



**MEETING OF THE CITY COMMISSION - AGENDA
WEDNESDAY, JANUARY 18, 2023 AT 11:00 AM
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER Mayor Danny Giefer

MEMBERS PRESENT

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

PROCLAMATIONS

Proclamation Recognizing January 29th through February 4th as Celebrate Catholic Schools Week in Emporia.

To Accept: Mrs. Machele Nuessen, Sacred Heart School 5th Grade Teacher

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) Public Hearing – Appeal of a Ruling from the State of Kansas Historic Preservation Office for Property Located at 224 E Sixth Ave. (Royal Plumb)

Presented by: Justin Givens, Administrator of Planning & Zoning

Recommended Action: Public Hearing – Appeal of a Ruling from the State of Kansas Historic Preservation Office for Property Located at 224 E Sixth Ave. (Royal Plumb)

2) Resolution No. 3690 Amending Resolution No. 3685 Regarding the Intent to issue Industrial Revenue Bonds in the Amount of \$4,650,000.00 for Capitol Holdings, LLC.

Presented by: Jim Witt, Special Projects Coordinator

Recommended Action: Approve Resolution No. 3690 Amending Resolution No. 3685 Regarding the Intent to issue Industrial Revenue Bonds in the Amount of \$4,650,000.00 for Capitol Holdings, LLC.

3) Bids for Pool Resurfacing and Repair at Jones Aquatic Center.

Presented by: Kevin Hanlin, Director of Public Lands & Facilities

Recommended Action: Approve Bids for Pool Resurfacing and Repair at Jones Aquatic Center.

4) **Purchase of Replacement Splash Pad Features at Jones Aquatic Center.**

Presented by: Kevin Hanlin, Director of Public Lands & Facilities

Recommended Action: Approve Purchase of Replacement Splash Pad Features at Jones Aquatic Center

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

- 1) Financials & Permits
- 2) Community Housing Board Minutes for December 1, 2022.
- 3) Emporia Land Bank Board Minutes December 1, 2022.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Minutes for the Commission Meeting on January 4, 2023.
- 2) Highland Street Improvements Project Easement Acquisition, Project No. PV2104.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Informational Items

GOVERNING BODY COMMENTS

Mayor Danny Giefer

Vice Mayor Susan Brinkman

Commissioner Erren Harter

Commissioner Jamie Sauder

Commissioner Becky Smith

EXECUTIVE SESSION

- 1) AN EXECUTIVE SESSION FOR CONSULTATION WITH AN ATTORNEY FOR THE PUBLIC BODY OR AGENCY 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.

Recess into executive session for consultation with the City Attorney regarding a legal matter for 10 minutes and stating at which time the open meeting will resume.

RECESS

Recess to Conference Room 1AB for Study Session

STUDY SESSION AGENDA ITEMS

- 1) Implementation of a Rental Registration Program and Revisions to the Current Vacant Property Code.
- 2) Amendment to Emporia City Code Chapter 13, Article 2, Human Relations Commission/Accessibility Advisory Committee.
- 3) Request from Land Bank for Urban Side Park Property.
- 4) Emporia Land Bank 2022 Annual Report.
- 5) Discuss 2023 Street Rehabilitation Recommended Street Segments & Add Alternates.

ADJOURNMENT



PROCLAMATION

WHEREAS, each year the Archdiocese of Kansas City in Kansas designates one week during the year to highlight Catholic Schools, and in 2023, the week of January 29th through February 4th; and

WHEREAS, since 1881, Sacred Heart has had a Catholic School and today Sacred Heart Catholic School is an example that a religion-based school can withstand the test of time and change; and

WHEREAS, Catholic school education is highly valued and has played a significant role in the lives of many families; and

WHEREAS, the presence of a Catholic school in our community has proven to be an additional amenity and incentive in the education of the youth of the City of Emporia; and

WHEREAS, Sacred Heart Catholic School is proud to be where students consistently work to their full potential; and

WHEREAS, the school has open enrollment and welcomes students from other communities and other religions; the intimate environment at Sacred Heart School affords each child personal attention and promotes individual success, self-esteem, and growth; and

WHEREAS, the legacy of Sacred Heart School will live on for many years thanks to dedicated administrators, teachers, and students as well as a very supportive community.

NOW THEREFORE, I, Danny Giefer, Mayor for the City of Emporia, do hereby proclaim January 29th through February 4th, as

Celebrate Catholic Schools Week

in Emporia, Kansas

On this 18th Day of January 2023

ATTEST:

Danny Giefer, Mayor

Kerry Sull, City Clerk



Commission Action Report

Title: Public Hearing – Appeal of a Ruling from the State of Kansas Historic Preservation Office for Property Located at 224 E Sixth Ave. (Royal Plumb)

Proposed Agenda Date: January 18, 2023

Presented By: Justin Givens, Planning & Zoning Administrator

BACKGROUND:

State statute K.S.A. 75-2724 gives the governing body the authority to reaffirm or overrule the decision of the Kansas State Historical Society. The statute states the project cannot proceed until the local governing body has determined, based on a consideration of all relevant factors, that there are no feasible and prudent alternatives to the proposal, and the project includes all possible planning to minimize harm to the historic property.

The owner of the property located at 224 E Sixth Ave., now known as the Royal Plumb, has requested that the governing body conduct a public hearing as prescribed by the state statute to overturn a ruling made by the State Preservation Office.

DISCUSSION:

The owner (Christine Stanley) purchased the property in late 2022, and began the process of remodeling and renovating the structure in hopes of one day creating a bed and breakfast, but in the immediate term using the property as her residence. Ms. Stanley has applied for and received approval from SHPO for several of the projects that she identified as immediate needs including new gas lines, concrete repair, and shoring up exterior pillars as well as several interior renovations.

The project in question is the installation of a new door on the east side of the property. The current door does not appear to be original to the house, and is in severe disrepair including significant wood rot around the door frame. The opening for the door is also not considered to be handicap accessible as it is too narrow of an opening. Ms. Stanley has proposed installing an upgraded door, and enlarging the opening to make it accessible.

The renovation of the door requires a building permit, as it will alter the structure. Projects that require a building permit from the city also require review, and approval from SHPO. SHPO denied the request stating that it appeared that the door and framing could be repaired by removing and replacing the rotted wood, giving no consideration for enlarging the opening to accommodate a wheelchair.

FINANCIAL CONSIDERATIONS:

There are no financial considerations for this item.

OTHER CONSIDERATIONS:

The Governing Body, when conducting a public hearing as prescribed by K.S.A. 75-2724, may make a motion to reaffirm the decision of the State Historical Preservation Office, or overrule the decision and allow the renovation as proposed.

RECOMMENDED ACTION:

Staff generally agrees with, and defers to, the State in matters of historical preservation, however in this particular instance, staff does agree with the applicant's request for overrule, based on the following:

- 1) The door does not appear to be original to the structure, and does not enhance the historical nature of the building.
- 2) The rotting of the door, and surrounding framing does seem to be excessive, and beyond a reasonable approach to repair.
- 3) The new door and opening would provide an ADA accessible entrance to the property, and enhance the visual appeal, while maintaining the historical nature of the house.

Staff would recommend a Motion to Override the State Historical Preservation Office, finding that based on a consideration of all relevant factors, that there are no feasible and prudent alternatives to the proposal, and the project includes all possible planning to minimize the harm to the historic property.

ATTACHMENTS:

Visuals for Appeal (Proposed Door / Old Door) – Email from SHPO

**224 E Sixth
Appeal to Override SHPO Decision**



Proposed Door

**224 E Sixth
Appeal to Override SHPO Decision**



Existing Door

224 E Sixth
Appeal to Override SHPO Decision



Existing Wood Rot

**224 E Sixth
Appeal to Override SHPO Decision**



Existing Wood Rot

**224 E Sixth
Appeal to Override SHPO Decision**



Existing Wood Rot

**224 E Sixth
Appeal to Override SHPO Decision**



Existing Wood Door

224 E Sixth
Appeal to Override SHPO Decision

Note Non Historic Door Fixture



Existing Wood Rot

From: Jones, Lauren [KSHS]
Sent: Wednesday, December 7, 2022 4:06 PM
To: 'Christine Stanley' <christinestanley1717@gmail.com>
Subject: Plumb House Remodel (22-09-261)

Hi Christine,

After meeting with other staff, I have compiled our comments about the proposed work. I have marked in red the comments where we need more information to complete the review. The main thing we need is a floorplan. With a large house like this, it is difficult to understand the photos and your comments without a floor plan. I had heard that you may be working with an architect? That should be something they could maybe provide. It doesn't need to be full architectural drawings, a sketch is fine too. I was able to find the attached floor plan that was part of the original nomination, perhaps that can help you.

1. Cement Repair
 - a. Previously approved
2. 3 pics of area that need flooring & railing for security
 - a. This should be fine, but **we do need more information about what the railing will look like**, either a product sheet, link to a website, or pictures.
3. Bathrooms
 - a. **Will any walls be moved or opened up as part of this?** A floorplan would be helpful to illustrate this.
4. Ceilings
 - a. Anywhere that plaster was historically, then sheetrock replacement is acceptable. This is most of the ceilings you provided pictures for, but I did find some other photos of wooden ceilings where it would damage the historic building if those were removed and replaced with sheetrock.
5. Need stairs outside of library door to Union Street
 - a. Stairs should be painted wood and should avoid damaging the limestone foundation when attaching them to the house.
6. Pictures of lot – new gazebo, covered sitting area
 - a. No concerns with this site work
7. Plumbing add shower
 - a. **Again, we need more information about if any walls will be modified as part of this project.** If all work is done in the existing footprint, then we agreed it will not damage the house.
8. New ceilings they are all bad in carriage house
 - a. Same as #4 – where historically plaster, new ceilings with sheetrock are approved
9. I would like new kitchen here. Sink, dishwasher, stove, fridge, etc...
 - a. **We still do not have enough information to review this one.** We need a floorplan to better understand it, but it does appear that the new kitchen will be in the formal dining room. Converting a dining room, which is historically an important “public”/primary space to a kitchen most likely would not meet the [Standards](#) and would damage or destroy the historic property. In addition, the “cabinets” appear to actually be built-ins that are integral to the wall and therefore moving them would change a character-defining feature.
10. I would like to bring some of the old pantry into the new kitchen, cutting an (arch) in between and putting old cabinets in new kitchen

- a. See notes from #9
- 11. 6 fire places converted to gas or electric
 - a. Based on previous emails, this work won't be moving forward.
- 12. New toilet & sink in pool room next to the red bath (PLUMBING)
 - a. Same as #3 above – a floorplan showing what walls will be modified is needed to understand this proposal.
- 13. Laundry room (PLUMBING)
 - a. This is approved, provided that if any openings need to be made in the wall for plumbing, they be kept to a minimum and patched with sheetrock or plaster as appropriate.
- 14. Blanket Plumbing *
 - a. As mentioned in #13, avoid opening up whole walls when only a small entry is needed. Plumbing should be kept under the floor/in the ceiling and routed in such a way to not impact highly decorative ceilings. Any places where the wall or ceiling needs to be opened up should be patched to match the historic appearance.
- 15. Blanket Electric *
 - a. Similar to the plumbing conditions, work should have minimal intrusions and be patched to match the historic appearance.
- 16. Make closet in bedroom a bath w/ shower
 - a. See #3
- 17. Door on east side
 - a. The door on the east side does not appear to be beyond repair, and therefore replacement would not meet the Standards for Rehabilitation (#6 – “Deteriorated historic features will be repaired rather than replaced.”)

Work added after the initial submission:

- 18. Elevator
 - a. **We need a floorplan** showing where this will be in the house.
- 19. Stairlift
 - a. Same as #18, **we need a floorplan** showing what areas of the house will be impacted.

I'll be in touch with the city about how they want to proceed with permitting.

Thanks,
Lauren

Lauren Jones
Review and Compliance Coordinator
Kansas Historical Society
6425 SW 6th Avenue
Topeka KS 66615-1099
785-272-8681, ext. 214
Lauren.Jones@ks.gov

*We are now only accepting review and compliance submissions at <https://review.kshs.org>.



Commission Action Report

Title: Resolution No. 3690 Amending Resolution No. 3685 Regarding the Intent to issue Industrial Revenue Bonds in the Amount of \$4,650,000.00 for Capitol Holdings, LLC.

Proposed Agenda Date: January 18, 2023

Presented By: Jim Witt, Special Projects Coordinator

BACKGROUND:

The adoption of this Resolution is a step in the eventual issuance of Industrial Revenue Bonds in the amount of \$4,650,000.00 for 16 residential duplexes, containing 32 apartments located in the city of Emporia, Kansas. This Resolution will amend Resolution No. 3685 by increasing the amount of the IRB issue from \$3,500,000.00 to \$4,650,000.00 and the number of residential duplexes from 12 to 16 units and the number of apartments from 24 to 32. The location of the four additional residential duplexes is 1023 and 1025 Merchant Street.

DISCUSSION:

The bond-financed property will be eligible for sales tax exemption and property tax exemption for a term of ten years, subject to fulfillment of the City's public incentives policy. The City is not liable for the principal or interest repayment on the bonds under Kansas Statutes.

FINANCIAL CONSIDERATIONS:

The Industrial Revenue Bonds, together with the interest thereon, are not general obligations of the City but a special obligation payable solely from the lease payments under the Lease, and the Bond Fund and other monies held by the Trustee, as provided in the Indenture. Neither the credit nor the taxing power of the State of Kansas or any political subdivision of such State is pledged to the payment of the principal of the Bonds and premium if any, and interest thereon or other cost incidental thereto.

OTHER CONSIDERATIONS:

None

RECOMMENDED ACTION:

Adopt Resolution No. 3690 regarding the interest to issue Industrial Revenue Bonds in the amount of \$4,650,000.00 for Capitol Holdings LLC.

ATTACHMENTS:

Resolution No. 3690

RESOLUTION NO. 3690

OF

THE
GOVERNING BODY OF
THE CITY OF EMPORIA, KANSAS

AMENDING RESOLUTION NO. 3685

RELATING TO THE INTENT TO ISSUE
TAXABLE INDUSTRIAL REVENUE BONDS
(CAPITAL HOLDINGS, LLC)

RESOLUTION NO. 3690

A RESOLUTION AMENDING RESOLUTION NO. 3685 OF
THE CITY OF EMPORIA RELATING TO THE ISSUANCE OF
INDUSTRIAL REVENUE BONDS OF THE CITY.

WHEREAS, on December 7, 2022 the governing body of the City of Emporia, Kansas (the “City”) adopted Resolution No. 3685 (the “Resolution of Intent”) stating the intent of the City to issue its industrial revenue bonds in an amount not to exceed \$3,500,000 (“Bonds”) for the purpose of financing the purchasing, acquiring, constructing, furnishing, and equipping 12 residential duplexes, containing 24 apartments, located at (i) 412 E. 12th Ave., (ii) 416 E. 12th Ave., (iii) 1128 Union, (iv) 1106 Mechanic, and (v) 1110 Mechanic in the City (“Project”) and to lease the Project to Capital Holdings, LLC, and

WHEREAS, the Capital Holdings, LLC, a Kansas limited liability company (the “Company”) has added four duplexes, containing 8 apartments, to the Project, to be located at 1023 Merchant Street and 1025 Merchant Street (the “Merchant Street Projects”); and

WHEREAS, the Company has requested the City to increase the principal amount of the Bonds identified by the Resolution of Intent to \$4,650,000 in order to finance the Merchant Street Projects as part of the Project identified by the Resolution of Intent; and

WHEREAS, it is necessary to amend certain sections of Resolution No. 3685 to expand the scope of the Project, redefine the Project, and increase the principal amount of the Bonds.

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

SECTION 1. Amendment to 2nd Recital Clause of Resolution 3685. The second recital paragraph to the Resolution of Intent is amended and replaced with the following:

WHEREAS, Capital Holdings, LLC, a Kansas limited liability company, or its affiliates (the “Tenant”), requested the City to provide for the issuance of certain taxable industrial revenue bonds (the “Bonds”) pursuant to the Act to pay the costs of purchasing, acquiring, constructing, furnishing, and equipping 16 residential duplexes, containing 32 apartments, located at (i) 412 E. 12th Ave., (ii) 416 E. 12th Ave., (iii) 1124 Union, (iv) 1128 Union, (v) 1106 Mechanic, (vi) 1110 Mechanic, (vii) 1023 Merchant, and (viii) 1025 Merchant in the City (the “Project”), which the Tenant will lease from the City under terms of a Lease Agreement and other agreements entered into in connection with issuing the Bonds (the “Lease”); and

SECTION 1. Amendment of Section 1 of Resolution No. 3685. Section 1 of Resolution No. 3685 is replaced with the following amended Section 1:

SECTION 1. The City finds and determines the acquisition, construction, reconstruction and equipping of the Project will promote, stimulate, and develop the

general welfare and economic prosperity of the City through the promotion and advancement of residential housing and general commercial development of the City, and the City intends and is authorized to finance the Project (as defined above) and issue the Bonds (as defined above) in the approximate principal amount \$4,650,000.00 to further the public purposes of the Act.

SECTION 2. Effect of Amending Resolution. This resolution supplements and amends Resolution No. 3685 only as stated in Section 1 and 2 above, and the balance of Resolution No. 3685 is ratified and confirmed and shall remain in full force and effect.

SECTION 3. Other Actions Required. The Mayor and City Clerk are authorized and directed to take all such other actions not inconsistent with this Resolution as may be appropriate or desirable to accomplish the purposes described herein.

SECTION 4. Effective Date. This Resolution shall become effective upon its approval and adoption by the governing body of the City.

[Remainder of Page Intentionally Left Blank]

ADOPTED AND APPROVED by the governing body of the City of Emporia, Kansas on
January 18, 2023.

CITY OF EMPORIA, KANSAS

[seal]

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk

EXCERPT OF MINUTES

The Governing Body of the City of Emporia, Kansas, met in regular session at the usual meeting place in the City on January 18, 2023, at 11:00 a.m., with Mayor Danny Giefer presiding and the following members present:

The following members were absent:

Among other business, there came on for consideration and discussion a resolution entitled:

A RESOLUTION AMENDING RESOLUTION NO. 3685 OF THE CITY OF EMPORIA.

The Resolution was considered and discussed, and on motion of _____, seconded by _____, the Resolution was adopted by vote of the majority of all members present.

The Resolution was assigned No. 3690, and authorized to be signed by the Mayor and attested by the City Clerk.

[Remainder of Page Intentionally Left Blank]

CITY CLERK'S
CERTIFICATION OF EXCERPT OF MINUTES

I certify that the foregoing is a true and correct Excerpt of Minutes of the January 18, 2023, meeting of the governing body of the City of Emporia, Kansas.

[seal]

By _____
Kerry Sull, City Clerk



Commission Action Report

Title: Bids for Pool Resurfacing and Repair at Jones Aquatic Center

Proposed Agenda Date: January 18, 2023

Presented By: Kevin Hanlin, Director of Public Lands & Facilities

BACKGROUND:

Because of the issues we experienced with the JAC lazy river last summer we reached out to five companies to look at the surfacing and caulking in lap pool and lazy river. One company was not interested, two companies did not respond at all and two companies made appointments and looked at our facility. Both contractors expressed we have neglected maintenance too long and our water areas need sandblasted and resurfaced to prevent any further damage to pool structures. Enclosed are two bids to clean, brush blast the surface, repair any damages, recoat with an epoxy and caulk all seams. This process should be redone about every eight years.

DISCUSSION:

Consider bids from J.F. McGivern and R-Torrey Construction, Inc, for resurfacing lap pool and lazy river areas.

FINANCIAL CONSIDERATIONS:

Paid from General Fund in the amount of \$98,450.00.

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Award bid to R-Terrey Construction, Inc. in the amount of \$98,450.00 for pool resurfacing and repair.

ATTACHMENTS:

Bids from J.F. McGivern, Inc and R-Terry Construction.

J.F.MCGIVERN

INCORPORATED

EST 1946

August 25, 2022

Attn: Jerry Tucker
Jones Aquatic Center
4202 W. 18th Street
Emporia, KS 66801

e-mail: jtucker@emporia.ks.gov

Re: Jones Aquatic Center, Emporia, Kansas--Prepare and Epoxy Paint Previously Field Painted Surfaces the Swimming Pool

Dear Jerry,

Per your request, we are pleased to quote surface preparation, patching as required, two coat epoxy paint application, and certain re-caulking to the previously field painted concrete surfaces of the Lap Pool, Deep End, and Lazy River all located at the Jones Aquatic Center, 4202 W. 18th Street, Emporia, Kansas. Work scope and specification is as follows and is intended to be in accordance with our job site review on Tuesday, August 23rd, 2022.

Scope or work shall include the preparation and epoxy painting to all previously painted white pool walls and floors. Note: No work or re-painting of the black lap lanes, "T" targets, or safety red accents shall be performed--these areas shall be "blotted out" and painted white per your instructions.

Surface Preparation

All necessary covering, protecting, and masking of non-scheduled and adjacent surfaces (lights, vents, drain, stainless gutter, etc.) shall be performed by this contractor prior to preparation and painting. Concrete surfaces shall then be "brush sandblasted" to remove any loose and deteriorated existing coatings and to provide a profile or anchor pattern for the application of the new coating system. Blasting shall be performed "open air" with no allowance made for any containment or enclosure of the work area. All debris from blasting operation shall be cleaned

O. 785-354-1787 F. 785-354-1812	JFMC GIVERN.COM	3333 SE 21ST ST. TOPEKA, KS 66607
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up and disposed of offsite by this contractor. Specified concrete pool surfaces shall then be high pressure power washed at 3500-4000 psi minimum with a mild bio-degradable environmentally safe cleaning agent to aid in the removal of all dirt, dust, surface, and oil contaminants. Major holes, cracks, and voids in wall and floor areas shall be patched and/or repaired with a top line 100% solids immersion grade two component epoxy patching compound.

Existing caulk joints located at floor level and up certain wall surfaces shall be cut out and removed, joints cleaned of all dirt and debris, with joints allowed to thoroughly dry. Joints shall then be primed as required and re-caulked with an immersion grade two part polysulfide Sikaflex 1a caulking compound--color white. Note: All caulking installation shall be performed after painting is completed--caulking shall not be painted.

Coating Application

Prime Coat—Tnemec's Series 161HS (high solids) Fascure polyamide epoxy applied at 6.5 mils wet to achieve a dry film thickness of 5.0 mils

Finish Coat—Tnemec's Series 161HS (high solids) Fascure epoxy polyamide epoxy (same as prime coat) applied at 6.5 mils wet to achieve a dry film thickness of 5.0 mils--color white.

Total dry film thickness for this two coat application shall be no less than 10.0 mils

Non-skid application shall be performed on all ramps, submerged steps, zero entry, and pool floors 30 inches deep and lower if requested by owner.

General Notes

1. Product data sheets on the above specified coating available for your review if requested.
2. Water source for power washing shall be supplied by the owner.
3. Owner shall remove all ladders, railing, grates, gel pads, etc. to provide total access for preparation and painting.
4. Caulking shall be limited to the immersion floor and wall caulking only. Bottom lip of stainless guttering **is not included** per your instructions.

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5. All painting application shall be by brush and roller with no spray painting permitted to eliminate any possibility of overspray damage to adjacent buildings, vehicles, etc.

6. **Exclusions:**

- * Depth markers
- * Spray Features
- * Umbrellas
- * Splash Pads
- * Fiberglass Slides and Support Framework
- * Tile and/or Aluminum Coping Repair

7. After pool is 100% painted, finish coat **must** be allowed to cure a minimum of 5 days at 75F degrees prior to being put back into immersion service.

8. Multiple commercial pool references available upon request.

For the above described work, we quote the following:

Lap Pool..... \$113,635.00 plus sales tax if applicable.

Lazy River..... \$ 33,930.00 plus sales tax if applicable.

Prices includes all labor, material, insurance and equipment to complete the work in a first class workman like manner.

Alternate Price--Preparation and Epoxy-Urethane Application to Diving Board Support Structure

The Alternate Price shall consist of the sandblasting, epoxy priming, epoxy intermediate coat, and urethane finish coat application (three coats) to the Diving Board Structure located in the deep end of the pool. Color shall be selected by owner. Note: Diving board, handrails, gears, etc. shall be removed by owner prior to work beginning by the contractor to provide access to all areas.

For this Alternate Price we quote the sum of **\$2400.00 plus sales tax if applicable.**

Pricing is based on completing the work in the spring of 2023.

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TOPEKA, KS 66607

If awarded a contract, we request a minimum of 45 days notice prior to beginning work to schedule labor, acquire materials, mobilize, etc.

Questions regarding this proposal please direct to John A. McGivern at office phone number (785)-354-1787 extension 209 or cell phone number (785)-221-8988.

We appreciate the opportunity to quote on your pool preparation and painting requirements and look forward to your response.

Respectfully submitted,

J.F. McGivern Inc.

John A. McGivern

O. 785-354-1787 F. 785-354-1812	JFMCGIVERN.COM	3333 SE 21ST ST. TOPEKA, KS 66607
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R-Torrey Construction, INC.

P O Box 264

Wamego, KS 66547

January 12, 2023

Jones Aqua Center
4202 west 18th Ave
Emporia, KS 66801

Attention: KEVIN,

We are pleased to quote surface preparation and painting of the Jones Aqua Centers, Lazy River, and Lap Pool.

Surface Preparation

All surfaces shall be scrubbed with SC-200 heavy duty degreaser, then washed to remove laitance, mold, fungi, organic pathogens and other airborne contaminants. This method is performed so the blasting doesn't drive the oils, fungi and other pathogens or contaminants into the walls that could cause paint failure.

Surfaces of the Pool will be brush blasted to remove all loose and deteriorating paint coatings. Following the blasting operation, the coatings that remain on the floors and walls, and are in sound condition, shall remain. They will not be removed due to possible damage to concrete that could occur by over-blasting. After blasting operation is completed, any flared edges of paint will be sanded smooth before new coatings are applied. This method will provide the proper profile and anchor pattern for the application of new coatings.

After the sandblasting process, damaged areas or cracks will be ground and patched with ***Tnemecs epoxy patch (series 215)**.

***All caulking in the main pool and river run will be cleaned out and replaced with polysulfide sealant caulking.**

All debris paint chips, dirt, sand media, etc. from blasting operation shall be cleaned up and disposed of by this contractor. The contractor, prior to sandblasting, shall perform all necessary covering and protecting of adjacent and non-scheduled surfaces. After preparation is completed, all blasted surfaces shall be acid-washed and scrubbed once again. R-Torrey Construction follows all OSHA safety regulations in scaffolding and public protection. Upon completion, all surrounding surfaces of the building and premises shall be cleaned and left in an orderly fashion.

Paint Specs as Follows

**1st Coat: *Tnemec's High build epoxy (series 161)
Apply Prime Coat of series 161 @ 5mills DFT (dry film thickness)**

**2nd Coat: *Tnemec's High build epoxy (series 161)
Apply finish coat of Series 161 @ 5mills DFT. For a thickness total of 10mills DFT**

For the above described work, we quote the price of **\$98,450**
(This price does not include sales tax.) Price includes all labor, materials, insurance and equipment to complete the project in a first class, professional-like manner. ***Price includes a one year warranty on all caulking and pool coatings.**

***Color scheme shall be matched and remain the same or as specified.**

Questions regarding this proposal should be directed to Russell Torrey at mobile phone number (785)458-9500.

Respectfully submitted,

Russell Torrey

R-Torrey Construction



Commission Action Report

Title: Purchase of Replacement Splash Pad Features at Jones Aquatic Center

Proposed Agenda Date: January 18, 2023

Presented By: Kevin Hanlin, Director of Public Lands & Facilities

BACKGROUND:

The other pool maintenance item to consider is replacing the three features at the splash pads for \$22,540.00. The existing units are original to the structure and are in need of replacement. Park Department will install the features if approved.

DISCUSSION:

Staff requests consideration of replacing three features in the splash pad area at the Jones Aquatic Center.

FINANCIAL CONSIDERATIONS:

Paid from General Fund in the amount of \$22,540.00 for the three splash pad features.

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Approve purchase of replacement splash pad features at Jones Aquatic Center for \$22,540.00.

ATTACHMENTS:

Estimate from Athco for three new splash pad features.

From: Matt Cline <mcline@athcollc.com>
Sent: Friday, July 22, 2022 3:32 PM
To: Lori Heavener <lheavener@emporia-kansas.gov>
Subject: RE: Price Request

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department.

Hi Lori,

Here are the cut sheets.

These three items would be \$22,540, delivered.

Please let me know if you have any questions.

Thanks!

Matt Cline
Kansas Sales Representative



Toll Free: (800) 255-1102 | Office: (913) 469-5600
Email: mcline@athcollc.com | www.athcollc.com
13500 West 108th Street, Lenexa, KS 66215











Commission Action Report

Title: Financial & Permits

Proposed Agenda Date: January 18, 2023

BACKGROUND:

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

The following is general information for the month of December 2022 for the community:

1) Monthly Local Retail Sales Tax Receipts Update

	2021	2022	Decrease of \$53,518.18 for the month, and Overall increase of 11.87% from year 2021
	\$584,593.19	\$531,075.01	
YTD	\$ 5,439,665.64	\$ 6,085,193.91	

2) City Share from County Tax

	2021	2022	Decrease of \$18,658.50 for the month, and Overall increase of 10.26% from the year 2021
	\$292,771.85	\$274,113.35	
YTD	\$2,822,749.09	\$ 3,112,239.92	

3) **Building Permits issued from 12/1/2022 to 12/31/2022 for new construction, remodeling/repairs and demolition.**

Total number of building permits issued through Code Services:	55
Total of valuations associated with those building permits:	\$ 2,041,753.00
Total number of dollars collected for Building Permit Fees:	\$ 10,535.75

Construct – single-family dwellings	0
Demo – single-family dwellings	0

Flint Hills Mall CID for December 2022	\$ 21,602.83
Year to Date Total	\$ 231,008.29

COMMUNITY HOUSING BOARD MINUTES

P.O. Box 928, Emporia, KS 66801

620-343-4285

REGULAR MEETING 11:00 A.M. Conference Room 1 A/B December 1st, 2022

MEMBERS PRESENT: Cunningham, Morris, Salazar and Dean

MEMBERS ABSENT: Lowery, Hinkle Ogleby

Also present were City staff: Jeff Lynch

- 1) The agenda was approved unanimously.
- 2) Reviewed minutes from the November 10th, 2022 special meeting, approved unanimously.
- 3) Rental/ Vacant Property Registration- on the City Commission agenda for December 21st. Also the Urbanside Park will be discussed.
- 4) Grants Directory- Lynch reviewed all the grants he is working with, including the source, amount and type of grant. Lynch will include more information on the grants if requested. Cunningham asked if the duplex project got turned down by MIH. Lynch confirmed, yes, it was denied, but there will be three new application cycles each year and they could try again. Cunningham asked if there is demolition grant funding available, Lynch said in January it should be available again.
- 5) Old Business
MIH Awards- Lynch passed out a list of projects awarded statewide, with a brief description of each.
- 6) New Business-
Lynch is preparing to start the Vacant Property Improvement Program soon.
Lynch stated the new city logo is now out and being used. The Land Bank will need to change over to the new logo on all documents and signage.
Lynch shared the new flyer going out with the vacant property info. that references the land bank and what it does.
- 5) Adjournment: Motion to adjourn by Morris, seconded by Ogleby, passed unanimously.

Next Meeting Scheduled: January 5th, 2023



MEETING TIME: 10:00 A.M.

December 1st, 2022

City conference Room 1 A/B

MEMBERS PRESENT: Ogleby, Salazar, Cunningham, and Morris

MEMBERS ABSENT: Lowery, Dean, and Hinkle

Also present were- City staff: Jeff Lynch

- 1) The agenda was approved unanimously.
- 2) Minutes from the November 10th, 2022 meeting were approved unanimously.
- 3) Treasurer Report- Lynch reported the unencumbered balance is \$59,632.59
 - a. Lynch added we are budgeted for \$50,000 for 2023 if can show need.
- 4) Old Business-
 - a. 748 W. 4th- Lynch is preparing for closing by Dec 31st, pending city commission final zoning approval on December 17th.
 - b. 201 & 205 Sylvan St. are both completed with single family homes, and have certificate of occupancies approved for them. Lynch stated we need to vote before making payment of the \$8,000 reversionary agreement to the developer, Prismatic Endeavors. It was moved and approved 3-0, Cunningham abstaining. .
- 5) New Business
 - a. Vacant Property Improvement Program- preparing to mail to approximately 70 property owners not already notified of this opportunity.
 - b. Review Urbanside Park - Lynch invited the board to attend the December 17th meeting to join the discussion of considering transferring the property to the land bank for development.
- 6) A motion was made for adjournment, seconded, and passed unanimously. Next meeting will be on January 5th, 2023.

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January 4, 2023, in the City Commission Meeting Room 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.

**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.

No comments were made at this time.

**CITY OF EMPORIA
(Adopt 2023 Legislative Policy Statement)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the City annually adopts its legislative position detailing the City's goals from the State Legislature during the upcoming legislative session. The 2023 draft proposal includes statements supporting the City's top five (5) level position on Home Rule, Economic Development, Housing, Mental Health and Water as follows:

HOME RULE - We believe the governing of public affairs should be as close to the people as possible and that Home Rule is essential to vigorous, effective and responsible local government under our representative system. Home Rule is crucial to the continued ability of locally elected officials to solve problems in ways most appropriate to local needs and conditions. Legislative which affirms the ability to pass local laws on the same subject is strongly supported.

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

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

MENTAL HEALTH - We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers, and additional bed space for patients with mental health issues.

WATER - Access to water is paramount for the continued growth and viability of our communities. We support conservation, protection, and development of current and future water supplies to ensure access to clean, safe, and affordable water for all Kansas residents.

Commissioner Brinkman made a motion to adopt the City of Emporia 2023 Legislative Policy Statement. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

ENGINEERING
(Highland Street CDBG Improvements - Project No. PV2104)
(12th Avenue to 16th Avenue)
(Bid)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City applied for and received funding for utility and street/drainage improvements along Highland Street from 12th Avenue to 16th Avenue. He stated this project will include street paving, sanitary sewer, storm sewer and water main improvements. Only one bid was received as follows:

BID TABULATION FOR HIGHLAND STREET IMPROVEMENTS

Bidder	Base Bid	Add Alt. #1
APAC-Shears Kansas Division	\$1,280,400.92	\$1,315,997.35
Engineer's Estimate	\$1,493,994.00	\$1,541,789.00

He stated the Kansas Department of Commerce Community Development Block Grant will fund up to \$750,000.00 of the \$1,280,400.92 amount bid for the project. Staff was recommending awarding the bid to APAC-Shears Kansas Division, Inc., for the Highland Street Paving Improvements Project base bid in the amount of \$1,280,400.92.

Following further discussion Commissioner Giefer made a motion to award APAC-Shears Kansas Division Inc, the Highland Street Improvements Bid, Project No. PV2104 for the base bid amount of \$1,280,400.92.

Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

ENGINEERING
(Road F from US Hwy 50 to Road 180)
(City Project No. PV1907, KDOT Project No. KA-5281-01)
(Easement Acquisitions)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the Kansas Department of Transportation conducted a US 50 Access Management Plan Corridor Study in 2015. The plan identified the City's Industrial Park IV area as having economic development significance to the US-50 Highway corridor. He stated Road F from US-Hwy 50 to Road 180 is within the corridor study and the City received 100% KDOT funding for the construction of Roadway and Drainage Improvements in 2019. Accepting the right of way and easements from Emporia Enterprises, Roy's LLC, Larry B. Estes & Richard L. Sommers and Wanda R. Myers are needed to facilitate construction of the roadway and drainage improvements.

Commissioner Harter made a motion to accept the right of way and easements from Emporia Enterprises, Roy's LLC, Larry B. Estes & Richard L. Sommers and Wanda R. Myers for Road F Paving Improvements Project No. PV1907, KDOT Project No. KA-5281-01 for proposed paving and drainage improvements. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

ENGINEERING
(Pathways to a Healthy Community Pledge)
(Multimodal Transportation and Recreation Trails)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City received funding in 2022 from the Kansas Department of Transportation Alternatives Program for two (2) multi-use concrete path projects along 12th Avenue and Burlingame Road and along 24th Avenue from Lincoln Street to Prairie Street. Daphne Mertens with Healthier Lyon County has secured \$100,000 in funding through the Pathways

to a Healthy Kansas Grant Program, in partnership with Blue Cross & Blue Shield. The Pathways to a Healthy Kansas Grant Program requires a pledge and minimum requirement to participate and receive funding be agreed to and signed by the City. He stated the City's estimated share of those projects is about \$125,000, of which \$100,000 can be paid from the Pathways Grant. He stated staff was recommending approval of the Pathways to a Healthy Community Pledge for Multimodal Transportation and Recreational Trails Package with Healthier Lyon County and authorize the Mayor to sign the pledge.

Commissioner Giefer made a motion to approve the Pathways to a Healthy Community Pledge for Multimodal Transportation and Recreational Trails Package with Healthier Lyon County and authorize the Mayor to sign the pledge. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman aye; Commissioner Harter, aye; and Mayor Smith, aye.

**EMPORIA MUNICIPAL GOLF COURSE
(Wide Area Mower)
(Bids)**

Kevin Hanlin, Director of Public Lands and Facilities, was recognized and addressed the Governing Body. He stated bids were received to replace a 1996 John Deere F1145 with well over 5000 hours on it for the golf course. This mower will be used to cut rough areas of the golf course. The bids are as follows:

Vendor	Make/Model	Total
<i>Prairieland Partners Emporia, KS</i>	<i>John Deere 1600 Turbo Terrain Cut 128"</i>	<i>\$67,859.33</i>
Van-Wall Equipment Lenexa, KS	John Deere 1600 Turbo Terrain Cut 128"	\$72,650.00
Professional Turf Products Lenexa, KS	Toro Groundsmaster 4000-D 132"	\$93,108.37

He stated the 1996 mower will be sold through Purple Wave. The budgeted amount for the new mower is \$81,550.00 The low bid from Prairieland

Partners came in at \$13,690.97 under the budgeted amount. He stated staff was recommending the purchase of a John Deere 1600 Turbo Terrain Cut Commercial Mower with 128" cut from Prairieland Partners.

Commissioner Harter made a motion to award the purchase of a wide area rough mower to Prairieland Partners in the amount of \$67,859.33. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Consent Agenda

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

a. Approve minutes of the Regular Meeting held on December 21, 2022.

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

CITY COMMISSION (City Manager's Report)

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

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

TENTATIVE AGENDA FOR JANUARY 18, 2023 11:00 a.m.

Proclamation Naming Catholic School Week.

Resolution to Amend IRB for Capitol Holdings, LLC.

Public Hearing to Appeal Decision to State Historic Preservation Officer for Property Located at 224 E. 6th Avenue.

**2022 CITY COMMISSION
(State of City Speech)
(Mayor Becky Smith)**

2022 has been the start of wonderful things and the continuation of great things already in motion.

Our new city manager, Trey, got his feet under him and has been rolling forward making improvements to an already strong organization.

We lost one commissioner to Missouri and the commission elected Erren Harter to join us and help guide the city. I feel he has been a great addition. Along with a new commissioner we have a police chief, fire chief, a new communications manager, new ESU president, library director, RDA director and the list goes on. With all the new faces it has been a pleasure getting to show how our city is an amazing place to call home. And how our city organization keeps it going every day of the year.

This commission is dedicated to improving and maintaining our infrastructure. 3.50 million in streets, 2.6 inn water mains, in the water plant improvements we invested 2.3 million, in sewer improvements 1.1 million was invested. Park updates received almost 800,000 including the addition of pickle ball courts that was years in discussion and became a great partnership with the private sector.

Housing continues to be a big topic, but we have new developments going in as we speak and some headway is being gained every month. This not only includes single family but multifamily downtown and throughout the community.

Retail exploded this year. with more coming soon. A new Fairfield Inn and convention center is being built and we will see the QuickTrip project move forward. Our downtown remains vital and will always be the heart of the city. When industries are looking to expand or relocate, or even just someone looking to move, the first thing they look at is how strong our downtown is with shopping, restaurants and even more upper story living than most places.

This year our employees took center stage in my eyes. They received raises, bonuses, and we are getting ready to do a salary study that will tell us where we fit and how we can improve our employees' lives. Every single one goes above and beyond and everyone is pulling to move Emporia forward. The city never closes. There is always police, fire, someone on call for water or street emergencies. There are no snow days for city staff. My father was a city employee for many years, and I truly think growing up around the city and seeing the hard-working people is why I chose to run for commissioner almost 6 years ago.

Thank you to my fellow commissioners, this job is not always the easiest or the most popular, and we don't always agree, but once a decision has been made, we move forward together. 2022 was an amazing year for Emporia Kansas, I can't even begin to list everything wonderful that has

happened, but I also know 2023 will be even better.

Thank you for allowing me to be a part of it. I am truly honored to serve.

Becky Smith

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

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk

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

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

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

**CITY COMMISSION
(Approve Surety Bonds)**

Commissioner Smith made a motion to approve Surety Bonds for the City Manager Cocking, City Clerk Sull and City Treasurer Harrouff. The City has obtained Surety Bonds from Cincinnati Insurance Co. for the 2023 fiscal year. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

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

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

**CITY COMMISSION
(Designate Financial Institutions)**

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

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

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

**JOINT ECONOMIC DEVELOPMENT ADVISORY COUNCIL
(Appoint Governing Body Representation)**

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

**RECREATION COMMISSION
(Appoint Governing Body Representation)**

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

**EMPORIA COMMUNITY FOUNDATION BOARD
(Appoint Governing Body Representation)**

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

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

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

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

Commissioner Smith made a motion to appoint Mayor Giefer as a representative of the Governing Body to participate in the activities of

the Emporia Enterprises Board. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

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

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

**EMPORIA MAIN STREET
(Appoint Governing Body Representation)**

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

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

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

**EMPORIA PUBLIC LIBRARY BOARD
(Appoint Governing Body Representation)**

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

Commissioner Sauder made a motion to recess the meeting until 11:45 a.m. to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

The following items were discussed at Study Session:

Update from Empowerment Ministries.

Comparison of Government Bodies in Kansas.

Discuss 6th Avenue Banners.

Discuss Joint Legislative Statements for Emporia and Lyon County.

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

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Title: Highland Street Improvements Project Easement Acquisition, project No. PV2104

Proposed Agenda Date: January 18, 2023

Presented By: Jim Ubert, City Engineer

BACKGROUND:

Emporia State University made an investment in Schallenkamp Hall dormitory along Highland Street at 13th Ave. The City applied for and received funding from KDOC CDBG for utility and street/drainage improvements along Highland Street (12th Ave to 16th Ave). These improvements will include street paving, sanitary sewer, stormsewer, watermain, and some sidewalk. With the proposed installation of the sidewalk in the southeast quadrant of 13th Ave & Highland additional permanent easement was required beyond existing right of way limits. This small triangular-shaped area containing 50 sq. ft. was obtained from the property owner to allow for sidewalk construction to proceed.

DISCUSSION:

N/A

FINANCIAL CONSIDERATIONS:

N/A

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Consider accepting the donated easement from Lofts at Prairie Sage Apartment Group LLC for Highland Street Improvements Project.

ATTACHMENTS:

Easement documents and exhibit.

PERMANENT SIDEWALK EASEMENT

This indenture made the 10th day of January, 2023, between **Lofts at Prairie Sage Apartment Group LLC**, hereinafter called First Party and the **City of Emporia, Kansas**, a municipal corporation organized and existing under the laws of the State of Kansas, hereinafter called Second Party.

WITNESSETH, That the said First Parties in consideration of One Dollar (\$1.00) and other valuable considerations, receipt of which is hereby acknowledged, do by these presents grant unto the Second Party, its successors and assigns, a permanent sidewalk easement, subject to the terms and conditions hereinafter set forth over, across, and under the following described real property in Lyon County, Kansas, for the purpose of permitting the Second Party to construct, install, maintain, repair, use and operate a sidewalk and related facilities, to wit:

A TRACT OF LAND LOCATED IN LOT 12 OF THE SUBDIVISION OF LOTS 3, 5, 7, AND 9, PERLEY'S ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY BRIAN J WESTBERG, PS1708, ON OCTOBER 25, 2022, AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 12; THENCE ALONG THE NORTH LINE OF SAID LOT 12
EAST 10.0 FEET; THENCE
SOUTHWESTERLY 14.1 FEET TO A POINT ON THE WEST LINE OF SAID LOT 12, BEING 10.0 FEET SOUTH OF THE NORTHWEST CORNER OF SAID LOT 12; THENCE ALONG THE WEST LINE OF SAID LOT 12
NORTH 10.0 FEET TO THE POINT OF BEGINNING, CONTAINING 50 SQUARE FEET

The duration of the easement herein granted shall be perpetual, unless the Second Party agrees to terminate or abandon its use of the same for the stated purpose. The permanent easement shall specifically include, the right and privilege of the Second Party, its agents, employees, contractors, and assigns, of ingress and egress over the lands of the First Party to access the permanent easement and to traverse the easement with vehicles and equipment, and to make such improvements and excavations thereon and thereunder as may be reasonably necessary to construct, install, maintain, repair, replace, operate, or use the above-specified public improvement. Second Party shall save and hold the First Party harmless from any and all liability for personal injury and property damage resulting from said public improvement, or any related facilities or activities conducted or located within said easement, except liability for personal injuries or property damage caused solely by the negligence or wrongdoing of the First Party. Second Party, its contractors and assigns shall take all reasonable steps to restore and revegetate any ground areas disturbed by the improvement or related activities in the permanent easement herein granted. The parties acknowledge and agree that the First Party, its heirs, successors or assigns, shall be entitled at all times to travel over the easements, and to conduct any and all activities which they may desire to conduct provided the same does not unreasonably interfere with the Second Party's use of said easement for the construction, installation, maintenance, repair, operation or use of the above-specified public improvement.

IN WITNESS WHEREOF, The First Party has executed this instrument the day and year first above written.

Lofts at Prairie Sage Apartment Group, LLC

Cory M. Haag (owner)
Printed name and Title (Authorized Representative):

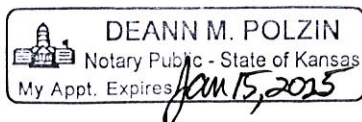
Cory M. Haag
Signature (Authorized Representative):

ACKNOWLEDGMENT

State of Kansas)
) ss:
County of Lyon)

BE IT REMEMBERED, That on this 10th day of January, A.D., 2023, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Cory Haag, who is/are personally known to me to be the same person(s) who executed the above instrument of writing and such person(s) duly acknowledge(s) the execution of the same.

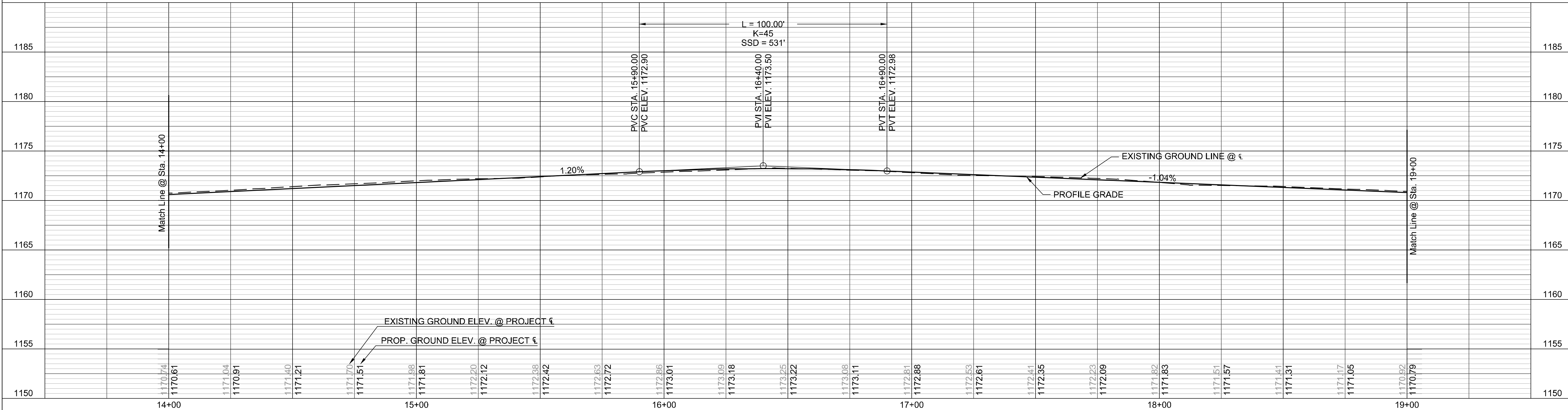
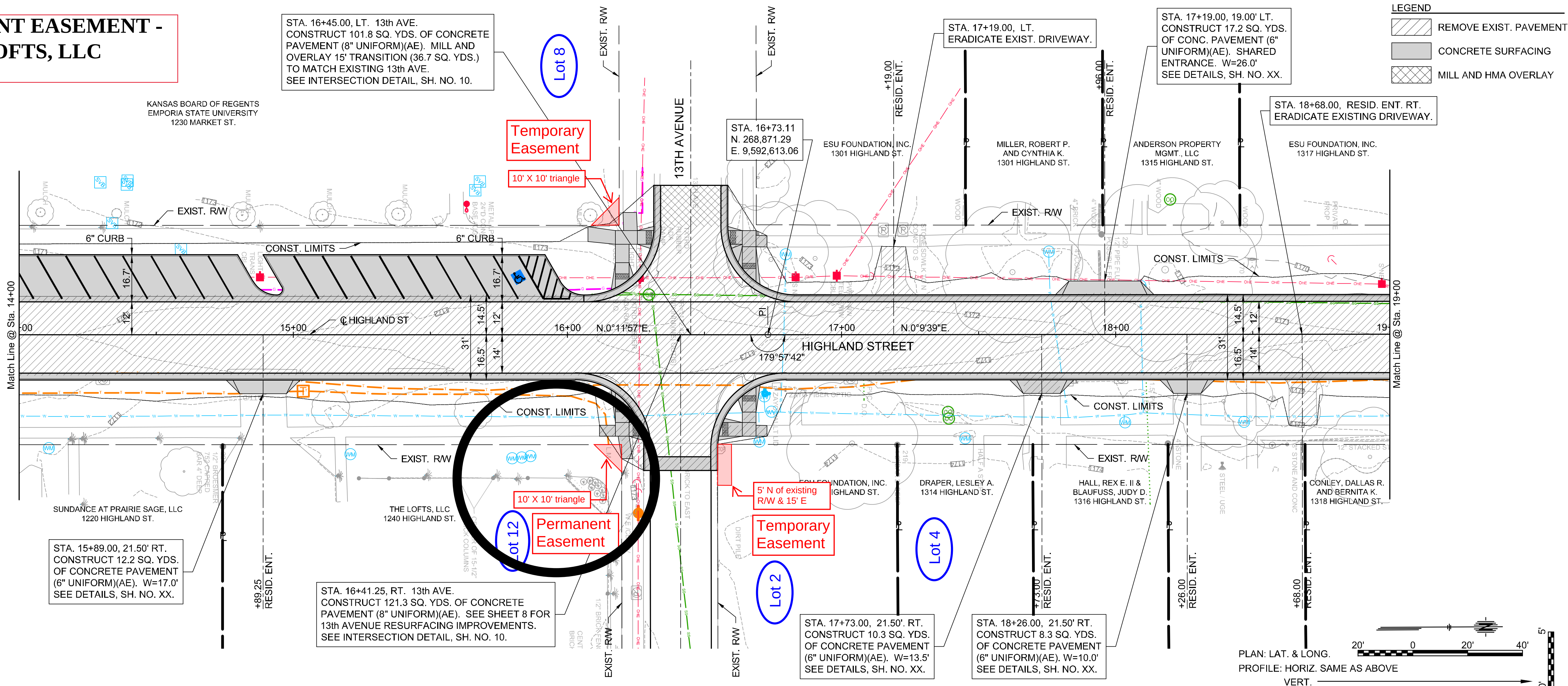
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



Deann M. Polzin
NOTARY PUBLIC

My Commission Expires: January 15, 2025

2. PERMANENT EASEMENT - THE LOFTS, LLC



BG CONSULTANTS
ENGINEERS - ARCHITECTS - SURVEYORS

2508 W. 15TH Ave. Emporia KS 66801
T: 1.620.343.7842 Web: www.bgcons.com
Manhattan Lawrence Emporia

NO.	REVISIONS	DATE	INITIALS

SEAL LOCATION
PLANS SHALL NOT
BE USED FOR
CONSTRUCTION IF
THIS SEAL IS NOT
SEALED

HIGHLAND STREET CDBG IMPROVEMENTS
STREET, STORM SEWER, WATERLINE AND
SANITARY SEWER IMPROVEMENTS

HIGHLAND STREET PLAN AND PROFILE

Engineer: JPH

Drafter: TMW

Check: DJG
Date: 08-30-2022

BG Project No.
22-1213E

Sht. No.	Total Shts.
5	XX



Commission Action Report

Title: Informational Items

Proposed Agenda Date: January 18, 2023

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 the 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 Up Coming meetings on February 1, 2023.

Commission Meeting :

- Emporia State University Founders Day Proclamation.
- Approve New Water Meters and Contract for installation of New Water Meters.

Study Session :

- Discuss Rates
- Discuss Mowing Orders.
- Review 2022 Year-End Summary.



Commission Action Report

Title: Executive Session

Proposed Agenda Date: January 18, 2023

BACKGROUND:

AN EXECUTIVE SESSION FOR CONSULTATION WITH AN ATTORNEY FOR THE PUBLIC BODY OR AGENCY 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.

DISCUSSION:

N/A

FINANCIAL CONSIDERATIONS:

N/A

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Recess into executive session for consultation with the City Attorney regarding a legal matter for 10 minutes and stating at which time the open meeting will resume.

ATTACHMENTS:

N/A



Study Session Report

Title: Implementation of a Rental Registration Program and Revisions to the Current Vacant Property Code

Proposed Agenda Date: January 18, 2023

Presented By: Jeff Lynch, City Community Development Coordinator
Kory Krause, Director of Building and Neighborhood Development
Matt Lowery, Chairman, Community Housing Board

BACKGROUND:

The current vacant property code has been in effect for several years, but is not useful in solving the issues that are created by such properties. The concept of rental registration has been discussed several times in the past, and the Community Housing Board feels now is the time to move forward with this.

DISCUSSION:

With the issues that continue to be prevalent throughout our rental housing stock, the board feels that our community would benefit from education and uniform enforcement of the current city regulations that exist for rental properties. Along with the adoption of a rental registration program, the vacant property ordinance needs some fundamental changes in order to be effective.

FINANCIAL CONSIDERATIONS:

Hiring of additional staff; a minimum of one full-time person to administer the program and perform inspections. Registration fees of \$25 per unit would generate approximately \$125,000 to fund this program.

OTHER CONSIDERATIONS:

NA

RECOMMENDED ACTION:

Approve moving forward with details on the rental registration program, and well as revising the vacant property ordinance.

ATTACHMENTS:

Housing Board Recommendations
Letter from Housing Board Member
Current and Proposed Vacant Property Registration Codes

ARTICLE III. ABANDONED AND VACANT BUILDINGS

Sec. 8-16. Purpose; Definitions:

(a) *Purpose:* Recognizing that abandoned and vacant buildings contribute to blight in both residential and nonresidential neighborhoods, discourage economic development and retard appreciation of property values, endanger public health and safety, attract criminal activity, and create fire hazards, it is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. The governing body finds that abandoned and vacant buildings result in increased expenditures for police, fire, and code services inspections and calls. Maintenance of the public health, safety, and welfare thus requires the city to maintain an accurate registration of all abandoned and vacant buildings.

(b) *Definitions:*

Abandoned Building: For purposes of this article: 1) a building that is unoccupied and is not used as a place of residence or business, 2) a building that is open or unsecured so that unauthorized admittance may be gained; or 3) a building that does not have electrical service provided by a metered franchisee of the city.

Building: A building, accessory structure, or other structure adapted to permanent occupancy for residential or commercial purposes.

Chronic Vacancy: 1) Abandoned building; or 2) vacant building which continues for six (6) months after initial notification by the city without meeting the marketing requirements under subsection 8-17 (b) of this chapter.

City: The city of Emporia, Kansas.

Commercial: Any "nonresidential structure" as defined in the Emporia building and construction regulations, appendix E, article XIV, section 2 of this code.

Owner: The person, persons or entity identified as the owner of the parcel with the Lyon County appraiser's office; or any agent identified by a nonresident owner.

Residential: Any "residential structure" as defined in the Emporia building and construction regulations, appendix E, article XIV, section 2 of this code.

Unsecured: Access to the building may be obtained through open, unlocked, broken or missing doors or windows of such building.

Vacant Building: A building that is unattended or unoccupied and is not actively used as a place of residence or business with appropriate zoning. A residential or commercial building will be considered a chronic vacancy when found to be in the above condition and is not actively marketed as outlined in subsection 8-17 (b) of this chapter for a period of six (6) months. (Ord. 14-20, 8-6-2014; Ord. 15-25, 8-5-2015)

Sec. 8-17. Registration:

(a) *Registration And Maintenance Requirements; Fees:*

(1) The owner of an abandoned or chronic vacant building shall register the building with the city within twenty (20) days of service of a written notice provided to the owner or agent of the existence of the abandoned or chronic vacant building, or show cause in writing as to why the building is not abandoned or chronic vacant. The notice issued by the city shall be in writing and shall contain the legal description of the property and shall apprise the owner of the facts available to the city which resulted in the finding of abandoned or vacant building. The notice shall state the steps which an owner may take to claim an exemption from registration. Notice shall be served on the owner or agent by personal service or by certified mail, return receipt requested to the address of the owner as identified in the ownership records of the Lyon County appraiser's office. Failure or refusal of the owner or his agent to accept certified mail at the address provided to the Lyon County appraiser's office shall be deemed sufficient service of the notice under this article. The time period for registration of an abandoned or chronic vacant building may be extended for good cause;

(2) The city may accept notifications by mail or electronic transmissions of a building that meets the definition of "abandoned building" or "vacant building" as defined in subsection 8-16(b) of this chapter and shall investigate said building to determine if it is vacant or abandoned;

(3) The required registration shall be submitted on the form provided by the city, which form shall include the name, current mailing address, phone number and any other contact information of the owner; the names and addresses of all known lienholders and all other parties with a legal or equitable ownership interest in the building; the common address of the building, as well as the tax map, map block and parcel tax identification. The form shall also include a timetable for:

- a. Returning the abandoned or chronic vacant building to appropriate occupancy or use; or
- b. Marketing the abandoned or chronic vacant building pursuant to the requirements of subsection (b) of this section;

(4) Pursuant to the registration requirements of this subsection, for every subsequent year a building remains abandoned or chronically vacant beyond the initial registration, the owner of the vacant building must:

- a. Reregister the building, including appropriate fees, and
- b. Submit an updated plan for either returning the building to appropriate occupancy or use, or marketing thereof;

(5) Upon registration, the city shall provide the following incentives toward active marketing of residential or commercial buildings:

- a. Waive zoning fees, if applicable;
- b. Provide commercial solid waste removal, water and sewer service and connection fees at no cost for ninety (90) days if the building is leased within ninety (90) days of registration within the guidelines adopted by the city commission and effective at the date of occupancy;

c. If the building requires remodeling, waive permit fees if remodeling occurs within ninety (90) days of registration;

(6) If the owner of an abandoned or chronic vacant building does not reside in Lyon County for at least six (6) months a year, then they must provide the information for a resident agent with authority to act with respect to the property, including name, current mailing address, phone number and any other contact information of the owner's agent;

(7) Any subsequent owner of an abandoned or chronic vacant building must amend the registration with the city housing officer to include the new owner within thirty (30) days of any transfer of any ownership interest in the abandoned or chronic vacant building;

(8) The owner of an abandoned or chronic vacant building must keep the building and any adjoining property secure, safe and maintained in compliance with all federal, state and local ordinances and regulations;

(9) An abandoned or chronic vacant building is subject to a registration fee of twenty five dollars (\$25.00) per residential building, and one hundred dollars (\$100.00) per commercial building, which shall be collected by the city at the time of registration of an abandoned or chronic vacant building.

(b) *Marketing Requirements:* A vacant building shall be exempt from the registration fee required pursuant to subsection (a)(7) of this section, for so long as the following marketing requirements are being met:

(1) Buildings marketed as "for rent" by signage, in a newspaper or in an online listing including local Emporia Main Street, the Regional Development Association Of East Central Kansas and other organizations who provide real estate listings at a fair market value rental rate based upon market rental rates for comparable properties. The owner may show entitlement to this exemption by submitting evidence of marketing to the city. In the event that active marketing ceases, the vacant building in question shall be immediately subject to registration;

(2) Buildings which are being actively marketed as "for sale" by a licensed real estate broker or by the owner and advertised as such in a newspaper or listed on a recognized online website including local Emporia Main Street, the Regional Development Association Of East Central Kansas and other local organizations who provide real estate listings. The owner may show entitlement to this exemption by submitting evidence of marketing to the city. In the event that active marketing ceases, the vacant building in question shall be immediately subject to registration;

(3) Abandoned or vacant building for which the owner executes a valid affidavit on a form provided by the city attesting that the owner intends to resume occupancy of the vacant building as a dwelling within one hundred eighty (180) days. Failure to actually resume use of the vacant building as a dwelling within one hundred eighty (180) days will result in imposition of the registration fee that was exempted under this section;

(4) An owner who acquires an abandoned or chronic vacant building for which the registration fee has already been paid for the calendar year period shall register the change of ownership with the city, but is not liable for an additional registration fee for that calendar year. (Ord. 14-20, 8-6-2014; Ord. 15-25, 8-5-2015)

Sec. 8-18. Fees, Procedures:

(a) (1) Any owner who fails to register an abandoned or chronic vacant building under this article, as required by subsection 8-17(a) of this chapter, after written notice shall be in violation of this article. The registration fee of twenty five dollars (\$25.00) per residential building, and one hundred dollars (\$100.00) per commercial building shall immediately become due and payable to the city.

(2) This article in no way limits the actions or abatement procedures which may be taken by the city for a violation of any other ordinance of the city or statute of the state of Kansas.

(3) If a building remains abandoned or chronic vacant more than six (6) months after initial registration it shall be subject to a fee of two hundred fifty dollars (\$250.00) per year for residential and five hundred dollars (\$500.00) per year for commercial/industrial. If a vacant building fails to meet the marketing standards found in subsection 8-17(b) of this chapter for a period of one year after notification, it shall be assessed a fee of one hundred dollars (\$100.00) per year. Funds derived from said fee shall be used to offset the city's cost of annual inspections and incentives as found in section 8-17 of this chapter.

(4) Any civil fees assessed under this section shall be billed to the owner or other responsible party at their registered address. Failure or refusal to pay fees after notice and an opportunity to pay shall authorize the city to use any and all available legal remedies for the enforcement and collection of such fees; including, but not limited to, suits in law or equity in any court of competent jurisdiction, abatement of nuisances maintained in violation of this article, injunction or assessment of said fees on the property to be collected with the property taxes.

(b) Any person aggrieved by a finding, order or decision made by the city pursuant to this article may appeal such to the city manager in writing within ten (10) days, excluding weekends and holidays. The city manager shall provide a hearing and issue a written decision affirming, overruling or modifying the finding, order or decision. (Ord. 14-20, 8-6-2014; Ord. 15-25, 8-5-2015)

Sec. 8-19. Annual Inspection Requirement For Structures Or Properties Classified As Chronic:

(a) The city designated officer or their appointee may inspect or cause to be inspected any premises in the city for the purposes of enforcing and assuring compliance with the provisions of this chapter and safeguarding the health, safety and welfare of the general public. Upon the request of the city designated officer, an owner shall provide access to all interior portions of any vacant building or suspected vacant building in order to permit a complete inspection;

(b) The city fire marshal is authorized to enter and inspect, or cause to be inspected, all vacant buildings and premises for the purpose of conducting an annual fire code compliance inspection. (Ord. 14-20, 8-6-2014)

Secs. 8-20–8-29. Reserved:

ORDINANCE 2022-

AN ORDINANCE, AMENDING CHAPTER 8, ARTICLE III, ENTITLED “ABANDONED AND VACANT BUILDINGS” BY REPEALING, IN ITS ENTIRETY AND REPLACING, IN ITS ENTIRETY, WITH CHAPTER 8, ARTICLE III TO BE ENTITLED “REGISTRATION OF FORECLOSING MORTGAGED PROPERTY AND VACANT PROPERTY”; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES AND VACANT PROPERTY BY OWNERS; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE CITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

(RECITALS)

WHEREAS, the City Commission desires to protect the public health, safety, and welfare of the citizens of the incorporated area of the City of Emporia and maintain a high quality of life for the citizens of the City through the maintenance of structures and properties in the City; and

WHEREAS, the Commission recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as “Registrable Properties”) located throughout the City lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Commission has already adopted property maintenance codes to regulate building standards for the exterior and interior of structures and the condition of the property as a whole; and

WHEREAS, the Commission recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Commission has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the City to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

(RESOLUTION)

NOW THEREFORE, BE IT RESOLVED BY THE CITY:

The Commission finds that the implementation of the following changes and additions will assist the City in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, and lack of compliance with existing City regulations and laws.

- (a) That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon the adoption hereof.
- (b) That the Commission does hereby amend the City Codified Ordinances by repealing, in its entirety, Chapter 8, Article III entitled “Abandoned and Vacant Buildings” and replacing it, in its entirety, with Chapter 8, Article III entitled “Registration of Foreclosing Mortgaged Property and Vacant Property” to read as follows.

REGISTRATION OF FORECLOSING MORTGAGED PROPERTY AND VACANT PROPERTY

PURPOSE AND INTENT.

It is the purpose and intent of the Commission to establish a process to address the deterioration, crime, and decline in value of City neighborhoods caused by property with foreclosing or foreclosed mortgages and owner vacated property located within the City, and to identify, regulate, limit and reduce the number of these properties located within the City. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property Owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Commission's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are owner vacated property, in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

DEFINITIONS

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Enforcement Officer shall mean any, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, law enforcement officer or other person authorized by the City to enforce the applicable code(s).

Evidence of Vacancy shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable codes.

Foreclosure or Foreclosure Action shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities as the assignee or owner.

Owner shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

Property Manager shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.

Real Property shall mean any residential or commercial buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the City limits.

Registrable Property shall mean:

- (1) Any real property located in the City, whether vacant or occupied, that meets any of the following conditions:
 - (a) The property is the subject of a foreclosure action filed by the mortgagee;
 - (b) A judgment of foreclosure has been entered;
 - (c) A foreclosure sale has occurred and title transferred to the beneficiary of a mortgagee; or
 - (d) The property has been transferred to a mortgagee under a deed in lieu of foreclosure/sale.

The designation of a property as “registrable” shall remain in place until such time as the property is sold to a bona fide purchaser in an arm’s length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.

(2) Any property that is vacant for more than 60 days and/or not used as intended by the City adopted Zoning Ordinance.

(3) Any residential property that is vacant for more than 60 days and/or not used as intended by the City adopted Zoning Ordinance.

Registry shall mean a web-based electronic database of searchable Real Property records, used by the City to allow Mortgagees and Owners the opportunity to register properties as required in this Chapter.

Renovation activities shall mean actions that demonstrate that property is being repaired, remodeled, or rehabilitated and subject to all requirements pertaining to the cities adopted building and zoning ordinances with all permitting requirements adhered to. Such activities shall include, but not be limited to, painting, roofing, wallpapering, tiling, carpeting, installing cabinets/counter tops, installing heating/cooling systems, and repairs to any part of the structure including, but not limited to, the foundation, windows, doors, siding, and porches.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all City codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant shall mean any building or structure intended for residential or commercial use which does not appear to be occupied or in use by the owner or tenant on a permanent, nontransient basis. Evidence that a property is

vacant shall include any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property has not been occupied or in use for at least 60 days. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash, junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings.

APPLICABILITY AND JURISDICTION

This Chapter applies to Foreclosing, Foreclosed, and Vacant property within the City.

ESTABLISHMENT OF A REGISTRY

Pursuant to the provisions of Section ## the City, or its designee, shall establish a registry cataloging each Registrable Property within the City, containing the information required by this Chapter.

VIOLATIONS AND PENALTIES

Any person who fails to file a registration statement, amendment or other statement required by this division or violates the provisions of sections ##### shall be issued an administrative citation and be required to pay a civil penalty in accordance with chapter ##### of this Code. Instead of the penalties assessed under section ##### of this Code, the following penalties shall be imposed: \$250.00 for a first violation, increasing in increments of \$500.00 for each successive violation, up to a maximum penalty of \$5,000.00. No portion of the minimum fine

shall be paroled by the court. Each property and/or parcel owned shall constitute a separate offense. A citation may be issued under this section every 30 days by any enforcement officer until such registration statement, amendment or other statement required by this division is filed.

INSPECTION AND REGISTRATION OF REAL PROPERTY UNDER FORECLOSURE

- (a) Any Mortgagee who holds a mortgage on Real Property located within the City shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a Foreclosure Action.
- (b) Property inspected pursuant to subsection (a) above that remains in Foreclosure shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee files a Foreclosure Action, the Mortgagee shall register the Real Property with the City Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain, and secure the Real Property subject to the mortgage under a Foreclosure Action when legally possible. A separate registration is required for each property under a Foreclosure Action, regardless of whether it is occupied or vacant.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.

- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of two hundred dollars (\$200.00) for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of two hundred dollars (\$200.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account in the City's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.
- (f) If the mortgage and/or servicing on a Registrable Property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Registrable Property.
- (g) If the Mortgagee sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including, but not limited to, unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous

Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Foreclosed Property.

- (h) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (i) Properties subject to this section shall remain subject to the Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Registrable Property.
- (j) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the City.
- (k) If any property is in violation of this Chapter, the City may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (l) Any civil fees assessed under this Chapter shall be billed to the owner or other responsible party at their registered address. Failure or refusal to pay fees after notice and an opportunity to pay shall authorize the city to use any and all available legal remedies for the enforcement and collection of such fees; including, but not limited to, suits in law or equity in any court of competent jurisdiction, abatement of nuisances maintained in violation of this article, injunction or assessment of said fees on the property to be collected with the property taxes.

(m) Registration of foreclosure property does not alleviate the Mortgagee and/or Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes. Acquisition of required licenses, permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. Mortgagee and/or Owner is expected to update the status of the property in the event of a Mortgagee managed rental.

INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN FORECLOSURE

(a) Any Owner of Vacant property located within the City shall within sixty (60) days after the property becomes Vacant, register the Real Property with the City Registry.

(b) If the owner resides outside a 60-mile radius of the City limits, the owner shall appoint an agent who resides within the City limits. The owner shall provide the agent's full name, property management company name (if applicable), email address (if applicable), telephone number and mailing address.

(c) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.

Name of Owner: _____

Mailing Address of Owner: _____

E-mail Address: _____

Telephone/Cell Phone Number: _____

Name of Property Manager: _____

Mailing Address of Property Manager: _____

E-mail Address of Property Manager: _____

Telephone/Cell Phone Number of Property Manager of Property Manager: _____

(d) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.

(e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of two hundred dollars (\$200.00) for each property. Subsequent non-refundable Semi-Annual renewal registrations of properties and fees in the amount of two hundred dollars (\$200.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of:

(1) registration and registration enforcement,

(2) code enforcement and mitigation related to vacated properties,

(3) for any related purposes as may be adopted in the policy set forth in this Chapter.

Said fees shall be deposited to a special account in the City's Department dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter.

(f) Properties subject to this section shall remain subject to the Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.

- (g) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the City.
- (h) If any property is in violation of this Chapter, the City may take the necessary action to ensure compliance with and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.
- (i) Any civil fees assessed under this Chapter shall be billed to the owner or other responsible party at their registered address. Failure or refusal to pay fees after notice and an opportunity to pay shall authorize the city to use any and all available legal remedies for the enforcement and collection of such fees; including, but not limited to, suits in law or equity in any court of competent jurisdiction, abatement of nuisances maintained in violation of this article, injunction or assessment of said fees on the property to be collected with the property taxes.
- (j) Properties registered as a result of this section are not required to be registered again pursuant to the Foreclosure mortgage property section.

MAINTENANCE REQUIREMENTS

- (a) Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.

- (b) Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.
- (c) Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- (d) Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.
- (e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- (f) Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- (g) Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable codes of the City. Pursuant to a finding and determination by the city attorney, the City may take the necessary action to ensure compliance with this section.
- (h) In addition to the above, the property is required to be maintained in accordance with the applicable code(s) and the International Property Maintenance Code of the City.

SECURITY REQUIREMENTS

- (a) Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- (b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the City.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the City Monday through Friday between 9:00 a.m. and 5:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a

font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY _____.

AND IS INSPECTED ON A REGULAR BASIS. _____.

THE PROPERTY MANAGER CAN BE CONTACTED _____.

BY TELEPHONE AT _____.

OR BY EMAIL AT _____.

(f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.

(g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the City. The City may take the necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

PROVISIONS SUPPLEMENTAL

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the City from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

PUBLIC NUISANCE

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the City.

ADDITIONAL AUTHORITY

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Commission or special magistrate as soon as possible to address the conditions of the property. Nothing herein shall limit the City from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The Chief Building Inspector, code enforcement officer, or city attorney shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings,

employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Chief Building Inspector, code enforcement officer, or city attorney may direct the City to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the City for the cost of temporarily securing the property, or of any abatement directed by the Chief Building Inspector, code enforcement officer, or city attorney, within thirty (30) days of the City sending the Mortgagee or Owner the invoice then the City may lien the property with such cost, along with an administrative fee as determined in the City's fee ordinance to recover the administrative personnel services. In addition to filing a lien the City may pursue financial penalties against the Mortgagee or Owner.

OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

IMMUNITY OF ENFORCEMENT OFFICER

Any Enforcement Officer or any person authorized by the City to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

AGGRIEVEMENT OF FINDINGS

Any person aggrieved by a finding, order or decision made by the city pursuant to this article may appeal such to the Director of Building and Neighborhood Development in writing within ten (10) days, excluding weekends and holidays. The appeal will be a hearing before the Community Housing Board of Appeals. The Community Housing Board shall schedule the appeal/hearing within 30 days from the date of notice of appeal. The decision of the Community Housing Board is final.

PENALTIES

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

AMENDMENTS

Registration fees and penalties outlined in this Article may be modified by resolution, administrative order, or an amendment to this Article, passed and adopted by the Commission.

SEVERABILITY

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

REPEALER

All ordinances or parts of ordinances in conflict herewith, are hereby repealed and replaced.

CODIFICATION

It is the intention of the Commission, that the provisions of this Ordinance shall become and be made a part of the City Code of Ordinances; and that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section", "chapter", or such other appropriate word or phrase in order to accomplish such intentions.

EFFECTIVE DATE

This ordinance shall become effective after six (months) upon adoption.

Rental and Vacant Property Programs

Community Housing Board Suggestions

Rev. 10/13/22

Goals:

- The main goals are to **ENFORCE CURRENT CODES** and to **EDUCATE**.
- Have current contact information for property owners
 - To better handle emergencies, property violations, etc.
- Know which properties are vacant and rental
 - To determine which rules apply
 - Statistics for strategic planning, grant applications, etc.
- Ensure that the city minimum housing standards are enforced
 - Improvement of deficiencies
 - Maintaining a minimum standard level of property conditions
- Help educate landlords and tenants
 - Provide info. on rules, contact info., training availability, and funding
 - Promotion of self-enforcement

Rental/Vacant Property Registration Recommendations	
Housing Board Suggests	Housing Board Does Not Suggest
Hire additional staff to administer rental and vacant properties program.	Confusing or “creative” fees.
Prefer having a small registration fee, \$25 annually per unit suggested for rentals, to fund program. Okay with no rental registration fees and fines if unregistered.	Extensive paperwork that the Landlord has to sign.
If there are fees, the rental and vacant registration fees should be as simple as possible. Rental fees should be at a level that should not cause excessive rent increases.	
Have “need to know” information mailed out to the owners and tenants and/or put on website.	
Properties need to be registered before rented out so that the city knows which properties are rentals.	

Other Important Items:

- Could combine the same registration application for both vacant and rental properties.
- Anticipated costs: Redesign website, staff, software program, and software maintenance.
- Revise current Vacant Property code to better define what a vacant property is.

October 18, 2022

City Commission
P.O. Box 928
Emporia, KS 66801

RE: Rental Property Registration

Dear Commissioners:

Establishing a rental property registration in Emporia, KS has been in the development process for quite some time and is now at the point the city needs to act. I would like to express my desire for the registration as a landlord and a citizen.

I personally have 10 units I would register and am willing to pay the \$25.00 per unit annual fee to help fund the administrative costs associated with the program.

A rental property registration is an efficient way to increase clarity of the rental housing market in Emporia as well as increase landlord accountability. The registry will also provide education to tenants and landlords so both can feel safe and secure about who is required to maintain certain aspects of the property.

Housing is in demand in Emporia and we all need to be aware of what rental units are available so we can make informed decisions when planning. The rental property registration is one of the first steps to help with community awareness and education.

Thank you in advance for your consideration and implementation of rental property registration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lynn A. Cunningham".

Lynn A. Cunningham, Realtor/Associated Broker
Ek Real Estate
208-610-7503



Study Session Report

Title: Amendment to Emporia City Code Chapter 13, Article 2, Human Relations Commission/Accessibility Advisory Committee

Proposed Agenda Date: January 18, 2023

Presented By: Jeff Lynch, Community Development Coordinator

BACKGROUND:

On June 15, 2020, the United States Supreme Court held in the case of *Bostock v. Clayton County, Georgia* that sexual orientation and gender identity are protected classes under Title VII of the Civil Rights Act of 1964. City staff and the Emporia Human Relations Commission members have requested the City to update City Code to reflect the Supreme Court's decision.

DISCUSSION:

The current City Code Chapter 13, Article 2 describes the responsibilities and parameters of the Human Relations Commission and include Code Sections 13-16 through 13-29. These sections discuss protected classes in various locations, generally listing "race, religion, color, age, national origin, ancestry, familial status, or disability." "Sexual orientation and gender identity" will be added to the end of the list in each area where the protected classes are listed.

ATTACHMENTS:

City Code Chapter 13, Article 2, Human Relations Commission/Accessibility Advisory Committee

ARTICLE II. HUMAN RELATIONS COMMISSION/ACCESSIBILITY ADVISORY COMMITTEE

Sec. 13-16. Statement Of Policy Of The Human Relations Commission/Accessibility Advisory Committee:

It is hereby declared that the practice or policy of discrimination against persons by reason of race, sex, religion, color, age, national origin, ancestry, familial status, or disability is a matter of concern to the city of Emporia, since such discrimination threatens not only the rights and privileges of the inhabitants of this city, but also menaces the institutions and foundations of a free democratic society. It is hereby declared to be the policy of the city, in exercise of its police power for the protection of the public safety, public health, and general welfare, for the maintenance of business and good government, and for the promotion of the city's trade and commerce, to promote and foster goodwill, cooperation and conciliation among all groups and segments of the population, and to eliminate and prevent within its boundaries discrimination, segregation and separation because of race, sex, religion, color, age, national origin, ancestry, familial status or disability. It is further declared to be the policy of the city to assure equal opportunities and encouragement to all persons within this city to secure and hold, without discrimination, employment in any field of work or labor for which such person is otherwise properly qualified; to assure equal opportunity for all persons within this city to full and equal public accommodations and the full and equal use and enjoyment of the services, facilities, privileges and advantages of all agencies; and equal opportunity for all persons within this city to full and equal housing, are civil rights of every citizen without distinction on account of race, sex, religion, color, age, national origin, ancestry, familial status, or disability. Reasonable and lawful means will be utilized to achieve this purpose. To protect these rights, it is hereby declared to be the purpose of this article to establish and to provide a city human relations commission including the accessibility advisory committee. The human relations commission/accessibility committee shall also advise the City Manager concerning accessibility issues pertaining to city programs and property.

(Ord. 04-19, §1, 7-7-2004; Ord. 18-38, § 1, 10-3-2018)

Sec. 13-17. Definitions:

As used in this article, the following words and phrases shall have the meanings indicated. This article prohibits discrimination based upon sex, and accordingly, the personal pronouns and gender of nouns used in this article shall not be constructed as limiting the provisions of this article to one or to the other sex.

ADA Coordinator: The person appointed by the city commission to serve as the responsible employee to ensure compliance with the Americans with disabilities act.

Accessibility: The degree of usability and design that allows for the use of a facility, program, and/or service as effectively and for the same purpose by a person with a disability as by a person without a disability.

Affirmative Action Program: A positive program designed to ensure that a good faith effort will be made to employ applicants and to treat employees equally without regard to their race, sex, religion, color, national origin, age, ancestry, or disability. An affirmative action program shall include, where applicable, but not be limited to, the following: recruitment, recruitment advertising, employment, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, other forms of compensation, other terms or conditions of employment, selection for training, and apprenticeship. An affirmative action program shall include goals, methodology and a timetable for implementation of the program. Submission of an affirmative action program to the director shall be required only as:

- (1) A provision of a conciliation agreement or order in the event of failure of conciliation;
- (2) As required in this article, the words "applicants" and "employees" as used in this definition shall include minority and women business enterprise subcontractors in contracts addressed in this article.

Age: The chronological age of a person who is at least eighteen (18) or more years but less than seventy (70) years of age.

Aggrieved Person: Any person who claims they are being or have been injured by an unlawfully discriminatory act or practice; and/or believes they will be injured by an unlawfully discriminatory act or practice that is about to occur.

Chairperson: The chairperson, as elected, of the human relations commission created by this article.

City: The City of Emporia, Kansas.

Commission: The human relations commission as created by section 13-18 of this article.

Commissioner: A member of the human relations commission as created by section 13-18 of this article.

Compensatory Damages: Actual damages such as will compensate the injured party for the injury sustained by simply making good or replacing the loss caused by the wrong or injury.

Complainant: Any person claiming to be aggrieved by any unlawful act or practice described or included by reference in this article.

Conciliation: The attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the complainant, the respondent, and the director or the director's designee. Investigating commissioners will review and sign any written conciliation agreement.

Conciliation Agreement: A written agreement setting forth the resolution of the issues as stated following conciliation.

Contract: As used herein, is any contract entered into by the city or any of its subordinate agencies.

Contractor: Any individual, partnership, corporation, association or other entities entering into a contract with the city and who is an "employer" as herein defined.

Day: Calendar day. In computing a number of days, the day of the act from which the period begins to run shall not be included, but the last day of the period is to be included unless it is a Saturday, Sunday or legal holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday.

Director: The Community Services Officer appointed by the city to act as the director of the Emporia human relations commission. Duties include, but are not limited to, case filing, processing, investigating, and conciliating; public relations; record keeping; education and training; community outreach; and administration of city programs related to housing.

Disability: With respect to an individual means the condition of a person, whether congenital or acquired by accident, injury or disease resulting in:

- (1) A physical or mental impairment that substantially limits one or more of the major life activities of such individual.
- (2) A record of such an impairment; or
- (3) Being regarded as having such an impairment by the person or entity alleged to have committed the unlawful discriminatory practice.
- (4) Disability does not include current, illegal use of a controlled substance as defined in section 102 of the federal controlled substance act (21 USC 802), in housing discrimination. In employment and public accommodation discrimination, disability does not include an individual who is currently engaging in the illegal use of drugs where possession or distribution of such drugs is unlawful under the controlled substance act (21 USC 812), when the covered entity acts on the basis of such use.

Dwelling: Any building, structure or portion thereof which is occupied as, or designated or intended for occupancy as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

Employee: Any person who works for wages or other compensation in service of any employer but does not include any individual employed by such individual's parents, spouse, or child, or in the domestic service of any person.

Employer: Any person employing one or more persons, and any person acting directly or indirectly for an employer as herein defined, and includes labor organizations, nonsectarian corporations, and organizations engaged in social service work. For purposes of this article, employer shall not include the city of Emporia or any of its agencies, officials or employees.

Employment Agency: Includes any person or governmental agency undertaking, with or without compensation, to procure opportunities to work or to procure, recruit, refer or place employees.

Facility: All or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property including the site where the building property, structure, or equipment is located as required by state and federal law, as may be amended from time to time. It includes both indoor and outdoor areas where human constructed improvements, structures, equipment, or property have been added to the natural environment.

Familial Status: Having one or more individuals less than eighteen (18) years of age domiciled with:

- (1) A parent or another person having legal custody of such individual; or
- (2) The designee of such parent or other person having such custody, with the written permission of such parent or other person.
- (3) The protections against discrimination afforded individuals on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

Family: As used herein, includes a single individual.

Financial Institution: Any person regularly engaged in the business of lending money or guaranteeing loans on housing accommodations or real property.

Fraternal Or Social Organization: Means and includes organizations founded and operated primarily for social purposes and shall neither mean nor include organizations founded or maintained primarily for trade or professional purposes.

Governing Body: The city commission of Emporia, Kansas.

Hearing: All the proceedings before any hearing board convened pursuant to any provisions of this article.

Hearing Examiner: The examiner appointed by the city to conduct a hearing or to proceed with any matter before the commission.

Hotel: Every building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay, primarily to transient guests, and in which four (4) or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin, camp, tourist cabin, bed and breakfast inn, motel or other type of lodging unit.

Housing:

- (1) Any building or portion thereof, whether such building or portion is constructed or is to be constructed, which is used or intended for use as the residence or sleeping place of one or more persons.
- (2) The term "housing accommodations" shall not mean or include the rental of a dwelling, or a portion thereof, containing accommodations for no more than two (2) families, one of which is occupied by the owner or his family at the time of rental; or the rental of less than four (4) rooms in a one-family dwelling to another person or persons by the owner or occupant of such accommodations in which one or more members of one's family reside.

Investigating Commissioners: The members of the commission appointed to act as the commission's representatives on all matters and conciliations involving the processing of filed complaints prior to public hearing stage.

Occupational Qualifications: Those qualifications which can be shown to be demonstrably valid to the normal operation or performance of a particular job, business or enterprise.

Owner: Shall mean and include the owner, leaser, sublesser, assignee, manager, agent, or other person, firm or corporation having

the right to sell, rent or lease any housing accommodation of real property within the corporate limits of the jurisdiction.

Pain, Suffering And Humiliation Damages: Damages incidental to the act of discrimination which are the natural and proximate consequences of the wrong.

Person: One or more individuals, partnerships, associations, organizations, corporations, governmental subdivisions, public bodies, legal representatives, trustees, trustees in bankruptcy, receivers, fiduciaries, mutual companies or incorporated organizations.

Probable Cause: The presence of reasonable grounds for belief in the existence of facts that would violate the provisions of this article.

Program Or Service: All of the operations of a department, agency, instrumentality of a state or local government or other covered entity.

Public Accommodations: Any person who caters or offers goods, services, facilities and accommodations to the public. Public accommodations include, but are not limited to, any lodging establishment or food service establishment, as defined by KSA 36-501 and amendments thereto; any bar, tavern, hotel, barbershop, beauty parlor, theater, skating rink, bowling alley, billiard parlor, amusement park, recreation park, swimming pool, lake, gymnasium, mortuary or cemetery which is open to the public; or any public transportation facility. Public accommodations do not include a religious or nonprofit fraternal or social association or corporation.

Real Estate Broker: Any person who, for a fee or other valuable consideration, sells, purchases, exchanges, rents, negotiates, offers or attempts to negotiate the sale, purchase, exchange or rental of housing accommodations or real property of another person.

Real Estate Salesman Or Agent: Any person employed by a real estate broker to perform, or to assist in the performance of, any or all of the functions of a real estate broker.

Reasonable Accommodation:

(1) In the context of employment, making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring; part time or modified work schedules; reassignment to a vacant position; acquisition or modification of examinations, training materials or policies; provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities.

(2) In the context of housing, those reasonable measures which may be necessary to afford a disabled person equal opportunity to use and enjoy a dwelling unit, including public and common use areas.

Respondent: Any person alleged to have committed any unlawful act or violation of this article.

Restaurant: Any place in which food is served or is prepared for sale or service on the premises or elsewhere. Such term shall include, but not be limited to, a fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tearoom, sandwich shop, soda fountain, tavern, private club, roadside stand, industrial feeding establishment, catering kitchen, commissary and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

Self-Evaluation: A public entity's evaluation of its current policies and practices for the purpose of identifying and correcting any that are not consistent with relevant legislation.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual, interferes with their work performance, or creates an intimidating, hostile, or offensive work environment.

Statutes Of Limitations: Laws that establish deadlines for the institution of various kinds of legal actions, the ordinance regarding the Emporia human relations commission specifies one hundred eighty (180) days.

Subcontractor: Any individual, partnership, corporation, association, or other entity, or any combination of the foregoing which shall undertake, by virtue of a separate contract with a "contractor" as defined herein, fulfill all or any part of any contractor's obligation under a contract, or who shall exercise any right granted to a franchise holder, and who is an "employer" as herein defined.

Third Party Charge: A charge filed by anyone authorized by law to claim others have been victims of discrimination (i.e., commissioner's charge, agency charge, charge filed on behalf of another as authorized by statute).

To Rent: To lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Transition Plan: An outline of change necessary to meet access requirements in programs, activities, and services.

Willful: Intentional or deliberate.

Withdrawal: The act initiated by party filing the charge, which discontinues the complaint process. (Ord. 04-19, § 1, 7-7-2004; Ord. 08-09, § 1, 6-4-2008; Ord. 18-38, § 2, 10-3-2018)

Sec. 13-18. Human Relations Commission/Accessibility Advisory Committee Created; Composition:

(a) Creation; Membership: There is hereby created a commission to be known as the human relations commission to serve the citizens of Emporia in the administration and furtherance of the policy established herein. The commission shall consist of ten (10) members, who shall be appointed by the governing body. It is the policy of the city that the commission be representative of the many diverse groups within the community, whether such groups be defined by occupation, race, sex, religion, color, age, national origin, ancestry, familial status, disability or other criteria. To this end, the governing body shall, in making such appointments as may from time to time be necessary, attempt to establish and preserve this diversity among members of the commission to the fullest extent practicable. Three (3) members shall have personal experience and/or professional expertise in the area of disability access that may include: facilities planning and design, disability policy and law, education, employment issues, assistive technology, and/or independent living. It is encouraged that one member of the committee be a representative from Emporia State University.

(b) Residence; Appointment To Fill Vacancy; Compensation: Members of the commission shall reside within the boundaries of Lyon County, Kansas. Any member who moves his or her residence outside the area shall automatically cease to be a member, and a vacancy shall thereby be created. Appointment of new members to fill vacancies shall be made by the governing body. The members of the commission shall serve without compensation.

(c) Meetings; Quorum; Attendance: The commission shall meet regularly once each month, at a place and time decided by the commission, for the purpose of adopting regulations and conducting such other business as may come before it. Special meetings may be called by the chairperson or by a majority of the commission then presently serving. A majority of the presently serving members of the commission shall constitute a quorum for the purpose of conducting the business thereof. The human relations commission may, by majority vote of the commission, recommend to the governing body that a member's term be terminated and a new member be appointed to fill any unexpired term, whenever a member fails to comply with the attendance requirements of the commission's bylaws.

(d) Term: The term of office of each member of the commission shall be three (3) years and until his or her successor is appointed. Members of the commission shall serve no more than two (2) successive three (3) year terms in addition to any unexpired term to which they may have been appointed. Members may be eligible for reappointment after one year.

(e) Officers: The commission shall elect from among its members a chairperson and vice chairperson. The vice chairperson shall act as the chairperson during the absence or incapacity of same. The term of office for the chairperson, and vice chairperson shall be for one year, and no person shall serve more than two (2) consecutive years in the same office. The chairperson and vice chairperson may resign from office at any time during their terms and may do so without resigning from membership on the commission.

(f) Removal Of Member: No member or members of the commission shall attempt to act on any matter over which the commission has jurisdiction unless and until the commission has given prior approval to such action. Any member of the commission may be removed by the mayor with the consent of the governing body for inefficiency, neglect of duty or misconduct or malfeasance in office; no such removal shall be effective until the member proposed to be removed has been furnished a written statement of the charges and an opportunity to be heard thereon by the governing body.

(g) Hearing Examiner: It shall be the responsibility of the commission to assist in the selection of a hearing examiner to be employed by the city of Emporia for the purpose of conducting hearings for the human relations commission. The city of Emporia shall employ at least one hearing examiner to conduct hearings. In addition, the city may employ hearing examiners pro tem when necessitated by the incapacity or disqualification of the regular hearing examiner. Such hearing examiners shall be admitted to practice law before the supreme court of the state of Kansas. (Ord. 04-19, § 1, 7-7-2004; Ord. 12-19, 6-20-2012; Ord. 18-38, § 3, 10-3-2018)

Sec. 13-19. Powers And Duties:

The commission shall have the following functions, powers, duties and responsibilities:

(1) The commission shall act in an advisory capacity and its function shall be to further amicable relations among the various segments of the population which comprise the city; to help preserve and further the good name of the city for tolerance and fairness and to promote better relations among its people; to help make it possible for each citizen regardless of race, sex, religion, color, age, national origin, ancestry, disability, or familial status, to develop talents and abilities without limitations; and to aid in permitting the community to benefit from the fullest realization of its human resources.

(2) The commission shall advise the governing body on problems affecting human and intergroup relations; make studies, surveys and investigations to provide accurate data for orderly and constructive community development and recommend such measures as are deemed necessary to carry out the objectives for which the commission has been created; consult with and obtain cooperation and coordinate efforts on the part of all agencies, both private and public, such as local businesses, schools, law enforcement agencies, welfare organizations, youth and other similar groups, which function in the field of human relations; utilize the resources of individuals and groups toward the improvement of intergroup relations; enlist all potential community forces in an effort to make more secure and to extend democratic rights, opportunities and practices; and influence and encourage community support for educational programs and appropriate legislation designed to:

- a. Combat those misconceptions, prejudices and untruths which tend to set group against group; and
- b. Reduce tensions created by ignorance and bigotry, and eliminate discriminatory practices arising from prejudice.

The commission shall further endeavor to create harmonious relationships among the various persons and agencies within the city.

(3) The commission may establish or create advisory and/or conciliatory committees to study the problems of youth, low income, aged, and disabled persons. These advisory and/or conciliatory committees shall report directly to the commission. The commission may recommend to the governing body human relations policies, procedures and programs. Such advisory and/or conciliatory committees shall be composed of representative citizens serving without compensation. The commission may itself make the studies and perform the acts authorized by this subsection. It shall, by voluntary conference with parties in interest, endeavor by conciliation and persuasion to eliminate discrimination. The commission may adopt and promulgate suitable rules and regulations to carry out the provisions of this article. Such rules and regulations shall be approved by the governing body.

(4) The commission, with the approval of the governing body, may accept contributions from any person or governmental unit to assist in the effectuation of this article and may enlist the cooperation, including financial assistance, of private, charitable, religious, labor, civic or benevolent organizations for the purposes of this section. All funds shall be received and disbursed in the name of the city of Emporia, Kansas.

(5) The commission may actively promote the purpose of, and distribute information about, this article through public appearances, speaking engagements, news media, publications and other means, and may issue such publications and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, sex, religion, color, age, national origin, ancestry, disability, or familial status.

(6) The commission with the approval of the governing body, may enter into contracts, agreements or memoranda of agreement

with the Kansas human rights commission, the federal equal employment opportunity commission, the United States justice department, and the department of housing and urban development in order to carry out any assignments made through these agencies to the commission. The commission, with the consent of the governing body, may make application to any person, organization, city, county, state or federal governmental unit or agency for funds to make effective the purposes of this article. All funds so obtained shall be received and disbursed in the name of the city of Emporia.

(7) The commission shall receive, initiate, investigate, and attempt to conciliate all complaints alleging discrimination, segregation, or separation in employment, public accommodations and housing as established in this article. Further, the commission, through the hearing examiner, shall hold hearings with respect to any complaint or other subject matter which it is authorized to investigate or review under this article. In furtherance of this duty, the commission and/or hearing examiner may:

- a. Make request to the party or parties under investigation for factual data required to properly investigate complaints, practices or discrimination patterns;
- b. Request attendance of a witness or witnesses;
- c. Have the power to administer oaths and take the testimony of any person under oath;
- d. Request the production for examination of books, paper and other evidence or possible sources of evidence relative to any relevant matter under consideration by the commission.

In case of the refusal of any person to comply with this section, the commission shall make such facts known to the governing body who may in turn direct the legal department of the city to take appropriate legal action to request the district court of Lyon County, Kansas, to order such production or relevant evidence.

(8) The commission shall review and advise the city on acceptability of its contract compliance and affirmative action programs.

(9) The commission shall regularly advise the governing body, through distribution of its agenda, minutes, memoranda, reports and other pertinent documents, of the items of business before the commission, the ongoing status of such items and the disposition of such items. The commission shall in any event render annually to the governing body a full written report of its activities and recommendations.

(10) The Commission shall act in an advisory capacity to the governing body with respect to disability issues, including:

- a. Advise the governing body, the city's designated ADA coordinator, and other city personnel in identifying and addressing existing and emerging barriers to the full participation of people with disabilities in community facilities, programs, and services.
- b. Review, at the direction of the governing body, city policies to ensure accessibility for people with disabilities.
- c. Facilitate the gathering of information regarding access barriers in the community and to disseminate this information among the governing body and city personnel on that topic.
- d. Recommend and/or prepare accessibility studies and activities to the governing body regarding accessibility issues in Emporia, including development of self-evaluation and transition plans, and other strategies to improve accessibility within the community. (Ord. 04-19, § 1, 7-7-2004; Ord. 18-38, § 4, 10-3-2018)

Sec. 13-20. Services Officer:

The Community Services Officer shall be an employee of the city assigned to provide administrative assistance to the commission. The Officer shall coordinate the processing and investigation of complaints with the investigating commissioners. The director shall further provide technical assistance to the commissioners when necessary, attend all meetings of the commission or investigating commissioners and serve as secretary thereto, and shall provide necessary documents and reports, such as agendas, minutes, and schedules of commission meetings to the commission. The director shall also be responsible for compliance with the Kansas open meetings law with respect to all meetings of the commission.

In addition to any powers and responsibilities heretofore conferred in the director, the director shall have the power and responsibility to:

(1) Seek to eliminate and prevent discrimination in employment because of race, sex, religion, age, color, national origin, ancestry, disability, or familial status, by employers, labor organizations, employment agencies, or other persons, and to take other actions against discrimination because of race, sex, religion, age, color, national origin, ancestry, disability, or familial status as provided herein;

(2) Effectuate the purposes of this chapter first by conference, conciliation, and persuasion so that persons may be guaranteed their civil rights and good will be fostered;

(3) Work cooperatively with and seek cooperation from, and upon request, make technical assistance available to all city government departments and agencies;

(4) Receive, investigate, initiate, and attempt to conciliate complaints alleging discrimination in employment, housing and public accommodations because of race, sex, religion, age, color, national origin, ancestry, disability, or familial status;

(5) Pursue the goals of affirmative action implementation within municipal government and external to municipal government through continued dialogue and technical assistance, and education;

(6) In conducting an investigation, the director or his staff shall have access to all reasonable times to premises, records, documents, and other evidence or possible sources of evidence, and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation;

(7) Request that the city attorney apply to the district court of Lyon County, Kansas, for enforcement of any conciliation agreement by seeking specific performance of such agreement.

(8) The Community Services Officer of the city will act as liaison between the city and the commission. The liaison shall be

responsible for compliance with the public meeting laws; preparation of meeting notices; agenda and minutes; maintenance of files and preparation of correspondence. The liaison shall provide any information that is reasonably requested by the committee, but shall not engage in research or preparation of reports without the prior approval of the city manager. (Ord. 04-19, § 1, 7-7-2004; Ord. 18-38, § 5, 10-3-2018)

Sec. 13-21. Unlawful Acts Or Practices – Employment:

It shall be an unlawful employment practice:

(1) For the employer, because of race, religion, age, color, sex, disability, national origin, or ancestry of any person to refuse to hire or employ such person to bar or discharge such person from employment or to otherwise discriminate against such person in compensation or in terms, conditions or privileges of employment; to limit, segregate, separate, classify or make any distinction in regards to employees; or to follow any employment procedure or practice which, in fact, results in discrimination, segregation or separation without a valid business necessity.

(2) For a labor organization, because of race, religion, age, color, sex, disability, national origin or ancestry of any person, to exclude or to expel from its membership such person or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(3) For any employer, employment agency or labor organization to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or membership or to make any inquiry in connection with prospective employment or membership, which expresses, directly or indirectly, any limitation, specification or discrimination with respect to race, religion, age, color, sex, disability, national origin or ancestry, or any intent to make such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

(4) For any employer, employment agency or labor organization to discharge, expel or otherwise discriminate against any person because such person has opposed any practices or acts forbidden under this chapter or because such person has filed a complaint, testified or assisted in any proceeding under this article.

(5) For any employment agency to refuse to list and properly classify for employment or to refuse to refer any person for employment or otherwise discriminate against any person because of such person's race, religion, age, color, sex, disability, national origin, or ancestry; or to comply with a request from an employer for a referral of applicants for employment if the request expresses, either directly or indirectly, any limitation, specification, or discrimination as to race, religion, color, sex, age, disability, national origin or ancestry, unless such request is accompanied by a demonstrably valid occupational qualification.

(6) For an employer, labor organization, employment agency, or school which provides, coordinates or controls apprenticeship, on the job, or other training or retraining programs to maintain a practice of discrimination, segregation or separation because of race, religion, age, color, sex, disability, national origin or ancestry, in admission, hiring, assignment, upgrading, transfer, promotion, layoff, dismissal, apprenticeship or other training or retraining program, or in any other terms, conditions, or privileges of employment, membership, apprenticeship or training; or to follow any policy or procedure which, in fact, results in such practices without a valid business necessity.

(7) For any person, whether an employer or employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts or practices forbidden under this article, or attempt to do so.

(8) For an employer, labor organization, employment agency or joint labor-management committee to:

a. Limit, segregate or classify a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee;

b. Participate in a contractual or other arrangement or relationship, including a relationship with an employment or referral agency, labor union, an organization providing fringe benefits to an employee or an organization providing training and apprenticeship programs that has the effect of subjecting a qualified applicant or employee or employee with a disability to the discrimination prohibited by this article;

c. Utilize standard criteria, or methods of administration that have the effect of discrimination on the basis of disability or that perpetuate the discrimination of others who are subject to common administrative control;

d. Exclude or otherwise deny equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association;

e. Not make reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such employer, labor organization, employment agency or joint labor-management committee can demonstrate that the accommodation would impose an undue hardship on the operation of the business thereof;

f. Deny employment opportunities to a job applicant or employee who is an otherwise qualified individual with a disability, if such denial is based on the need to make reasonable accommodation to the physical or mental impairments of the employee or applicant;

g. Use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the standard, test or other selection criteria, as used, is shown to be job related for the position in question and is consistent with business necessity; or

h. Fail to select and administer tests concerning employment in the most effective manner to ensure that, when such test is administered to a job applicant or employee who has a disability that impairs sensory, manual or speaking skills, the test results accurately reflect the skills, aptitude, or whatever other factor of such applicant or employee that such test purports to measure, rather than the reflecting the impaired sensory, manual or speaking skills of such employee or applicant (except where such skills are the factors that the tests purports to measure).

(9) It shall not be an unlawful employment practice to fill vacancies in such a way as to eliminate or reduce imbalance with respect to race, religion, age, color, sex, disability, national origin or ancestry. (Ord. 04-19, § 1, 7-7-2004)

Sec. 13-22. Unlawful Acts Or Practices – Public Accommodation Practices:

It shall be an unlawful public accommodation practice for any "person", as defined herein being the owner, operator, lessee, administrator, manager, agent or employee of any place of public accommodation:

(1) To refuse, deny or make a distinction, directly or indirectly, in offering its goods, services, facilities, and accommodations to any person as covered by this article because of race, religion, color, sex, familial status, disability, national origin or ancestry, except where a distinction because of sex is necessary because of the intrinsic nature of such accommodation.

(2) For any person, whether or not specifically enjoined from discriminating under any provisions of this chapter, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this article, or to attempt to do so.

(3) Nothing in this chapter shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with, a religious organization, association or society, from limiting its offerings of goods, services, facilities, and accommodations, to persons of the same religion, or from giving preference to such persons, provided that such offerings above mentioned are not, in fact, offered for commercial purposes.

(4) Nor shall anything in this article prohibit a nonprofit private club, in fact not open to the public, which, incident to its primary purpose or purposes, provides certain "public accommodations" herein defined, for other than commercial purposes, from limiting such accommodations to its members, or giving preference to its members and guests of its members. (Ord. 04-19, § 1, 7-7-2004)

Sec. 13-23. Unlawful Acts Or Practices – Discriminatory Housing Practices:

(a) It shall be an unlawful housing practice for any person:

(1) To refuse to sell or rent after the making of a bona fide offer, to fail to transmit a bona fide offer or refuse to negotiate in good faith for the sale or rental of, or otherwise make unavailable or deny, real property to any person because of race, religion, color, sex, national origin, ancestry, age, familial status or disability.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of race, religion, color, sex, national origin, ancestry, age, familial status or disability.

(3) To make, print, publish, disseminate or use, or cause to be made, printed, published, disseminated or used, any notice, statement, advertisement or application, with respect to the sale or rental of real property that indicates any preference, limitation, specification or discrimination based on race, religion, color, sex, national origin, ancestry, age, familial status or disability, or an intention to make any such preference, limitation, specification or discrimination.

(4) To represent to any person because of race, religion, color, sex, national origin, ancestry, age, familial status or disability that any real property is not available for inspection, sale or rental when such real property is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any real property by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, religion, color, sex, national origin, ancestry, age, familial status or disability.

(6) To deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting real property, or to discriminate against him in the terms or conditions of such access, membership or participation because of race, religion, color, sex, national origin, ancestry, age, familial status or disability.

(7) To discriminate against any person in his use or occupancy of real property because of race, religion, color, sex, national origin, ancestry, age, familial status or disability of the people with whom such person associates.

(b) It shall be unlawful for any bank, building and loan association, insurance company, financial institution or other person, firm or enterprise, whose business consists in whole or in part in the making of real estate loans, to:

(1) Deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining real property because of race, religion, color, sex, national origin, ancestry, age, familial status or disability of:

a. Such person;

b. Any person associated with such person in connection with such loan or financial assistance or associated with him in connection with the purposes of such loan or other financial assistance; or

c. The present or prospective owners, lessees, tenants or occupant of the real property in relation to which such loan or other financial assistance is to be made or given.

(2) Discriminate against any person in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of race, religion, color, sex, national origin, ancestry, age, familial status or disability of:

a. Such person;

b. Any person associated with such person in connection with such loan or financial assistance or associated with him in connection with the purposes of such loan or other financial assistance; or

c. The present or prospective owners, lessees, tenants or occupant of the real property in relation to which such loan or other financial assistance is to be made or given.

(3) Use a form of application for financial assistance, or to make any inquiry, or make or keep any record in connection with any such application which indicates, directly or indirectly, an intention to make any preference, limitation, specification or discrimination because of race, religion, color, sex, national origin, ancestry, age, familial status or disability.

(c) It shall be an unlawful practice for any person:

(1) To engage in any form of threats or reprisals, or to engage in, or hire, or conspire with others, to commit acts or activities of any nature, the purpose of which is to harass, degrade, embarrass, or to cause physical harm or economic loss to any person attempting to exercise or enforce the rights protected by this section;

(2) To aid, abet, incite, compel or coerce any person to engage in any of the unlawful discriminatory housing practices defined in this section.

(d) The preceding paragraphs notwithstanding, it shall not be deemed a violation of this section to or for, nor shall anything in this section be deemed to prohibit the following:

(1) A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rent, or occupancy of real property which it owns or operates for other than a commercial purpose, to persons of the same religion, or from giving preference to such persons, unless such membership in such religion is restricted on account of race, religion, color, sex, national origin, ancestry, age, familial status or disability.

(2) A nonprofit private club in fact not open to the public, which as incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(3) Nothing in this section shall apply to rooms or units in buildings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other if the owner actually maintains and occupies one of such living quarters as his residence.

(4) Nothing in this section shall prohibit the establishment or operation of a housing project, whether it be multiple- family housing or single-family housing, for senior citizens or for families whose head of household is a senior citizen. However, discrimination, segregation, or separation of such senior citizen housing on the basis of race, religion, color, sex, national origin, ancestry, age, familial status or disability is prohibited as defined elsewhere in this section.

(5) Nothing in this section shall require the owner of housing/real property to make physical changes to said real property to make it accessible to said disabled persons for the purposes of assignment or rental thereof, except as otherwise required by state or federal laws, regulations or orders. (Ord. 04-19, § 1, 7-7-2004)

Sec. 13-24. Filing And Processing Of Complaints:

(a) Any person claiming to be aggrieved by an alleged act or practice made unlawful by the provisions of this article may personally, or by their attorney in fact or law, make, sign, and file with the director a written, verified complaint, which complaint shall set forth the particulars of such unlawful act or practice, together with such other information as may be required by the commission. The commission, upon its own initiative, the director or the city attorney may, in like manner, make, sign, and file such a complaint. All complaints made pursuant to this article shall be filed within one hundred eighty (180) days following the alleged unlawful act or practice. The director shall maintain a docket of all complaints filed.

(b) Upon the filing of a complaint, the director shall appoint two (2) investigating commissioners to process the complaint. Appointment shall be on a rotating basis from the current membership list of commission members. Upon appointment, the director shall notify the commissioners of their appointment and provide to them a copy of the complaint along with any supporting documents.

(c) Not more than five (5) days after the filing of a complaint under this section, a copy thereof, together with a brief written explanation of the procedure for processing and adjudicating such complaint, shall be served upon the respondent, either personally or by certified mail. As part of such notification, the respondent shall be informed of its right to submit a statement of its position with respect to the allegations of the complaint.

(d) Within ten (10) days after notification to the respondent of the filing of the complaint, the director, with the advice of the investigating commissioners, shall schedule a preinvestigation conference. The conference is to be attended by the director, the investigating commissioners, the complainant, and the respondent and shall be for the purpose of identifying the issues involved in the complaint and the complaint's validity. The complainant and respondent may be represented by legal counsel at the preinvestigation conference but all of the discussions shall be had personally with the complainant and respondent with legal counsel's position being stated only upon request of an investigating commissioner. Upon the conclusion of the preinvestigation conference, the investigating commissioners shall make a determination as to whether probable cause exists to continue with the complaint process. In the event the investigating commissioners cannot reach a consensus, the deciding vote shall be cast by the chairperson, or in the chairperson's absence or participation as an investigating commissioner, the vice chairperson of the commission. In the event no probable cause is found to exist to continue the process, the parties shall be notified in writing by the director.

(e) If the determination is made at the preinvestigation conference that the case should be submitted for investigation, the investigating commissioners shall make a prompt investigation of the complaint, either personally or through the director or other staff. In conducting such investigation, the investigating commissioners may, after due notice and after seeking the cooperation of the person or persons involved, request access at a reasonable time to such premises, records, documents, and other evidence as are reasonably necessary for the completion of the investigation. The investigating commissioners may, when unable to secure access to such premises or production of or access to such records, documents, or other evidence pertinent to the investigation of a complaint, apply to the governing body for a remedy to compel such access to or production of records, documents, or other materials which are relevant and material to the investigation as provided under subsection 13-19(7)d of this article. If such remedy is issued, it shall describe with reasonable particularity the premises to which access is to be provided and/or the records, documents, or other materials which are to be produced.

(f) Upon completion of the investigation, the investigating commissioners shall examine the case investigation file and shall determine whether probable cause exists for crediting the allegations of the complaint based on the investigation documentation. Within ten (10) business days from such determination, the director shall give written notice of said determination to both the complainant and the respondent. In the event the investigating commissioners cannot reach a consensus, probable cause or no probable cause, the chairperson, or in the event the chair is an investigating commissioner or absent, the vice chairperson shall

review the investigating information and shall cast the determining vote.

(g) Following the investigation and a determination that there is probable cause to believe the allegations contained in a complaint are true, the investigating commissioners, with the assistance of the director, shall attempt to eliminate the unlawful act or practice by conference, conciliation and persuasion. Such informal attempts to conciliate the dispute shall be confidential. Those present at any conciliation conference shall be the complainant, respondent, their representatives if desired, the investigating commissioners and the director. Failure to arrive at a satisfactory adjustment within forty five (45) days after the respondent is notified in writing of a finding of probable cause may constitute sufficient reason to judge efforts at conference and conciliation to be a failure. If settlement by conference and conciliation is successful, an agreement shall be prepared stating terms and conditions of this agreement. The terms of such conciliation agreement may include any promises and remedies for retroactive, present or future effect, including all remedies which may be ordered by the commission, and including a provision for entry in court of a consent decree embodying the terms of the conciliation agreement. The investigating commissioners shall execute any such agreement on behalf of the commission and upon its execution by all parties the case shall be marked closed with the status "satisfactory settlement". Notification of the resolution shall be forwarded to the commission.

(h) Any person who knowingly and intentionally submits or files or causes to be submitted or filed, a false, misleading, or incomplete complaint, statement, response or report with the commission, the director or any of the department's personnel, shall be guilty of a misdemeanor.

(i) The commission shall adopt such rules and procedures for the filing and processing of complaints as it deems necessary and appropriate, such rules to be approved by the governing body. (Ord. 04-19, § 1, 7-7-2004)

Sec. 13-25. Public Hearings:

(a) In the case of a failure to arrive at a satisfactory settlement of the alleged discrimination practice, after having given written notice to all parties and after fifteen (15) days have elapsed, or upon receipt of a written request from either the complainant or respondent for a public hearing, the commission may order a public hearing of said complaint. Such public hearing shall be conducted by the hearing examiner and shall be held after reasonable notice to all parties of the time and place thereof, but within forty five (45) days after service of the written notice of the hearing, unless otherwise ordered by the commission or hearing examiner for good cause.

(b) The commission shall adopt such rules and procedures for conducting public hearings as it deems necessary and appropriate, such rules to be approved by the governing body and promulgated to accord participants procedures in accordance with accepted principles of due process.

(c) The city attorney or his designee shall provide legal counsel to the hearing examiner. In no event shall such attorney have any responsibility beyond providing legal advice to the hearing examiner.

(d) If the hearing examiner conducting said hearing concludes that the respondent has, in his/her opinion, engaged in unlawful discriminatory acts or practices as alleged in whole, or in part, by the complainant, the examiner may exercise any of the following options or a combination of same:

(1) Issue a cease and desist order directing the respondent to cease and desist from such unlawful practice; and/or

(2) Issue such orders in writing as the facts warrant. Within fifteen (15) days after the hearing officer's order is served by the commission requiring or prohibiting action by the respondent, the respondent shall notify the commission in writing of the manner in which the respondent has complied with the order. Such order may require the respondent to cease and desist from such unlawful acts or practices and to take such affirmative actions as necessary to comply with the provisions of this article; and/or

(3) In the case of an order with respect to a discriminatory practice that occurred in the course of a business subject to a licensing or regulation by a state agency, the commission may, not later than thirty (30) days after the respondent has complied with the order, send copies of the findings of fact, conclusions of law, and the order, to that agency, and recommend the agency review or investigate alleged practices and where appropriate, the review or investigation may result in the suspension or revocation of the license of the respondent.

(4) Award compensatory damages to the person aggrieved by such discriminatory act or practice as will effectuate the purpose of the law; and/or

(5) Award damages for pain, suffering, and humiliation which are incidental to the act of discrimination as will effectuate the purpose of the law, except that an award for such pain, suffering, and humiliation shall in no event exceed the sum of two thousand dollars (\$2,000.00); and/or

(6) Award interest on all monetary awards granted. Such interest to accrue at the rate prescribed in KSA 16-204, as amended from the date of award.

(e) The findings of fact and order of the hearing examiner shall be submitted to the commission for approval, rejection or modification, in whole or in part, before being issued. Such findings of fact and orders as approved or modified, in whole or in part, by the commission shall be, when issued, the findings of fact and orders of the commission. The commission shall notify the respondent and the complainant of its findings of fact and issuance of order within fifteen (15) business days of said commission approval.

(f) If, upon review of all the evidence, the hearing examiner conducting said hearing concludes that the respondent has, in the hearing examiner's opinion, not engaged in unlawful discriminatory acts or practices as alleged in whole or in part by the complainant, he/she shall make a finding of "no violation", and forward such finding to the commission. The commission shall, if in agreement with such findings of "no violation", issue an order based on such findings dismissing the complaint within fifteen (15) business days of the date of the decision of the commission. (Ord. 04-19, § 1, 7-7-2004)

Sec. 13-26. Enforcement And Judicial Review Of Commission Orders:

(a) Any person aggrieved by a failure to comply with or a violation of any final order issued by the commission may secure enforcement of such final order by the district court of Lyon County, Kansas. Such proceedings shall be initiated by the filing of a petition in such court, together with a copy of the final order of the commission, and issuance and service of a copy of said petition as in civil actions. The court has the power to grant such temporary relief or restraining order as it deems just and proper, and to

make and enter an order or decree enforcing the order of the commission and shall award to the petitioner, as part of the costs, reasonable attorney fees incurred by the petitioner in the enforcement proceeding.

(b) Any person aggrieved by an order made by the commission may obtain judicial review thereof in the Lyon County district court by filing with the clerk of the court, within thirty (30) days from the date of service of the order, a written appeal praying that such order be modified or set aside. The appeal shall certify that notice in writing of the appeal, together with a copy of the appeal, has been given to all parties to appear before the commission, at their last known address, and to the commission by service at the office of the human relations director.

The evidence presented to the commission, together with its findings and the order issued thereon, shall be certified by the commission to said district court as to its return. No order of the commission shall be superseded or stayed during the proceedings on the appeal unless the district court shall so direct.

The court shall hear the appeal by trial de novo, and the court may, in its discretion, permit any party or the commission to submit additional evidence on any issue. After hearing, the court shall enter such order or judgment as justice shall require. If the appellee is successful on appeal pursuant to this subsection, the district court shall award to the appellee, as part of the cost, reasonable attorney fees incurred by the appellee in the appeal proceedings.

(c) The commission's tape recording of the testimony shall be available at all reasonable times to all parties for examination without cost, and for the purpose of judicial review of the order.

(d) The commission shall be deemed a party to review of any order by the court, but may, at its discretion, limit its participation to any such review to the provision of evidence together with its findings and the order issued thereon as provided in subsection (b) of this section.

(e) Jurisdiction of the district court of Lyon County, as aforesaid, shall be exclusive and its final order of decree shall be subject to review in the same manner as other appeals of the district court in civil cases. (Ord. 04-19, § 1, 7-7-2004)

Sec. 13-27. Public Contracts:

(a) *Contract Provisions - Work Performance:* Every contract for, or on behalf of, the city of Emporia or any agency thereof, for construction, alteration or repair of any public building or public work for the acquisition of materials, equipment, supplies or services, shall contain provisions by which the contractor and any subcontractors agree that the contractor and subcontractor shall observe the provisions of this article and shall not discriminate against any person in the performance of work under the present contract because of race, religion, color, sex, national origin, ancestry, age, familial status or disability, except by reason of a demonstrably valid occupation qualification or business justification.

(b) *Contract Provisions - Employment:* In all contracts entered into by the city or any of its agencies or departments, there shall be included a provision that during the performance of the contract, the contractor will not discriminate against any employee or applicant for employment in the performance of said contract and every contractor shall include similar provisions in all subcontracts under their contract with the city.

(c) *Affirmative Action:* Any contractor entering into a contract with the city and his subcontractors shall take affirmative action to ensure that employees are treated equally without regard to their race, religion, color, sex, national origin, ancestry, age, familial status or disability. Such affirmative action shall include, but not be limited to, the following: employment; upgrading, demotion or transfer; recruiting or recruitment; advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor and subcontractor shall agree to post, in conspicuous places available to employees and applicants for employment, notices to be provided by the director setting forth provisions of this article. The contractor and his subcontractors shall provide all affirmative action information and necessary documents to implement compliance with the requirements of all federal, state, and local laws and ordinances. It shall be no excuse that the employer has a collective bargaining agreement with any union providing for exclusive referral or approval systems. The failure of the contractor or subcontractors to comply with the requirements of this article shall be grounds for cancellation, termination, or suspension of the contract, in whole or in part, by the governing body with the contractor or subcontractors until satisfactory proof of intent to comply shall be submitted to, and accepted by, the governing body.

(d) *Exemptions:* The provisions of this article shall not apply to:

- (1) Contractors or suppliers who would not be considered as an "employer" as defined in section 13-17 of this chapter;
- (2) Contracts and subcontracts not exceeding twenty thousand dollars (\$20,000.00);
- (3) Call, type or purchase order agreements which do not exceed twenty thousand dollars (\$20,000.00) in total per calendar year. Provided, vendors, contractors and suppliers who will supply or expect to supply the city with goods or services exceeding twenty thousand dollars (\$20,000.00) during the subsequent calendar year shall not be exempt from the requirements of this article.

Provided the above exemptions shall not conflict with applicable state or federal laws. (Ord. 04-19, § 1, 7-7-2004)

Sec. 13-28. Evaluation:

When the complaint process is terminated either through settlement or determination, a written evaluation questionnaire shall be distributed to the complainant, respondent, and investigating commissioners. The questionnaire shall be on a form prepared by the commission and shall solicit the parties' opinions on the handling of the complaint including, but not limited to, promptness and fairness accorded to the parties during the proceedings. The information obtained from such questionnaires shall be utilized by the commission as a basis for modifications to the complaint procedure and for recommendations to the governing body for modifications and improvements to this article. (Ord. 04-19, § 1, 7-7-2004)

Sec. 13-29. Cooperation With Other Agencies:

The commission, with the approval of the governing body, may enter into contracts, agreements or memorandums of understanding with the Kansas human rights commission, federal equal employment opportunity commission, federal department of justice, and the department of housing and urban development to cooperate with such agencies and to utilize the services of such agencies and their employees to assist the commission in carrying out the powers or responsibilities under this article. (Ord. 04-19, § 1, 7-7-2004)

Secs. 13-30–13-39. Reserved:



Study Session Report

Title: Consider the Transfer of Urbanside Park Located at 500 Whildin Street to the Emporia Land Bank for the purpose of Developing Single-Family Homes.

Proposed Agenda Date: January 18, 2023

Presented By: Jeff Lynch, Community Development Coordinator

BACKGROUND:

The Emporia Land Bank had assessed the viability of re-purposing current city parks and other underutilized green space in the past at the City Commission's request. Urbanside Park, located at 500 Whildin Street, was a location that was identified as a promising development property.

DISCUSSION:

The land bank has had recent success with acquiring other sites and pairing them with local developers. At this location, there have been four (4) buildable sites identified for single-family houses. The land bank requires buyers to begin construction within six months after purchase, and complete each house within a year. The land bank also points out that this new development could be a catalyst for the development of an additional 15 to 25 sites to the west of the current park property.

FINANCIAL CONSIDERATIONS:

Proceeds from the sale the of property would be reinvested by the land bank on more projects that meet its mission.

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

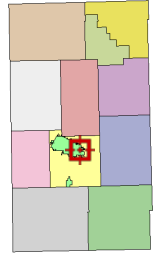
Transfer Urbanside Park to the Emporia Land Bank.

ATTACHMENTS:

Map of property
Letter from Emporia Land Bank



Overview



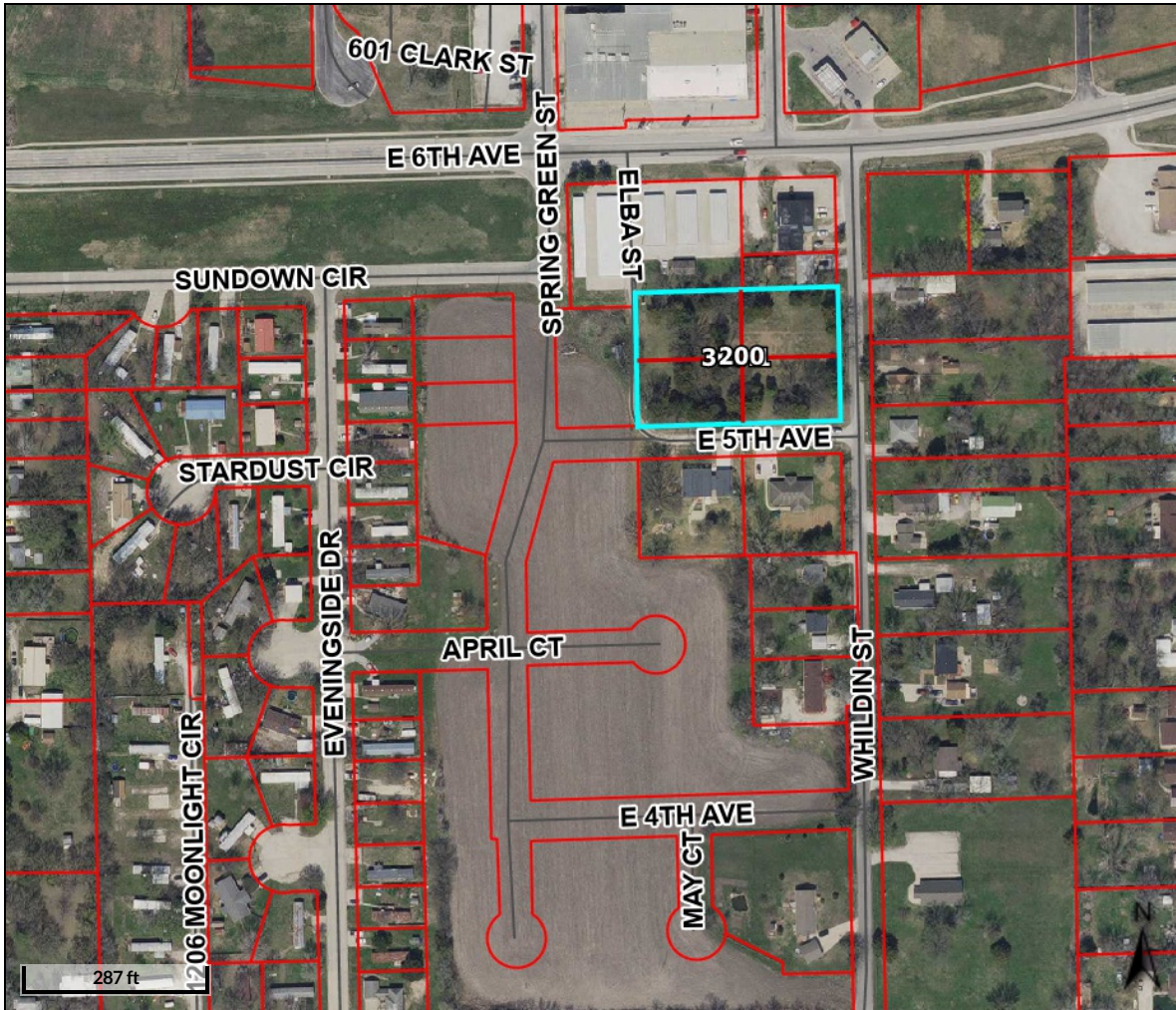
Legend

-  City Limits
-  Road Centerline

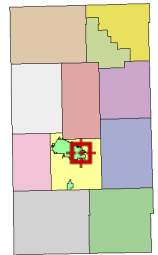
Parcel ID	1961401003011000	Alternate ID	n/a	Owner Address	EMPORIA, CITY OF
Sec/Twp/Rng	14-19S-11E	Class	E - Exempt		522 MECHANIC ST
Property Address	500 WHILDIN	Acreage	1.4		EMPORIA, KS 66801-3950
	Emporia				
District	005				
Brief Tax Description	URBANSIDE, S14, T19S, R11E, ACRES 1.4, BEG SE COR BLK 6 W308.83 N202.96 E308.91 S202.97 TO POB ELBA AVE				
	URBANSIDE ADD (HANSHAW PARK) (202.9 X 308.8)				
	(Note: Not to be used on legal documents)				

Date created: 1/6/2023
Last Data Uploaded: 1/5/2023 11:47:30 PM

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Overview



Legend

-  Parcels
-  City Limits
-  Road Centerline

Parcel ID	1961401003011000	Alternate ID	n/a	Owner Address	EMPORIA, CITY OF
Sec/Twp/Rng	14-19S-11E	Class	E - Exempt		522 MECHANIC ST
Property Address	500 WHILDIN Emporia	Acreage	1.4		EMPORIA, KS 66801-3950
District	005				
Brief Tax Description	URBANSIDE, S14, T19S, R11E, ACRES 1.4, BEG SE COR BLK 6 W308.83 N202.96 E308.91 S202.97 TO POB ELBA AVE URBANSIDE ADD (HANSEW PARK) (202.9 X 308.8) (Note: Not to be used on legal documents)				

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

Date created: 1/6/2023

Last Data Uploaded: 1/5/2023 11:47:30 PM

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GEOSPATIAL



EMPORIA LAND BANK

P.O. Box 928, Emporia, KS 66801 620-343-4285

City of Emporia
ATTN: Trey Cocking, City Mgr.
P.O. Box 928
Emporia, KS 66801

October 28, 2022

RE: 500 Whildin St., Urbanside Park

Mr. Cocking,

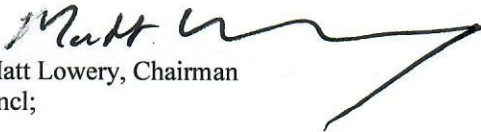
The Emporia Land Bank continues to seek opportunities to carry out its mission of acquiring, managing, and transforming property into productive use. In the past, the Emporia City Commission has requested that the Emporia Land Bank look into underutilized city parks and green spaces to recommend alternative uses. To that end, the Emporia Land Bank is making a formal request to the City of Emporia to consider transferring the property at 500 Whildin St., known as Urbanside Park, to the Emporia Land Bank.

The Emporia Land Bank would divide the park into four 100 ft. X 150 ft. buildable sites to be offered to individuals and developers for single-family housing. The Emporia Land Bank has had success in acquiring other sites and pairing them with local developers. This work addresses the ongoing housing shortage in Emporia as well as improving the local tax base.

To reach development goals, the Emporia Land Bank requires site buyers to begin construction within 6 months of purchase and complete construction within 12 months of purchase. The Emporia Land Bank members anticipate all four sites being developed within the next 24 months. Additionally, developing these sites likely will serve as a catalyst to begin development of unimproved land directly to the west of Urbanside park which could provide an additional 15 – 25 buildable sites. Easements are already in place for road and infrastructure improvements to serve these additional privately owned sites.

If you would like for our board to meet with you or others to discuss the possibilities of this proposal, please respond to the city liaison, Jeff Lynch.

Sincerely,



Matt Lowery, Chairman
Encl;



Study Session Report

Title: Emporia Land Bank 2022 Annual Report

Proposed Agenda Date: January 18, 2023

Presented By: Jeff Lynch, Community Development Coordinator

BACKGROUND:

The Emporia Land Bank was established by the City Commission in 2019. Its mission is to efficiently acquire, manage and transform the property into productive use. According to Kansas Statute KSA 12-5903(f), the land bank is required to make an annual report to the governing body that is to include an accounting of all funds and inventory of all property.

DISCUSSION:

The land bank sold three properties in 2022 of which two houses were developed, and an additional industrial shop building is planned to be built on the third property after the demolition of a dilapidated house.

FINANCIAL CONSIDERATIONS:

No additional funding is being requested at this time.

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Approval of the report.

ATTACHMENTS:

Attached is the 2022 Annual Report for the Emporia Land Bank.



EMPORIA LAND BANK 2022 ANNUAL REPORT

Board of Trustees

Chair	Matthew Lowery	Member	Neil Dean
Co-Chair	Melissa Ogleby	Member	Lynn Cunningham-Milford
Member	Jaime Morris	Member	Jermry Hinkle
Member	Maria Salazar		

Parcel Activity 2022

201 Sylvan St.	06-17-2022	Sold, new home built with incentive
205 Sylvan St.	06-17-2022	Sold, new home built with incentive
748 W. 4 th Ave.	07/11/2022	Purchased
748 W 4 th Ave.	12/23/2022	Sold for redevelopment

Parcel Inventory as of December 31, 2022

417 State St.

Financial Activity

Beginning Balance		\$25,838.33
Revenues		
Sale of Real Estate	\$ 9,830.00	
City Allocation	50,000.00	
Interest	<u>299.17</u>	
Total Revenues		\$60,129.17
Expenditures		
Acquisitions, Demolition & Incentives	25,066.76	
Publishing	337.63	
Misc.	<u>803.70</u>	
Total Expenditures		<u>26,208.09</u>
Net Income (Loss)		<u>33,921.08</u>
Cash Balance		\$59,759.41



MEMO

TO: City Commission

CC: City Manager & Department Heads

FROM: Jim Ubert, City Engineer

SUBJECT: 2023 Street Rehab Streets Discussion

DATE: January 11, 2023

City Engineering staff will discuss the list of this year's recommended street segments and some add alternates for the 2023 Street Rehab Project.