18th Avenue. The property owner has been maintaining a driveway and stone wall on a portion of the alley/park. He stated it was unknown to City staff and the property owner that this particular area was actually within the alley easement of the original plat. Notices were issued to all property owners within a 200 foot radius of the alley and at the public hearing no property owner spoke against the vacation. At their May 17, 2022 regular meeting, the Planning Commission voted unanimously to vacate an alley in Hammond Park. He stated this vacation will be one of several steps in selling a portion of the property to the adjacent property owner.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 5-17-22)
(Application NO. 2022-01 - Request of City of Emporia)
(Request to Vacate a Platted Alley in Hammond Park)
(Ordinance Number 22-32)

AN ORDINANCE VACATING A CERTAIN ALLEY RIGHT OF WAY IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 22-32, was presented to the Governing Body for their consideration.

Commissioner Brinkman made a motion to approve Ordinance Number 22-32, an ordinance vacating an alley within the City of Emporia in Hammond Park. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

ENGINEERING
(Set Bid Date & Time for South Arundel Sewer Interceptor Improvements)
(36" Sanitary Sewer Aerial Crossing Mitigation)
(Project No. SS1903)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated in 2019 the City hired a contractor for a temporary repair to the damaged 36" sanitary sewer aerial creek crossing near South Arundel. The City's contractor constructed a better temporary repair shortly thereafter. Since that time of the spring 2019 floods, City staff and consulting engineering BG Consultants have applied for a Department of Homeland Security Federal Emergency Management Agency funding for the base repair and mitigation repairs to the aerial sanitary sewer crossing. The base repair to the damaged aerial crossing has been awarded in the amount of \$724,904.46, which FEMA pays 75% the State of Kansas pays 10% and the City pays 15%. The mitigation repair project of \$1,750,000.00 eliminates the need for the damaged and another upstream aerial sanitary sewer crossing; re-aligns the sewer higher on the embankment. He stated there is an impending FEMA timeline to awarding and constructing the sewer improvements and staff recommends to set bid date and time for the project. He stated the City will issue bonds for the City's share of the Mitigation Repair if not funded by FEMA or \$1,135,000.00 or if funded by FEMA \$265,000.00.

Following further discussion, Commissioner Giefer made a motion to Set Bid Date and Time for South Arundel Sanitary Sewer Interceptor Improvements Project to August 9, 2022. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

CITY COMMISSION

**(Establish Eligibility Designation for Property at 2915 W. 6th Ave.)
(Rural Housing Incentive District)
(Resolution Number 3674)**

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated this is the initial step in the statutory process for the designation of an Rural Housing Incentive District for property located at 2915 W. 6th Avenue. The developer for the proposed site is Woodco and the site would contain 15/16 duplex residential buildings units for a total of 30/32 units.

Following further discussion, Commissioner Harter made a motion to approve Resolution Number 3674, a resolution establishing a Rural Housing Incentive District eligibility designation for property located at 2915 W. 6th Avenue. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye.

INDUSTRIAL REVENUE BONDS

**(Whittier Place II MR, LLC)
(Authorize the Issuance of Taxable Industrial Revenue Bonds)
(Series B, 2022 - \$3,362,000.00)
(Ordinance Number 22-33)**

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2022 (WHITTIER PLACE II MR, LLC) IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,362,000 TO FINANCE (1) PURCHASING, ACQUIRING, CONSTRUCTING, FURNISHING AND EQUIPPING A RESIDENTIAL APARTMENT BUILDING, CONTAINING 24 APARTMENTS, AND LOCATED AT 1300 WHITTIER PLACE LANE AND ALL THINGS RELATED THERETO, AND (2) CERTAIN COSTS OF ISSUANCE OF SUCH BONDS; AUTHORIZING EXECUTION OF BOND DOCUMENTS

RELATING TO ISSUANCE, PAYMENT AND PURCHASE OF THE SERIES B, 2022 BONDS, to which the City Clerk assigned Ordinance Number 22-33, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City of Emporia adopted a resolution declaring an intent to issue taxable industrial revenue bonds for the purpose of purchasing, acquiring, constructing, furnishing and equipping two residential apartment buildings, each containing 24 apartments and located at 1300 Whittier Place Lane. She stated the approval of the bond ordinance is the final step in the issuance of the bonds for the second of two apartment buildings. This ordinance will authorize the City of Emporia to issue Taxable Industrial Revenue Bonds, Series B, 2022 on behalf of Whittier Place II MR, LLC in the aggregate principal amount of \$3,362,000.00 for the purpose of purchasing, acquiring, constructing, furnishing, and equipping one residential apartment building containing 24 apartments and located at 1300 Whittier Place Lane in the City of Emporia. She stated the bonds and interest are not an indebtedness of the City and will not create financial liability for the City. Staff is recommending approval of the issuance of the Industrial Revenue Bonds for Whittier Place II MR, LLC.

Commissioner Giefer made a motion to approve Ordinance Number 22-33, an ordinance authorizing the issuance of Industrial Revenue Bonds on behalf of Whittier Place II MR, LLC not to exceed \$3,362,000.00. Commissioner Harter seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on June 15, 2022.
- b. Consider ratification of Payroll Ordinances for the period ending on June 17, 2022.

- c. Set Bid Date & Time for Road 180 Paving Improvements Project No. PV1910, KDOT KA-6154-01.

The vote follows: Commissioner Brinkman aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Smith, 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 July 20, 2022 Study Session at 11:00 a.m.

- Award Bid 18th Avenue and County Road.
- Consider Approval of Development Agreement with Red Brick, LLC.
- Consider Ordinance Rezoning Land/Michelle Street within City.
- Consider Approval of Minor Plat for Kwik Shop Addition.

**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 Sauder made a motion to adjourn into Executive Session to discuss proprietary information of third parties for potential economic development projects and to invite Special Projects Manager Jim Witt, from 11:40 a.m. to 11:50 a.m., in the City Commission Meeting Room. Commissioner Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 11:50 a.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed proprietary information of third parties and no action was taken.

EXECUTIVE SESSION

Commissioner Sauder made a motion to adjourn into Executive Session for consultation with the City Attorney regarding a contractual matter from 11:51 a.m. to 12:01 p.m., in the City Commission Meeting Room. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioners Brinkman and Harter were not present at the time of the vote.

Upon reconvening the meeting in Regular Session at 12:01 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had consultation with the City Attorney regarding a contractual matter and no action was taken.

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

RECESSED MEETING AT 12:15 P.M.

**CITY COMMISSION
(Discuss City of Emporia Website Redesign)**

Christine Johnson, Communications Manager, was recognized and addressed the Governing Body. She stated at a previous study session the Commission requested proposals for website redesign. Five proposals and one capability statement from a RFP was received from; Exemplifi; CivicPlus; SemiDot; Revize; S03 Creative, LLC and VIP. After meeting with each department to discuss what their needs were for a website redesign, the proposals and demonstrations were examined and discussed by the City Website Design Committee. The design committee included a representative from IT, Police Department, Human Resources, Code Enforcement and Parks Department. She stated the Committee concluded that CivicPlus offers the widest array of applications within the design to meet all department needs and requests while offering years of municipality experience as well as readily available customer service. The total investment for CivicPlus the first year is \$27,885.00 with an annual recurring service fee of \$8,138.00 which includes maintenance and support.

Following further discussion, Commissioner Sauder made a motion to approve CivicPlus for website redesign for the City of Emporia for \$27,885.00 and annual recurring service fee of \$8,138.00. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Fire Damaged Property at 1325 Merchant Street)
(Hornet Point Apartment Building)**

Kory Krause, Director of Building & Neighborhood Development, was recognized and addressed the Governing Body. He stated fire destroyed a three story apartment building complex in December 2021 at 1325

Merchant Street. The owners of the property has been given letters on the building being an immediate condemnation and informed to demolish and remove the building. On June 30, 2022 a bid was received from S.R. Coffman Construction, Inc. to obtain demolition permit; make notification to KDHE; remove and dispose of the burned building as a wet down/tear down demolition; provide an asbestos inspector on site; poly line the containers for disposal; obtain special waste authorization from KDHE; dispose of all debris and pay all charges; demo concrete wall, floors and footings; backfill, grade and compact with matching fill and smooth, grade and seed in the amount of \$390,437.00.

Following further discussion, Commissioner Brinkman made a motion to authorize S.R. Coffman Construction, Inc. demolish the remainder of the building at 1325 Merchant Street and remove the structure for \$390,437.00 and to include lien on the property for the costs to the City. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

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

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Title: Informational Items
Proposed Agenda Date: July 20, 2022
Presented By: Trey Cocking, City Manager

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

DISCUSSION: At the time this Agenda was prepared, the following items were in the works for the tentative Agendas of the August 3rd meetings.

Commission Meeting:

- Award KDOT CCLIP SP Project No. 56U-2390-01, City Project No. PV2201.
- Ordinance Bond Authorization Flint Hills Crossing Improvements, Water, Sewer & Street.
- Consider Approval of Minor Plat for Kwik Shop Addition.
- Consider Approval of Development Agreement with Red Brick, LLC.

Study Session:

- Discuss Purchasing Policy
- Discuss Ordinance Cross Connection/Online Backflow Management System.
- Discuss Establishing Storm Water Utility Fee.
- Budget Discussion

FINANCIAL CONSIDERATIONS:

N/A

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

N/A

ATTACHMENTS:

N/A



Commission Action Report

Title: Executive Session

Proposed Agenda Date: July 20, 2022

BACKGROUND:

The City Commission requests an Executive Session to discuss data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships for potential economic development projects. K.S.A. 75-4319(B)(4) is the authority for this recess into Executive Session.

DISCUSSION:

N/A

FINANCIAL CONSIDERATIONS:

N/A

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Recess into Executive Session to discuss proprietary information of third parties for potential economic development projects for 45 minutes, inviting Special Projects Manager Jim Witt, and stating at which time the open meeting will resume.

ATTACHMENTS:

N/A

Memo

TO: City Commission
FROM: Janet Harrouff /Trey Cocking
DATE: July 15, 2022
SUBJECT: 2023 Budget/ 5-year budget

The 2023 and 5-year budget for all funds will be discussed at the Study Session on Wednesday. The coversheets and capital for each fund has been included.

General Fund –

- Expenses have been reviewed and some adjustments were made.
- Estimated valuation in future years was raised from 1.5% to 3%.
- Sales tax was raised to 3% increase from 2%
- Electric franchise fee was increased 5% in 2022
- Gas franchise fee was increased 10% in 2022 and 5% in future years
- Assumed expenditures of 99% in each year
- The health insurance adjustment and 4% pay increase are included in the coversheet

Equipment Reserve Fund – Transfers from funds for vehicles that were to be purchased and lease payment for Enterprise vehicles

Storm Water – Establish a storm water fee for projects that are needed

Multi Year – Estimated sales tax and capital projects

Convention & Tourism - Appropriation requests as discussed on June 29

Industrial Development Sales Tax - Appropriation requests as discussed on June 29

Special Alcohol - Appropriation requests as discussed on June 29

Special Park - Equipment to be purchased for Golf and Park and Municipal Band appropriation

Bond & Interest – 10 Mills have been allocated and included debt payment for all CIP items for future years

Water – Appropriate expenses and revenue projections and capital items

Wastewater -Appropriate expenses and revenue projections and capital items

Solid Waste - Appropriate expenses and revenue projections and capital items

2023 RNR is 39.57 2022 Tax levy is 42.80

A Resolution will have to be approved stating the maximum mills that the City intends to propose.

5 year Budget

4% increase

7/14/22 1:50 PM

2023-2027

Revenue Detail and Expenditure Summary

GENERAL FUND

	2019 (Actual)	2020 (Actual)	2021 (Actual)	2022 Estimated	Budget 2023	Budget 2024	Budget 2025	Budget 2026	Budget 2027
Beginning Cash Balance	\$3,700,301	\$4,155,390	\$4,300,640	\$4,535,364	\$4,671,584	\$4,338,137	\$3,690,309	\$2,965,127	\$2,036,115
REVENUE									
Ad Valorem Property Tax	\$4,330,470	\$4,309,057	\$4,641,573	\$4,979,844	\$5,440,502	\$5,603,533	\$5,771,699	\$5,944,979	\$6,123,384
Sales Tax	\$7,407,601	\$7,506,138	\$8,496,466	\$8,760,000	\$8,992,800	\$9,231,984	\$9,477,732	\$9,730,227	\$9,989,661
Franchise Tax	\$2,584,254	\$2,448,322	\$2,554,654	\$2,719,967	\$2,814,536	\$2,886,057	\$2,959,885	\$3,036,108	\$3,114,821
Other Taxes	\$696,715	\$923,060	\$721,875	\$715,490	\$731,188	\$731,188	\$731,188	\$731,188	\$731,188
Intergovernmental Taxes	\$253,582	\$279,522	\$272,554	\$322,790	\$333,006	\$342,309	\$351,984	\$362,045	\$372,509
Licenses & Permits	\$206,176	\$266,849	\$291,189	\$267,350	\$267,950	\$267,950	\$268,450	\$268,450	\$268,950
Charges for Services	\$2,315,883	\$2,601,960	\$2,301,602	\$1,987,403	\$2,105,903	\$2,105,903	\$2,105,903	\$2,105,903	\$2,105,903
Fines & Fees	\$527,514	\$459,166	\$508,360	\$522,400	\$542,300	\$542,300	\$542,300	\$542,300	\$542,300
Use of Property and Money	\$172,263	\$171,112	\$144,759	\$150,496	\$161,996	\$163,996	\$165,996	\$167,996	\$167,996
Reimbursements	\$200,999	\$190,885	\$218,280	\$165,787	\$155,756	\$158,732	\$161,919	\$164,922	\$168,045
Misc. Rev. - Administrative Transfers	\$2,806,196	\$2,850,461	\$2,825,664	\$2,551,038	\$2,543,938	\$2,543,938	\$2,543,938	\$2,543,938	\$2,543,938
Transfer from Multi Year -PEP				\$50,000			\$0	\$0	\$0
Operating Revenues	\$4,915	\$34,175	\$45,240	\$200	\$200	\$200	\$200	\$200	\$200
Nonoperating Revenues	\$41,159		\$27,597						
TOTAL RECEIPTS	\$21,547,726	\$22,040,707	\$23,049,814	\$23,192,764	\$24,090,076	\$24,578,091	\$25,081,193	\$25,598,257	\$26,128,895
EXPENDITURES									
Administration	\$827,492	\$839,264	\$1,037,122	\$1,125,643	\$1,188,735	\$1,230,206	\$1,274,708	\$1,317,771	\$1,362,538
Accounting/HR	\$369,968	\$376,635	\$362,500	\$418,852	\$432,866	\$448,773	\$465,295	\$481,959	\$499,289
IT	\$305,912	\$284,168	\$330,886	\$341,505	\$352,388	\$361,536	\$369,969	\$377,700	\$385,739
Police	\$4,002,293	\$4,028,733	\$3,967,194	\$4,199,377	\$4,435,343	\$4,596,794	\$4,785,004	\$4,944,513	\$5,106,975
Animal Control	\$130,047	\$86,811	\$140,648	\$176,529	\$242,408	\$250,240	\$254,267	\$258,455	\$262,811
Fire	\$2,446,616	\$2,627,050	\$2,656,810	\$2,881,834	\$3,012,961	\$3,068,903	\$3,174,413	\$3,283,544	\$3,397,459
EMS	\$2,777,168	\$2,982,471	\$2,935,302	\$3,257,258	\$3,582,658	\$3,687,186	\$3,832,856	\$3,931,832	\$3,935,287
Building & Neighborhood Development	\$618,019	\$502,219	\$589,229	\$827,124	\$840,886	\$864,680	\$890,706	\$917,753	\$945,862
Municipal Court	\$493,461	\$440,768	\$554,760	\$595,346	\$598,603	\$613,440	\$629,476	\$646,132	\$663,435
Engineering	\$484,319	\$440,393	\$505,015	\$518,600	\$552,294	\$633,538	\$638,772	\$666,536	\$694,369
Street	\$51,538	\$32,322	\$19,389	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000
Golf Course	\$668,519	\$706,158	\$793,900	\$797,450	\$856,523	\$884,329	\$950,356	\$919,897	\$1,030,076
Park	\$1,037,560	\$809,577	\$918,376	\$1,096,182	\$1,190,810	\$1,256,143	\$1,249,670	\$1,268,438	\$1,333,496
Zoo	\$476,762	\$501,881	\$549,281	\$647,664	\$708,729	\$702,664	\$723,336	\$743,775	\$765,012
Civic Auditorium	\$975,192	\$817,952	\$875,087	\$1,068,138	\$1,068,886	\$1,089,325	\$1,112,562	\$1,134,629	\$1,157,558
Shop	\$105,918	\$75,589	\$71,441	\$120,673	\$135,486	\$201,487	\$139,788	\$148,402	\$157,339
Street Lighting	\$300,752	\$327,509	\$303,303	\$370,000	\$377,400	\$384,948	\$392,647	\$400,500	\$408,510
Appropriations	\$229,955	\$194,442	\$80,293	\$94,250	\$113,000	\$88,000	\$88,000	\$88,000	\$88,000
Airport	\$558,645	\$454,160	\$648,272	\$660,890	\$844,108	\$913,690	\$863,615	\$873,897	\$884,551
Parking Facility	\$10,008	\$21,803	\$10,223	\$25,600	\$25,800	\$26,004	\$26,212	\$26,424	\$26,641
Transfers - County Wide Sales Tax	\$2,463,819	\$2,535,236	\$2,822,749	\$3,000,000	\$3,060,000	\$3,121,200	\$3,183,624	\$3,247,296	\$3,312,242
Transfer to Industrial Development Sales Tax	\$900,000	\$925,000	\$925,000	\$925,000	\$925,000	\$925,000	\$925,000	\$925,000	\$925,000
Transfer to Equipment Reserve				\$260,000	\$264,500	\$282,300	\$257,800	\$364,300	\$257,000
Transfer to Projects	\$1,037,917	\$2,136,021	\$1,771,144	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000
Salary Contingency				(\$258,542)	(\$279,663)	(\$290,850)	(\$302,484)	(\$314,583)	(\$327,167)
Outstanding PO's	(\$288,760)		(\$155,880)						
Assume expenditures at 99%				(\$192,829)	(\$206,199)	(\$213,619)	(\$219,217)	(\$224,902)	(\$231,649)
TOTAL EXPENDITURES	\$20,983,120	\$22,146,161	\$22,712,040	\$23,056,545	\$24,423,522	\$25,225,919	\$25,806,376	\$26,527,268	\$27,140,375

5 year Budget

2023-2027

Revenue Detail and Expenditure Summary

4% increase

GENERAL FUND

	2019 (Actual)	2020 (Actual)	2021 (Actual)	2022 Estimated	Budget 2023	Budget 2024	Budget 2025	Budget 2026	Budget 2027
Revenue less expenses	\$564,606	(\$105,454)	\$337,774	\$136,219	(\$333,446)	(\$647,828)	(\$725,182)	(\$929,012)	(\$1,011,480)
Cash Basis Adjustments/Non-appropriated Balance	(\$109,518)	\$250,705	(\$103,050)	\$0	\$0	\$0	\$0	\$0	\$0
Ending Cash Balance	\$4,155,390	\$4,300,640	\$4,535,364	\$4,671,584	\$4,338,137	\$3,690,309	\$2,965,127	\$2,036,115	\$1,024,635
Base for Reserve calculation	\$15,910,962	\$15,896,975	\$16,859,065	\$18,831,545	\$20,134,022	\$20,857,419	\$21,399,952	\$21,950,672	\$22,606,133
15% Reserve	\$2,386,644	\$2,384,546	\$2,528,860	\$2,824,732	\$3,020,103	\$3,128,613	\$3,209,993	\$3,292,601	\$3,390,920
Amount over 15% Reserve	\$1,768,745	\$1,916,094	\$2,006,505	\$1,846,852	\$1,318,034	\$561,696	(\$244,866)	(\$1,256,486)	(\$2,366,285)
Percentage	26.12%	27.05%	26.90%	24.81%	21.55%	17.69%	13.86%	9.28%	4.53%

8% valuation increase in 2023
Assessed Valuation 3% each year
Sales Tax 3% inc each year
Multi Year Tax 2% inc
Electric franchise fee 5% inc 2022 2% inc each year
Gas Franchise Fee 10% in 2022 5% in each year
Admin fee capped for sewer - 16% other funds

Expense Items

Personnel services includes a 2.5% merit pay inc
5% to health reserve fund
Mainstreet - Changed allocation to \$50,000 decrease of \$6,500
Plumb Place \$25,000

A RESOLUTION OF THE CITY OF EMPORIA, KANSAS REGARDING THE GOVERNING BODY'S INTENT TO LEVY A PROPERTY TAX EXCEEDING THE REVENUE NEUTRAL RATE;

WHEREAS, the Revenue Neutral Rate for the City of Emporia was calculated as 39.57 mills by the Lyon County Clerk; and

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

WHEREAS, the Governing Body intends to hold a hearing and hear testimony from all interested taxpayers desiring to be heard as required by state law.

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

Section 1. The Governing Body of the City of Emporia hereby sets a public hearing regarding its intention to exceed the Revenue Neutral Rate for September 7, 2022, at 11:00 am to be held at Commission Meeting Room at 522 Mechanic and directs that notice of the public hearing be given as required by state law.

Section 2. The Governing Body of the City of Emporia expresses its intention to exceed the Revenue Neutral Rate with a proposed mill levy of 42.80 mills.

Section 3. The Governing Body of the City of Emporia directs the City Clerk to provide this resolution to the Lyon County Clerk as notice of the City's proposed intent to exceed the Revenue Neutral Rate.

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

ADOPTED this 20th day of July 2022 and **SIGNED** by the Mayor.

Becky Smith, Mayor
Attested:

Kerry Sull, City Clerk

Notes:

- 1) The notice required by SB 13 (as modified by HB 2104) does not have to take the form of a resolution. Pursuant to the legislation, the notice must come from the governing body, and must include a statement of intent to exceed the revenue neutral rate, the date, time and location of the public hearing, and the city's proposed tax rate. Because the notice must come from the governing body, some official action will need to be taken by the body to give the notice. A resolution like this sample may be the easiest form for that notice to take, as it will require an official action of the governing body to pass the resolution and the written resolution can be sent to the County Clerk to serve as the notice.
- 2) This resolution as drafted contains only the information explicitly required by SB 13 (as modified by HB 2104). The city can, at the discretion of the governing body, include more in this resolution. For example, the governing body could include "whereas" statements explaining the rationale for exceeding the revenue neutral rate.