



**MEETING OF THE CITY COMMISSION - AGENDA
WEDNESDAY, JUNE 7, 2023 AT 11:00 AM
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER Mayor Susan Brinkman

MEMBERS PRESENT

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

PROCLAMATIONS

Proclamation Recognizing June 16th as National Teachers Hall of Fame Day in Emporia.
To Accept Carol Strickland, Executive Director Emeritus, and Ken Weaver, Interim Deputy Director of the National Teachers Hall of Fame

Proclamation Naming June as Zoo Month in Emporia.
To Accept Colleen Mitchell, EFOZ President, and Lisa Keith, Zoo Director

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) **Appointment of Member to the Emporia Human Relations Commission.**

Presented by: Becky Smith, Vice Mayor

Recommended Action: Approve Appointment of Member to the Emporia Human Relations Commission.

2) **Continued Public Hearing for S&S Quality Meats, LLC, and Adopt Resolution No. 3698 to Issue Taxable Industrial Revenue Bonds in the Amount of \$14,000,000.00.**

Presented by: Christina Montgomery, City Attorney

Recommended Action: Conduct Continued Public Hearing for S&S Quality Meats, LLC, and Adopt Resolution No. 3698 to Issue Taxable Industrial Revenue Bonds in the Amount of \$14,000,000.00.

3) **Ordinance No. 23-17 for Rezoning 227 East Street from R-1 Low-Density Residential to I-1**

Light Industrial.

Presented by: Justin Givens, Administrator of Planning & Zoning

Recommended Action: Approve Ordinance No. 23-17 for Rezoning 227 East Street from R-1 Low-Density Residential to I-1 Light Industrial.

4) Ordinance No. 23-18 Annexing Land located at 1526 S. Hwy 99 Pursuant to K.S.A. 12-520(a) (1)-(6).

Presented by: Justin Givens, Administrator of Planning & Zoning

Recommended Action: Approve Ordinance No. 23-18 Annexing Land located at 1526 S. Hwy 99 Pursuant to K.S.A. 12-520(a) (1)-(6).

5) Minor Platt for JTS Retail Addition.

Presented by: Justin Givens, Administrator of Planning & Zoning

Recommended Action: Approve Minor Platt for JTS Retail Addition.

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Commission Meeting Minutes for May 24, 2023.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Informational Items

GOVERNING BODY COMMENTS

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

EXECUTIVE SESSION

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

Recess into Executive Session to discuss confidential matters of a third party regarding proprietary information for 30 minutes, inviting Jim Witt, Special Projects Coordinator, and Garrett Nordstrom, Governmental Assistant Services, stating at which time the open meeting will resume.

RECESS

Recess to Conference Room 1AB for Study Session

STUDY SESSION AGENDA ITEMS

- 1) Review Outside Appropriation Request.

ADJOURNMENT



PROCLAMATION

WHEREAS, the National Teachers Hall of Fame, celebrating its 34th year of existence, its 31st induction class, and its 9th anniversary of the National Memorial to Fallen Educators—the only national memorial in Kansas, is committed to recognizing and honoring exceptional career teachers, encouraging excellence in education, and preserving the rich heritage of the teaching profession in the United States; and

WHEREAS, five of the nation’s most outstanding teachers with 153 years of combined teaching experience—Dr. Rebecca A. Hamilton from Jupiter, FL; Dr. Erick M. Hueck from Coral Gables, FL; Dr. Caryn L. Long from Clermont, FL; Kristen A. Record from Bridgeport, CT; and Monica M. Washington from Douglasville, TX will be inducted into the National Teachers Hall of Fame as Members 151 through 155 during a ceremony held in Emporia on June 16, 2023; and

WHEREAS, these career teachers have taken an active leadership role in improving their schools and disciplines, providing learning opportunities, creating a community of learners, making learning meaningful, and elevating the academic achievement of all students; and

WHEREAS, the National Memorial to Fallen Educators continues to attract visitors and national visibility for the city and the state; and

WHEREAS, the citizens of Emporia, Kansas have given their hearts to making the Hall of Fame week be a memorable experience for the inductees and guests through their hospitality and generosity as host families, volunteers, and Friends of Education sponsors, earning Emporia the nickname “Teacher Town, USA” by Teacher Magazine.

NOW, THEREFORE I, Susan Brinkman, Mayor of the City of Emporia, Kansas, do hereby proclaim June 16, 2023, as

“NATIONAL TEACHERS HALL OF FAME DAY”

in Emporia. We are pleased to join our fellow citizens across the nation, but particularly in the three states represented by the 2023 inductees in recognizing these individuals and the essential role teachers play in our nation.

On this 7th Day of June 2023

ATTEST:

Susan Brinkman, Mayor

Kerry Sull, City Clerk



PROCLAMATION

WHEREAS, Zoological Parks and Aquariums of North America serve the needs of both humans and wildlife by bringing them together in a unique setting; and

WHEREAS, they help build awareness, understanding, concern and a sense of stewardship for wildlife and the environment; and

WHEREAS, they provide a vital link to global conservation efforts; and

WHEREAS, their commitment to education fosters and enriches the appreciation of wildlife in over 20 million school children each year; and

WHEREAS, they actively conduct scientific studies to better care for and preserve the diverse wildlife of the earth; and

WHEREAS, they provide important cultural, recreational, and educational experiences for over 175 million people each year.

THEREFORE, BE IT KNOWN; I, Susan Brinkman, Mayor of the City of Emporia, Kansas, do hereby designate the month of June 2023 as

"ZOO MONTH"

and urge all citizens to visit the David Traylor Zoo of Emporia to experience firsthand the wonders of nature and our environment offered by the Zoo.

On this 7th Day of June 2023

ATTEST:

Susan Brinkman, Mayor

Kerry Sull, City Clerk



Commission Action Report

Appointment of Member to the Emporia Human Relations Commission

Title: Appointment of Member to the Emporia Human Relations Commission
Agenda Date: June 7, 2023
Presented By: Becky Smith, Vice Mayor

Background:

The Emporia Human Relations Commission has one opening and is seeking to fill it with a qualified candidate.

Discussion:

Three applications were received, and interviews were conducted on May 2nd and May 10th. Candidate Cara Codney was interviewed by Vice Mayor Becky Smith for a position on the Emporia Human Relations Commission.

Vice Mayor Smith agreed to approve moving forward with candidate Codney to fill one of the positions, which the term will run through 5/31/2026.

Financial considerations:

No Financial Cost to the City.

Recommended action:

Appoint Cara Codney to the Emporia Human Relations Commission

Attachments:

City board application



Commission Action Report
Continued Public Hearing for S&S Quality Meats, LLC,
and Adopt Resolution No. 3698
to Issue Taxable Industrial Revenue Bonds
in the Amount of \$14,000,000.00.

Title: Continued Public Hearing for S&S Quality Meats, LLC, and Adopt Resolution No. 3698 to Issue Taxable Industrial Revenue Bonds in the Amount of \$14,000,000.00.

Agenda Date: June 7, 2023

Presented By: Christina Montgomery, City Attorney

Background:

The City Commission has previously entered into an "Incentive Compliance Agreement" to exempt property taxes on the current real property improvements in association with S & S Quality Meats, LLC. The Public Hearing process is a statutory requirement.

Discussion:

City Bond Counsel has now finalized the final construction and equipment cost numbers associated with this project. The City Commission needs open the Public Hearing continued from May 24, 2023, and adopt the resolution approving the real property tax exemption.

Financial considerations:

No city funds are required.

Recommended action:

Conduct the Continued Public Hearing for S&S Quality Meats, LLC, and approve the adoption Resolution No. 3698 to Issue Taxable Industrial Revenue Bonds in the Amount of \$14,000,000.00.

Attachments:

Resolution No. 3698
Copy of the Notice of Publication

RESOLUTION NO. 3698

OF THE

GOVERNING BODY

OF THE

CITY OF EMPORIA, KANSAS

AMENDING RESOLUTION NO. 3656 AND
RELATING TO AD VALOREM PROPERTY TAX ABATEMENT
IN CONNECTION WITH NOT TO EXCEED
\$14,000,000
TAXABLE INDUSTRIAL REVENUE BONDS
(S&S QUALITY MEATS, LLC)

RESOLUTION NO. 3698

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, APPROVING AN AD VALOREM PROPERTY TAX EXEMPTION FOR PROPERTY ACQUIRED WITH THE PROCEEDS OF CERTAIN INDUSTRIAL REVENUE BONDS

WHEREAS, the governing body of the City of Emporia, Kansas (the “City”), desires to promote, stimulate and develop the general economic welfare and prosperity of the City, and thereby to further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1740 *et seq.*, as amended (the “Act”), and all acts amending and supplementing the Act, the City is authorized to issue revenue bonds of the City; and

WHEREAS, pursuant to Resolution No. 3656 of the City (the “Resolution of Intent”), the City indicated its preliminary intent to issue certain industrial revenue bonds in an aggregate principal amount of approximately \$14,000,000 (herein the “Bonds”) pursuant to the Act to pay costs incurred in connection with purchasing, acquiring, constructing, furnishing, and equipping a commercial facility consisting of an approximately 42,277 square foot building and related facilities to house Tenant’s (defined herein) meat processing and smoking operations and related space, and replacing an existing processing facility located in the flood plain in Emporia, Kansas (the “Project”), to be owned or leased by the City and leased to S&S Quality Meats, LLC, a Kansas limited liability company (the “Tenant” or “Company”); and

WHEREAS, the final estimated costs of the Project have been determined, and together with estimated fees and expenses of financing said acquisition, and the governing body finds and determines it desirable to finance the Project at an estimated cost of not to exceed \$14,000,000; and

WHEREAS, the City as caused a notice of its consideration of the issuance of the Bonds and the accompanying ad valorem property tax abatement on the Project to be published in the official newspaper of the City at least seven days prior to the date hereof and has notified Lyon County, Kansas and Unified School District No. 253 of its consideration thereof; and

WHEREAS, the City has caused a cost benefit analysis to be prepared in connection with its consideration of ad valorem property tax abatement on the Project, which cost benefit analysis includes an analysis of the effect on state revenues; and

WHEREAS, the City has conducted a public hearing on the issue of both the issuance and delivery of the Bonds, as well as the accompanying ad valorem property tax exemption, and all persons seeking to be heard were afforded the opportunity to be heard on such matters.

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

SECTION 1. Tax Exemption. Subject to Kansas law and the conditions set forth herein, the City intends that the Project acquired with the proceeds of the Bonds be 100% exempted from ad valorem property taxation (except any ad valorem property tax levied by a school district pursuant to the provisions of K.S.A. 72-53,113) for a ten-year period commencing the calendar year after the year in which the Bonds are issued.

SECTION 2. Special Assessments. Any special assessment levied against the real property portion of the Project, if any, shall not abate and shall continue to be the obligation of the Tenant, payable in the manner provided by law.

SECTION 3. Approval of Exemption. This Resolution is conditioned on the Tenant making proper application for and the issuance by the Board of Tax Appeals of the State of Kansas of an order exempting the Project from *ad valorem* taxation in accordance with Kansas law, including particularly K.S.A. 79-201a *Second* and/or K.S.A. 79-201a *Twenty-Fourth*.

SECTION 5. 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 by this Resolution.

SECTION 6. Effective Date. This Resolution shall become effective upon its approval and passage by the governing body of the City.

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PASSED, ADOPTED AND APPROVED by the governing body of the City of Emporia, Kansas this 7th day of June 2023.

CITY OF EMPORIA, KANSAS

[seal]

By _____
Susan Brinkman, Mayor

ATTEST:

By _____
Kerry Sull, City Clerk

(Published in the *Emporia Gazette* on May 6, 2023)

NOTICE OF PUBLIC HEARING FOR
ISSUANCE OF INDUSTRIAL REVENUE BONDS AND
GRANTING AN AD VALOREM TAX ABATEMENT

In accordance with K.S.A. 12-1749d, as amended, public notice is given that the governing body of the City of Emporia, Kansas (the “City”) will conduct a public hearing in connection with its considering a tax exemption and proposed issuance by the City of its Taxable Industrial Revenue Bonds, in one or more series, in an aggregate principal amount of not to exceed \$19,400,000 on Wednesday, May 24, 2023, at 11:00 a.m., or as soon thereafter as possible, at City Hall, 522 Mechanic, PO Box 928, Emporia, Kansas 66801. The Bonds are proposed to be issued by the City in the amount not to exceed \$19,400,000 to finance the costs of purchasing, acquiring, constructing, furnishing and equipping a commercial facility consisting of an approximately 42,277 square foot building and related facilities to house meat processing and smoking operations and related space, and replacing an existing processing facility located in the flood plain (the “Project”) located at 4700 W. Highway 50, Emporia, Kansas (the “Project”).

The Bonds, which will make all or portion of the Project eligible for an accompanying ad valorem property tax exemption, are proposed to be issued under the authority of K.S.A. 12-1740 to 12-1749d, inclusive, as amended. The Project will be owned or leased by the City and leased to S&S Quality Meats, LLC, a Kansas limited liability company (the “Tenant”). A copy of this notice relating to the proposed financing is on file in the office of the City Clerk and is available for public inspection during normal business hours.

In the event the Bonds are not ultimately issued for any reason, the City, shall not be deemed to have assumed or incurred any liability or obligation to the Tenant, its affiliates, or any other party by virtue of any proceedings or actions taken in connection therewith.

All persons having an interest in this matter will be given an opportunity to be heard at the time and place specified above.

The governing body of the City will not take action authorizing the issuance of such Bonds or approving the accompanying tax abatement until the passage of seven (7) days from the date this Notice is published in the official newspaper of the City and until the public hearing is concluded.

CITY OF EMPORIA, KANSAS

By: /s/ Kerry Sull, City Clerk



Commission Action Report

Ordinance 23-17 Rezoning 227 East Street
From R-1 Low-Density Residential to I-1 Light Industrial

Title: Ordinance 23-17 Rezoning 227 East Street From R-1 Low-Density Residential to I-1 Light Industrial.

Agenda Date: June 7, 2023

Presented By: Justin Givens, Planning & Zoning Administrator

Background:

At their May 16, 2023 meeting, the Planning Commission conducted a public hearing to consider a request for rezoning of the property located at 227 East Street. Upon conclusion of the public hearing, the Planning Commission made a unanimous recommendation to the Governing Body to adopt an ordinance rezoning the subject property from R-1 Low-Density Residential to I-1 Light Industrial. Attached is an excerpt of minutes from the meeting, including the staff's report to the Planning Commission.

Discussion:

The proposed rezoning would allow the property owners continued use of the property as a lawn and landscaping facility while ensuring that proper screening is in place. The Planning Commission's recommendation is for the uses allowed by the rezoning ordinance to be limited to lawn and landscaping-related activities. Any changes in use would require additional consideration from the Planning Commission and City Commission prior to being approved.

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

Financial considerations:

No city funds are required.

Recommended action:

Approve Ordinance 23-17 Rezoning 227 East Street From R-1 Low-Density Residential to I-1 Light Industrial.

Attachments:

- Ordinance 23-17
- Aerial Location Map
- Zoning Map
- Regulating Plan Map
- Excerpt of Minutes with Staff Report

ORDINANCE NO.23-17

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM R-1, LOW-DENSITY RESIDENTIAL DISTRICT TO I-1 LIGHT INDUSTRIAL ZONING DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING

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

Section 1. The following described properties are hereby rezoned from R-1 Low-Density Zoning District to that of I-1 Light Industrial Zoning to wit:

Lot 41, East Street, Original Township, Emporia, Lyon County, Kansas

And generally located: 227 East Street, Emporia, KS

Section 2. The allowed uses are restricted to Landscaping Contracting Services, including lawn care, and Landscape nursery and gardening supplies, finding that the limitations are necessary to protect public health, safety, or general welfare and is consistent with the intent and purposes of the zoning regulations.

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

PASSED AND APPROVED this 7th day of June 2023.

SUSAN BRINKMAN, Mayor

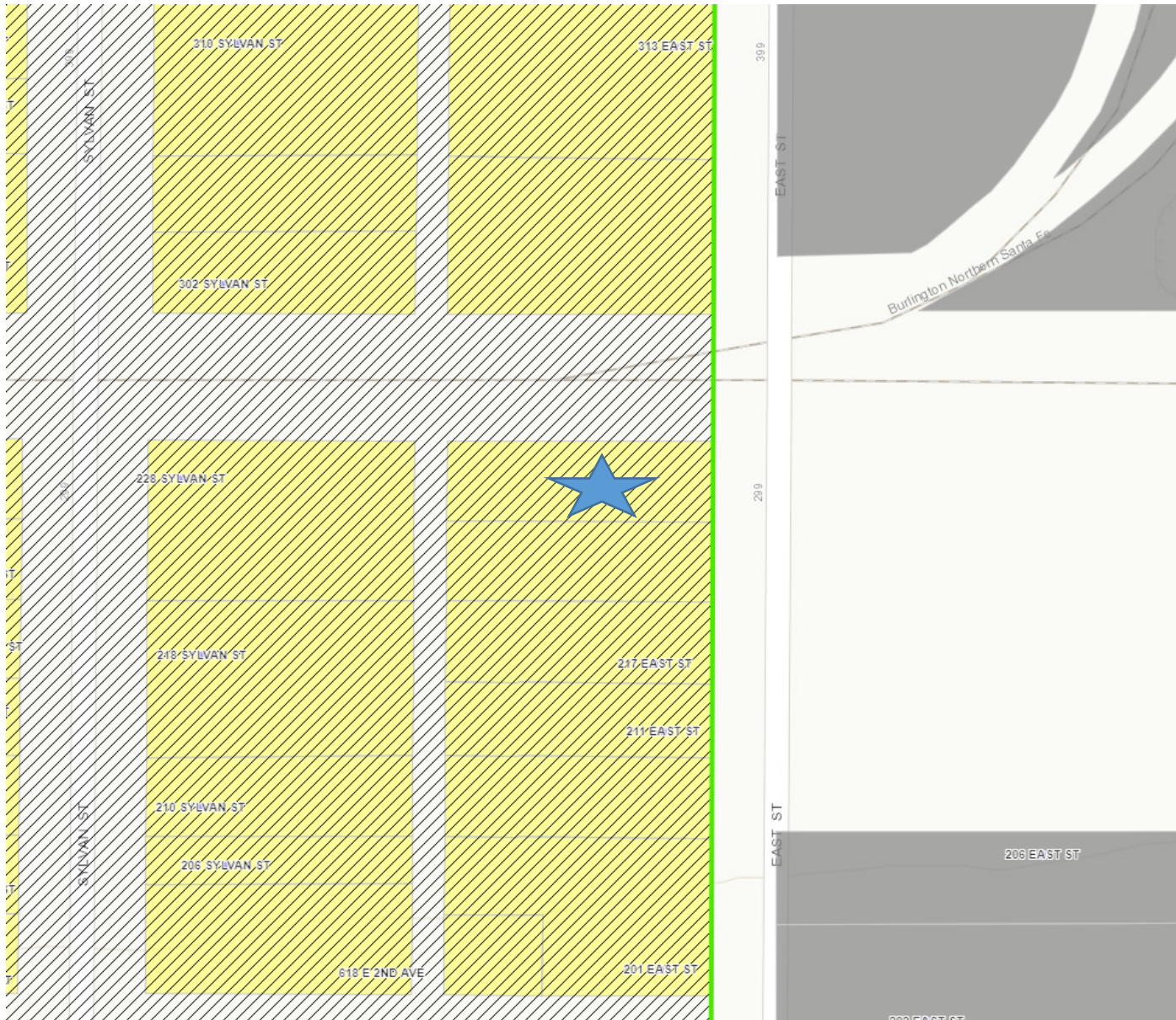
ATTEST:

KERRY SULL, City Clerk

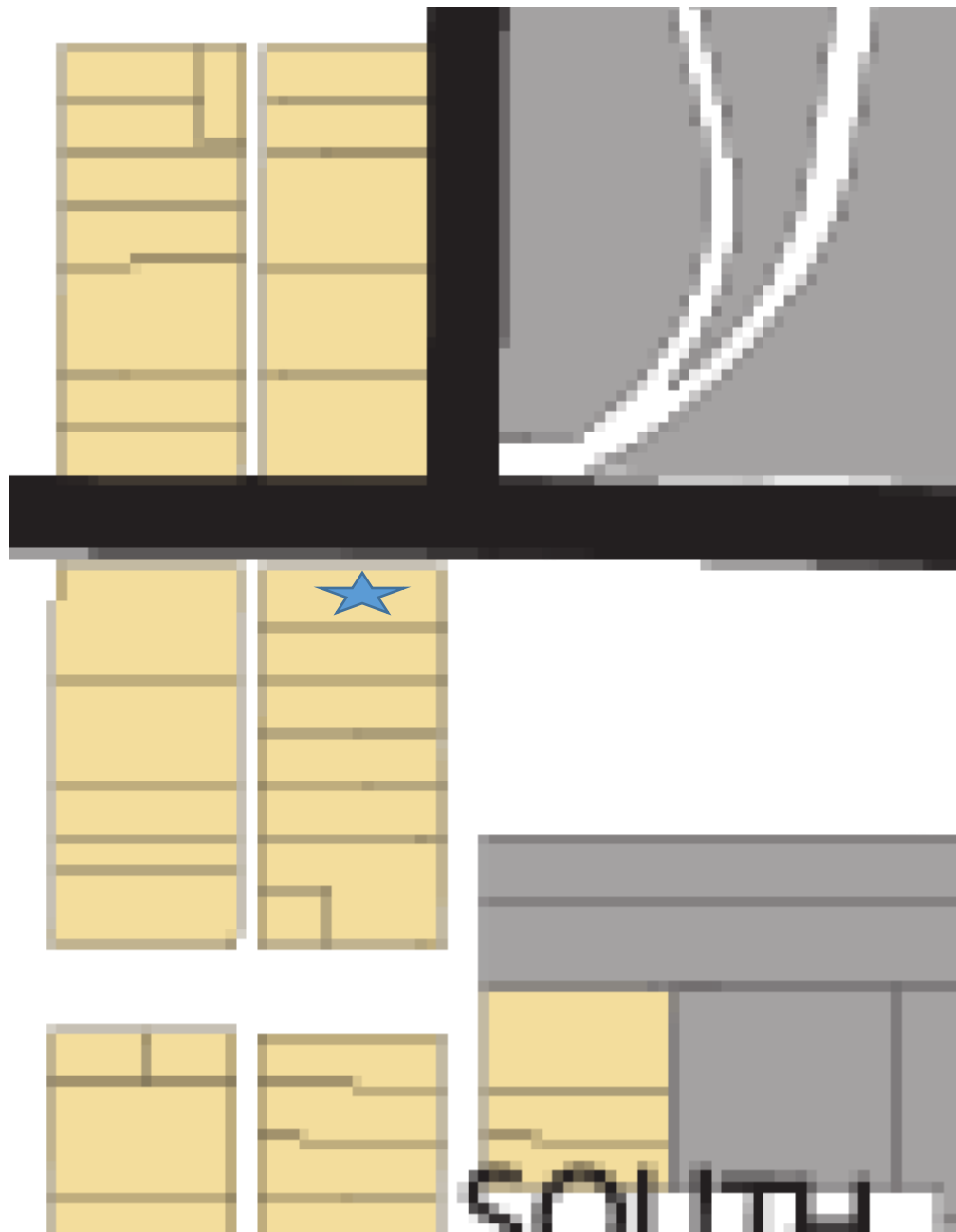
227 East St
Rezoning R-1 to I-1 Light Industrial



**227 East St
Rezoning R-1 to I-1 Light Industrial**



227 East St
Rezoning R-1 to I-1 Light Industrial



EXCERPT OF MINUTES- 5/16/2023
EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, May 16, 2023, with Vice-Chair Duncan presiding. Members Weaver, Barnes, Ogle, Rogers, and Bucklinger were present.

City staff: Justin Givens was present.

Vice-Chair Duncan called the meeting to order.

3. Consider Application PC 2023-02 A Request to Rezone Property Located at 227 East St. from R-1 Low-Density Residential to I-1 Light Industrial.

Vice-Chair Duncan asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper and the property owners within 200ft of the property.

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

Givens provided the staff report:

Application #: PC 2023-02

Applicants: Robin & Orlando Arguello

Requested Action: Consider a Request to Rezone a Tract of Land from R-1 Low-Density Residential (HO-O) to I-1 Light Industrial.

Purpose: The applicants desire the change in zoning to allow for the continued use of the property for their landscaping business.

Address: 227 East St.

Legal description: Lot 41, East Street, Original Township

Lot Size: 8,610 sq. ft.

Existing Zoning: R-1 Low Density Residential

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

Surrounding Zoning:

North – Non Tax Lot

East – Non Tax Lot – I-1 & I-2 Industrial

South – R-1 Low Density Residential

West – R-1 Low Density Residential

Surrounding Actual Uses:

North – Railroad Right of Way
East – Railroad Right of Way / Bunge
South – Vacant Lot / Single-Family Homes
West – Single-Family Homes

Analysis: The applicant is requesting the rezoning in order to continue the use of the property to store materials for their landscaping business, with the intent to build a shop in the future. The applicants have operated a landscaping business for several years without complaint. Through an increased emphasis on property maintenance and code enforcement staff was made aware that the owners were storing materials on the property for use in and from their landscaping business. Since the property was zoned R-1, it was determined that they were in violation of zoning and property maintenance codes.

The owners were given a stay until a request for rezoning is considered.

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

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

1. Whether the change in classification would be consistent with the intent and purpose of these regulations; **The change in classification with limitations on uses would be consistent with the regulations. This is a lot that has been vacant for at least the past six years, and would help the property reach a maximum usage.**
2. The character and condition of the surrounding neighborhood and its effect on the proposed change; **Little would change on the existing neighborhood. A vacant lot currently abuts the property to the south, and it is surrounded by non-tax lots (railroad property) and other Industrial uses. Based on the time the property has been vacant, little impact would be felt to the area properties.**
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; **City staff has made a concerted effort to promote the property maintenance code. The property owners have used this property as a storage area for some time, without issue, until they were cited for a zoning and property maintenance code violation. Additionally, properties that abut the railroad are less desirable for residential uses.**
4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification; **Neighboring properties are zoned as non-tax lots (railroad) and industrial lots. There are some single-family residential surrounding the property, but many are on larger lots, decreasing the density typically found in the surrounding area. Allowing limited industrial uses on this property would not have a negative effect on the neighborhood.**
5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity; **Staff recommends limiting the uses allowed by the zoning regulations to just landscaping related uses. This would minimize any future industrial uses, which may not be compatible to the existing area.**

6. The suitability of the applicant's property for the uses to which it has been restricted; **Residential uses are not generally suited to being placed directly adjacent to railroads, and over time, these properties tend to become less and less desirable as residential lots. Being restricted to only a single-family home is very limiting on the property, and does not maximize the value of the property.**

7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as allowing the land to be vacant or undeveloped; **This property has been vacant for a considerable amount of time, with no residential development. New residences are not necessarily desirable when they are adjacent to the railroad, and staff would not anticipate any residential development occurring on this property.**

8. Whether adequate sewer and water facilities, and all other needed public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified; **All services are existing in the area, and there would not be any detrimental impact to services if the zoning change was approved.**

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development; **The property has not had a building on it for more than six years, and while residential property is a premium in the city, similar lots directly adjacent to the railroad have remained undeveloped.**

10. The recommendations of professional staff; **Staff would recommend the approval of the rezoning with limited use conditions being put in place. The uses allowed should be limited to Landscaping Contracting Services, including lawn care and Landscape nursery and gardening supplies, and that all materials stored on site be screened from public view.**

11. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **A property such as this would be a perfect property for zoning change to an Industrial Flex Parcel Type, as it would provide a transition from heavy industrial uses, like the railroad, to the neighboring residential property. This type of rezoning would help to promote economic development, and allow the owner continued use of the property for their landscaping business.**

12. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and, **Staff does not feel that there would be any detriment to the public health, safety, and general welfare, and the change in zoning would allow for the maximum use of the property.**

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

Neighborhood Communications: At the time of writing this report, staff has had contact with several neighbors, one of whom objected to materials possibly overflowing onto his property.

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

Attachments: Aerial Map / Current Zoning Map / Future Land Use Map

Commissioner Bucklinger asked about limiting the uses that could be allowed on the property versus all allowed uses on the property. **Givens** answered that yes, that could be part of the motion.

Commissioner Rogers asked about screening for the property. **Givens** stated that screening would be required for the property from residential properties.

Commissioner Barnes asked about the property immediately south of the subject property and whether it was vacant. **Givens** stated that it was.

Commissioner Weaver asked about lot size in the area. **Givens** stated that this was a typical lot size in the area.

The Public Hearing was opened.

Robin Arguello, owner and applicant, spoke about the intended use, and installing screening, which she stated would not be an issue.

Commissioner Weaver asked about the storage of chemicals on the property. **Arguello** stated that they do not store chemicals on the property.

The Public Hearing was closed.

Commissioner Weaver made a motion to recommend approval to the City Commission of the rezoning with uses limited to landscaping type uses and required screening be installed. Rogers seconded that motion. Motion carried 6-0.



Commission Action Report

Ordinance 23-18 Annexing Land located at 1526 S. Highway 99
Pursuant to K.S.A. 12-520(a) (1)-(6)

Title: Ordinance 23-18 Annexing Land located at 1526 S. Highway 99 Pursuant to K.S.A. 12-520(a) (1)-(6)

Agenda Date: June 7, 2023

Presented By: Justin Givens, Planning & Zoning Administrator

Background:

As part of the mitigation of the old Fanestil Meats plant located at 1526 S. Highway 99, the City has taken over ownership of the property, and as such, is desiring to annex the property into the City limits.

Discussion:

K.S.A. 12-520(a)(2), permits a City to unilaterally annex land if the land adjoins the City, and is owned by or held in trust for the City or any agency thereof. As City-owned property, the process follows the procedure for consent annexation of adjoining land. No resolution, notice, or public hearing is required.

Financial considerations:

No City funds are required.

Recommended action:

Approve Ordinance 23-18 Annexing Land located at 1526 S. Highway 99 Pursuant to K.S.A. 12-520(a) (1)-(6)

Attachments:

Ordinance 23-18
Aerial Location Map

Fanestil Annexation
Area To Be Annexed Shown In Blue



ORDINANCE NO. 23-18

AN ORDINANCE ANNEXING LAND TO THE CITY OF EMPORIA, KANSAS.

WHEREAS, the following described land is located in Lyon County, Kansas;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a) (1)-(6), as amended; and

WHEREAS, the governing body of the City of Emporia, Kansas, finds it advisable to annex such land.

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

SECTION 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, as amended, is hereby annexed and made part of the City of Emporia, Kansas:

BEGINNING AT A POINT 629.43 FEET SOUTH OF THE CENTER OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, THENCE SOUTH 76°30' EAST 639 FEET; THENCE NORTH 273.6 FEET TO THE CENTER OF THE COTTONWOOD RIVER; THENCE NORTHWESTERLY UP STREAM FOLLOWING THE CENTER OF SAID RIVER TO THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 22; THENCE SOUTH ON SAID CENTER LINE TO THE POINT OF BEGINNING.

SECTION 2. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 7th day of June 2023.

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Approve a Minor Plat JTS Retail Addition

Title: Approve a Minor Plat JTS Retail Addition

Agenda Date: June 7, 2023

Presented By: Justin Givens, Planning & Zoning Administrator

Background:

At their May 16, 2023 meeting, the Planning Commission conducted a public hearing to consider a Minor Plat, JTS Retail Addition. Following the public hearing, the Planning Commission did make a unanimous recommendation for approval to the Governing Body. Attached is an excerpt of minutes from the meeting, including the staff's report to the Planning Commission.

Discussion:

The proposed plat would create two lots from an existing piece of the property. One lot would be a new retail store, while the other lot would be the current ice and water building. A portion of the entertainment complex, (go-kart track and batting cages) would be razed and replaced with the new retail building.

The Minor Platting process allows applicants to submit both preliminary and final plats simultaneously, provided they meet a set criteria set forth in the Subdivision Regulations.

The Governing Body, when considering a recommendation from the Planning Commission on a Plat may; 1) Approve the Plat; 2) Disapprove the Plat; 3) Accept or Refuse any Dedications of Land for Public Purposes within 30 days; 4) Defer any Action for 30 days for the Applicant to Modify or Comply with any Additional Requirements; 5) Return the application to the Planning Commission, giving reasons for doing so and request reconsideration.

Financial considerations:

No city funds are required.

Recommended action:

Approve a Minor Plat JTS Retail Addition

Attachments:

Final Plat
Preliminary Plat
Aerial Map
Zoning Map
Regulating Plan Map
Excerpt of Minutes with Staff Report

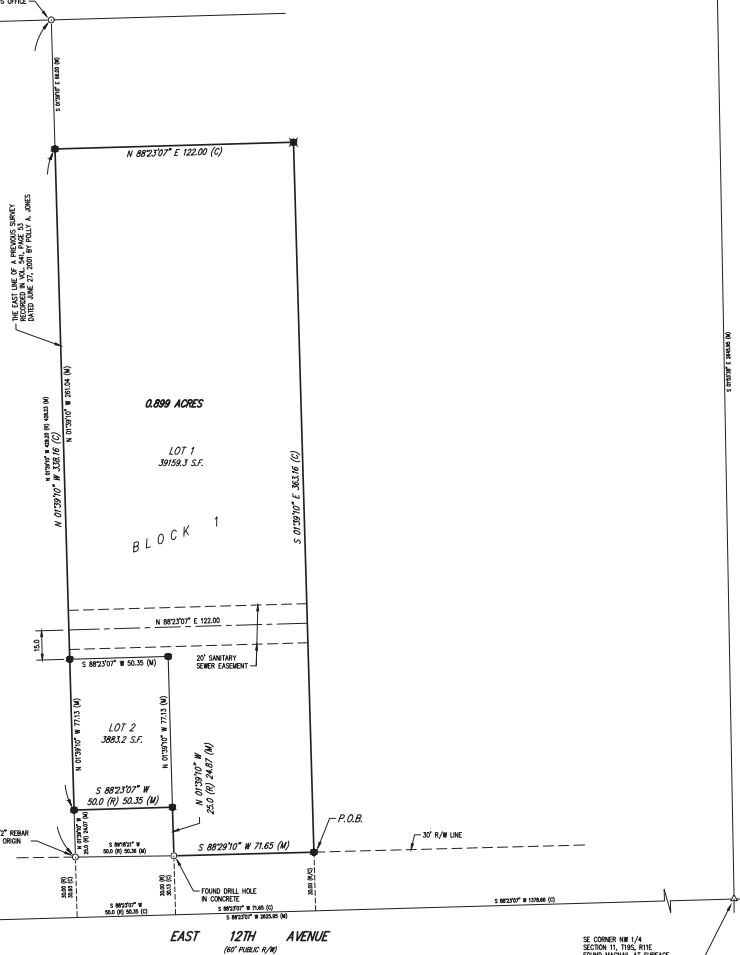
FINAL PLAT

JTS RETAIL ADDITION

AN ADDITION TO EMPORIA, LYON COUNTY, KANSAS.

FOUND 1/2" REBAR SET BY G.A. MILES IN BOOK 44C, PAGE 139 AT LYON COUNTY REGISTER OF DEEDS AND REDEEMED BY SURVEY BY G. BROGEMER AT K.S.S.S. IN BOOK 44C, PAGE 53 AT LYON COUNTY REGISTER OF DEEDS OFFICE

NE CORNER NW 1/4 SECTION 11, T19S, R11E FOUND 5" OF REBAR WITH ALUMINUM CAP STAMPED LYON COUNTY FROM TIES BY S. BROGEMER AT K.S.S.S.



SW CORNER NW 1/4 SECTION 11, T19S, R11E RESET USING TIES BY S. BROGEMER AT K.S.S.S. AND SURVEY BY S. BROGEMER AT LYON COUNTY REGISTER OF DEEDS AND PUBLIC WORKS

SE CORNER NW 1/4 SECTION 11, T19S, R11E FOUND MANHOLE AT SURFACE FROM TIES BY J. LONKER AT K.S.S.S.

EAST 12TH AVENUE (10' PUBLIC R/W)

SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, LLOYD P. DORZWIELER, A LICENSED LAND SURVEYOR OF THE STATE OF KANSAS, DO HEREBY CERTIFY THAT THE FOLLOWING DESCRIBED TRACT OF LAND WAS SURVEYED ON _____ DAY OF _____, 20____ AND THE ACCOMPANYING FINAL PLAT PREPARED AND THAT ALL MONUMENTS SHOWN HEREIN ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF:

A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 11 EAST OF THE 4TH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS PREPARED BY LLOYD P. DORZWIELER, PS885 ON MARCH 8, 2023, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE SOUTH 88°23'07" WEST (BASIS OF BEARING IS NAD83 GRID KANSAS SOUTH ZONE) ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 178.60 FEET; THENCE NORTH 01°39'07" WEST 340.00 FEET TO THE NORTH LINE OF EAST 12TH AVENUE FOR THE POINT OF BEGINNING; THENCE SOUTH 88°29'07" WEST ALONG THE NORTH LINE OF SAID 12TH AVENUE 71.65 FEET; THENCE NORTH 01°39'07" WEST PARALLEL WITH THE EAST LINE OF A PREVIOUS SURVEY RECORDED IN VOL. 541, PAGE 53 ON FILE AT THE LYON COUNTY REGISTER OF DEEDS OFFICE DATED JUNE 27, 2001 BY POLLY A. JONES SA# FTET 25 01 FEET RECORD; THENCE SOUTH 88°23'07" WEST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER 50.35 FEET (50.00 FEET RECORD) TO THE EAST LINE OF SAID PREVIOUS SURVEY; THENCE NORTH 01°39'07" WEST ALONG THE EAST LINE OF SAID PREVIOUS SURVEY 38.16 FEET TO A POINT THAT IS 60.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID PREVIOUS SURVEY; THENCE NORTH 88°23'07" WEST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER 122.00 FEET; THENCE SOUTH 01°39'07" EAST PARALLEL WITH THE EAST LINE OF SAID PREVIOUS SURVEY 36.16 FEET TO THE POINT OF BEGINNING, CONTAINING 0.888 ACRES.

EXISTING PUBLIC EASEMENTS AND DEDICATIONS ARE BEING VACATED BY VIRTUE OF K.S.A. 12-5128 AS AMENDED.

LLOYD P. DORZWIELER, L.S. #885

COUNTY SURVEYOR CERTIFICATE

STATE OF KANSAS, LYON COUNTY } SS:
I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN REVIEWED FOR FILING, PURSUANT TO K.S.A. 58-2065 AND K.S.A. 58-2001 FOR CONTENT ONLY AND IS IN COMPLIANCE WITH THOSE PROVISIONS. NO OTHER WARRANTIES ARE EXTENDED OR IMPLIED.

WARREN CHIPWOODS
DEPUTY COUNTY SURVEYOR
LYON COUNTY, KANSAS

OWNER'S CERTIFICATE AND DEDICATION

STATE OF KANSAS, COUNTY LYON } SS:
THIS IS TO CERTIFY THAT THE UNDERSIGNED OWNER(S) OF THE LAND DESCRIBED IN THE SURVEY CERTIFICATE HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED ON THE ACCOMPANYING PLAT INTO LOTS, BLOCKS, STREETS AND OTHER PUBLIC USES UNDER THE NAME OF JTS RETAIL ADDITION THAT ALL STREETS, EASEMENTS AND PUBLIC GROUNDS AS DENOTED ON THE PLAT ARE HEREBY DEDICATED TO AND FOR THE USE OF THE PUBLIC FOR THE PURPOSE OF CONSTRUCTING, OPERATING, MAINTAINING AND REPLACING PUBLIC IMPROVEMENTS AND FURTHER THAT THE LAND CONTAINED HEREIN IS HELD AND SHALL BE CONVEYED SUBJECT TO ANY RESTRICTIONS, RESERVATIONS AND COVENANTS ON FILE OR HEREAFTER FILED IN THE OFFICE OF THE REGISTER OF DEEDS OF LYON COUNTY, KANSAS.

DATE: _____ DATE: _____
JTS INVESTMENTS, LLC CMR HOLDINGS, LLC CMR HOLDINGS, LLC
TOM A. SCHEIDLER, MEMBER JEREMY HENKEL, OWNER MEMBER NICOLAS CERRETTI, OWNER MEMBER

NOTARY CERTIFICATE

STATE OF KANSAS, COUNTY OF _____ } SS:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____ BY TOM A. SCHEIDLER, MEMBER OF JTS INVESTMENTS, LLC.

NOTARY CERTIFICATE

STATE OF KANSAS, COUNTY OF _____ } SS:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____ BY TOM A. SCHEIDLER, MEMBER OF JTS INVESTMENTS, LLC.

PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS, CITY OF EMPORIA } SS:
THIS PLAT OF JTS RETAIL ADDITION HAS BEEN SUBMITTED TO AND APPROVED BY THE EMPORIA-LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION.

EMPORIA-LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION
KENTON THOMAS, CHAIR JUSTIN GIVENS, SECRETARY

GOVERNING BODY CERTIFICATE

STATE OF KANSAS, CITY OF EMPORIA } SS:
THE DEDICATIONS SHOWN ON THIS PLAT HAVE BEEN ACCEPTED OF BY THE CITY OF EMPORIA, KANSAS, THIS _____ DAY OF _____, 20____.

SUSAN BRINKMAN, MAYOR KERRY SULL, CITY CLERK

TRANSFER RECORD

ENTERED ON TRANSFER RECORD THIS _____ DAY OF _____, 20____.

TAMMY VOPAT, COUNTY CLERK

COUNTY TREASURER

I HEREBY CERTIFY THAT THE TAXES ON THE INCLUDED TRACTS ARE CURRENT.

DATE _____

SHARON GAEDE, LYON COUNTY TREASURER

REGISTER OF DEEDS

STATE OF KANSAS, CITY OF EMPORIA } SS:
THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE REGISTER OF DEEDS OFFICE, AT (A.M./P.M.) ON THIS _____ DAY OF _____, 20____, IN BOOK _____, PAGE _____.

WENDY WEISS, LYON COUNTY REGISTER OF DEEDS TAMMY DRAKE, DEPUTY

FLOOD NOTE

THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X" (OTHER AREAS) AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR LYON COUNTY, KANSAS, COMMUNITY PANEL NUMBER 20110041E. EFFECTIVE DATE: JUNE 15, 2023.

BENCH MARKS

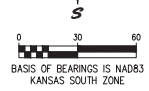
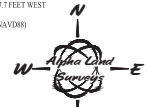
SBM1:
CHISELED "X" CUT ON TOP OF CURB APPROXIMATELY 72 FEET NORTH AND 90.1 FEET EAST FROM THE SOUTHEAST CORNER OF SUBJECT PROPERTY. ELEV 1473.74 (NAVD83)

SBM2:
CHISELED "X" CUT ON TOP OF CURB AT THE ENTRANCE OF GOODCENTS APPROXIMATELY 72 FEET SOUTH AND 42.2 FEET EAST FROM THE SOUTHEAST CORNER OF SUBJECT PROPERTY. ELEV 1473.52 (NAVD83)

SBM3:
CHISELED "X" CUT ON TOP OF CURB APPROXIMATELY 11.3 FEET SOUTH AND 57.7 FEET WEST FROM THE SOUTHWEST CORNER OF SUBJECT PROPERTY. ELEV 1476.69 (NAVD83)

LEGEND OF SYMBOLS & ABBREVIATIONS

- △ SECTION SUBDIVISION CORNER FOUND
- SURVEY MONUMENT FOUND
- SET 1/2" REBAR WITH CAP STAMPED "ALPHA C.S.-184"
- SET "X" CUT IN CONCRETE
- N. NORTH
- S. SOUTH
- E. EAST
- W. WEST
- ° DEGREES
- ' FEET OR MINUTES
- " INCHES OR SECONDS
- sq. SQUARE
- ft. FEET
- M. MEASURED
- R/W RIGHT OF WAY
- C/L CENTERLINE
- RCP REINFORCED CONCRETE PIPE
- TC TOP OF CURB
- FL FLOWLINE
- S. SOUTH
- ELEV ELEVATION
- POB POINT OF BEGINNING
- VOL. VOLUME
- PG. PAGE
- O.R. OFFICIAL RECORD
- C. CALCULATED
- R. RECORD



Alpha Land Surveys, Inc.
181 EAST 4TH AVENUE
HUTCHINSON, KANSAS 67501
PH: (800) 728-8012 FAX: (800) 728-0413

SURVEY DATE: 01/20/2023	PLAT DATE: 04/27/2023
DRAWN BY: MB	PRICED NO: 280018P
CHECKED BY: LPO	SHEET: 1 OF 1

PRELIMINARY PLAT
JTS RETAIL ADDITION
 AN ADDITION TO EMPORIA, LYON COUNTY, KANSAS.

DESCRIPTIONS

A PORTION OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 4TH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, PREPARED BY LLOYD P. DORZWELER, PSSS ON MARCH 4, 2023, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER, THENCE SOUTH 8°23'07" WEST (BASIS OF BEARING IS NAD83 GRID KANSAS SOUTH ZONE) ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 1578.86 FEET, THENCE NORTH 01°39'10" WEST 208.00 FEET TO THE NORTH LINE OF EAST 12TH AVENUE FOR THE POINT OF BEGINNING, THENCE SOUTH 88°29'10" WEST ALONG THE NORTH LINE OF SAID 12TH AVENUE 71.65 FEET, THENCE NORTH 01°39'10" WEST PARALLEL WITH THE EAST LINE OF A PREVIOUS SURVEY RECORDED IN VOL. 54, PAGE 53 ON FILE AT THE LYON COUNTY REGISTER OF DEEDS OFFICE DATED JUNE 27, 2001 BY POLLY A. JONES 247 FEET (504 FEET RECORD); THENCE SOUTH 8°23'07" WEST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER 80.55 FEET (504 FEET RECORD) TO THE EAST LINE OF SAID PREVIOUS SURVEY, THENCE NORTH 01°39'10" WEST ALONG THE EAST LINE OF SAID PREVIOUS SURVEY 23.6 FEET TO A POINT THAT IS 66.00 FEET SOUTH OF THE NORTHEAST CORNER OF SAID PREVIOUS SURVEY, THENCE NORTH 88°29'10" EAST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER 122.80 FEET, THENCE SOUTH 01°39'10" EAST PARALLEL WITH THE EAST LINE OF SAID PREVIOUS SURVEY 36.16 FEET TO THE POINT OF BEGINNING, CONTAINING 0.888 ACRES.

OWNER

CMR HOLDINGS, LLC
 1426 ROAD 199
 EMPORIA, KANSAS 66801

DEVELOPER

JTS INVESTMENTS, LLC
 1444 ST. CLAIR AVENUE BUILDING A
 WICHITA, KANSAS 67213

SURVEYOR

LLOYD P. DORZWELER, LS 885
 ALPHA LAND SURVEYS, INC.
 102 EAST FOURTH AVENUE
 HUTCHINSON, KS 67501
 PHONE: 620-738-0112

PROPERTY INFORMATION

PROPERTY WAS SURVEYED ON MARCH 14, 2023.
 EXISTING ZONING: C2 - RESTRICTED COMMERCIAL DISTRICT
 PROPOSED ZONING: C-2 - RESTRICTED COMMERCIAL DISTRICT

CLOSURE REPORT

ERROR CLOSURE: 0.0061 COURSE: S 89°42'23" W
 ERROR NORTH: -0.0061 ERROR EAST: -0.0000
 PERIMETER: 970.2000 PERIMETER: 1591.04

LEGEND OF SYMBOLS & ABBREVIATIONS

- | | |
|---|--------------------------------|
| △ SECTION SUBDIVISION CORNER FOUND | ⊙ GAS METER |
| ○ SURVEY MONUMENT FOUND | ⊙ MANHOLE |
| ■ SET 1/2" REBAR WITH CAP | ⊙ SANITARY SEWER MANHOLE |
| ■ STAMPED "ALPHA C.S.-184" | ⊙ LEAKMUT |
| ■ SET "X" CUT IN CONCRETE | ⊙ STORMWATER SEWER MANHOLE |
| ⊕ POWER POLE | ⊙ WATER METER |
| ⊕ TELEGRAPH POLE | ⊙ WATER VALVE |
| ⊕ LIGHT POLE | ⊕ FIRE HYDRANT |
| ⊕ GUY AND/OR | ⊕ MONITOR WELL |
| ⊕ UNDERGROUND ELECTRIC BOX | ⊕ SPRINKLER HEAD |
| ⊕ UNDERGROUND TELEPHONE PEDESTAL | ⊕ GUARD POST |
| ⊕ UNDERGROUND CABLE TELEVISION PEDESTAL | ⊕ OVERHEAD ELECTRIC |
| ⊕ TREE / SHRUB | ⊕ UNDERGROUND ELECTRIC |
| N. NORTH | ⊕ UNDERGROUND TELEPHONE |
| S. SOUTH | ⊕ GAS LINE |
| E. EAST | ⊕ UNDERGROUND TELEVISION CABLE |
| W. WEST | ⊕ SANITARY SEWER LINE |
| ° DEGREES | ⊕ WATER LINE |
| ' FEET OR MINUTES | ⊕ FENCE |
| " INCHES OR SECONDS | M. MEASURED |
| SQ. SQUARE | R/W RIGHT OF WAY |
| FT. FEET | C/L CENTERLINE |
| VOL. VOLUME | RCF REINFORCED CONCRETE PIPE |
| PG. PAGE | TC TOP OF CURB |
| O.R. OFFICIAL RECORD | FL FLOWLINE |
| C. CALCULATED | EL. ELEVATION |
| R. RECORD | POB POINT OF BEGINNING |

BENCH MARKS

SBM1:
 CHISELED "X" CUT ON TOP OF CURB APPROXIMATELY 72.8 FEET NORTH AND 90.1 FEET EAST FROM THE SOUTHEAST CORNER OF SUBJECT PROPERTY. ELEV 1457.74 (NAVD83)

SBM2:
 CHISELED "X" CUT ON TOP OF CURB AT THE ENTRANCE OF GOODCENTS APPROXIMATELY 7.2 FEET SOUTH AND 42.2 FEET EAST FROM THE SOUTHEAST CORNER OF SUBJECT PROPERTY. ELEV 1457.82 (NAVD83)

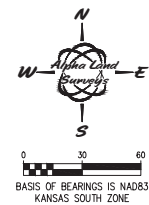
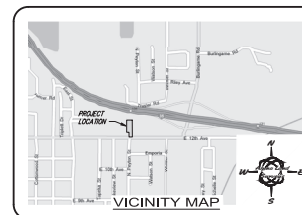
SBM3:
 CHISELED "X" CUT ON TOP OF CURB APPROXIMATELY 11.3 FEET SOUTH AND 57.7 FEET WEST FROM THE SOUTHWEST CORNER OF SUBJECT PROPERTY. ELEV 1476.69 (NAVD83)

UTILITY NOTES

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE BY KANSAS ONE CALL TICKET NO. 2023179, 2023299, AND 2023044 DATED JANUARY 11, 2023. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

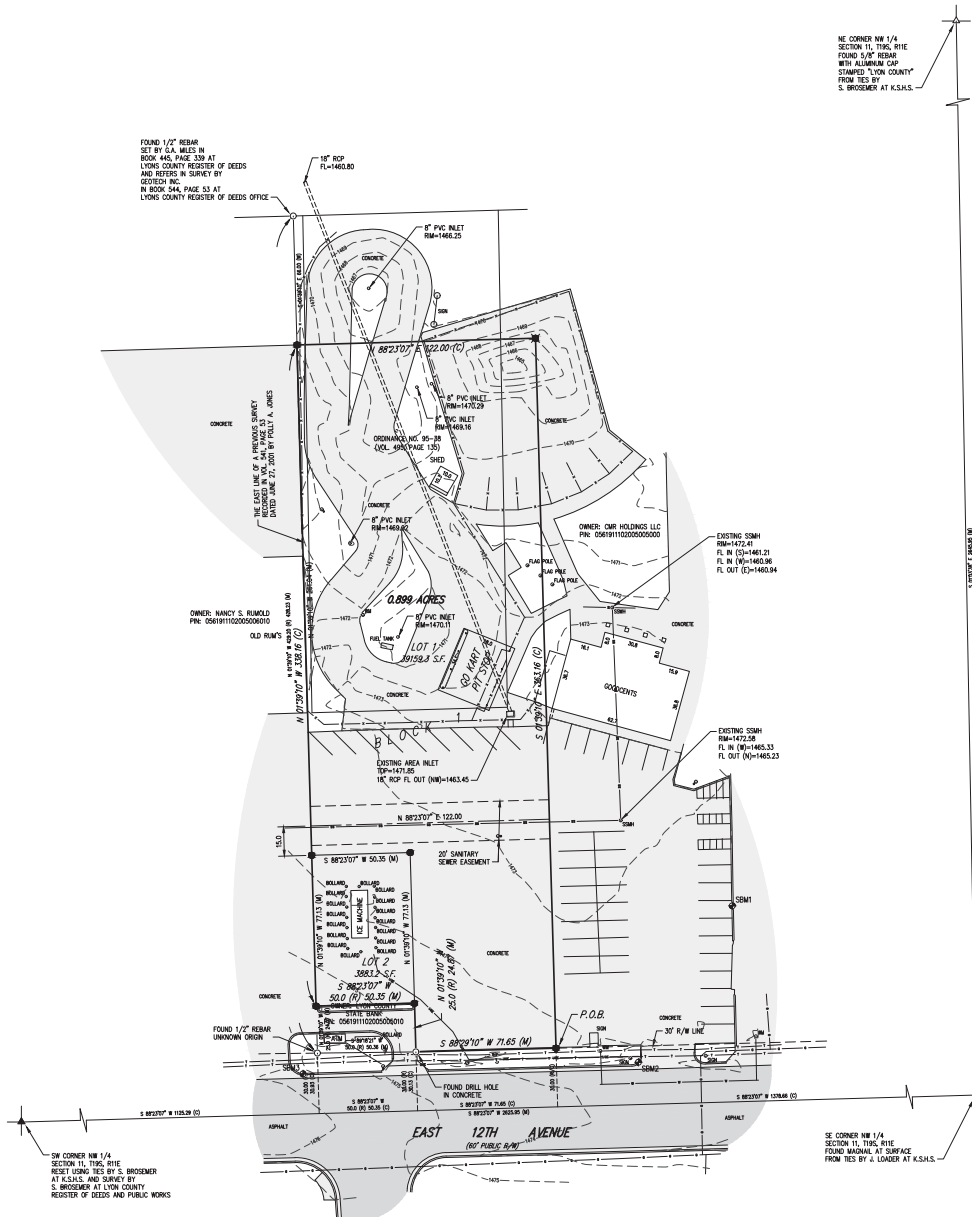
FLOOD NOTE

THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "X" (OTHER AREAS) AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR LYON COUNTY, KANSAS, COMMUNITY PANEL NUMBER 30110C44E, EFFECTIVE DATE JUNE 15, 2022.



Alpha Land Surveys, Inc.
 102 EAST 4TH AVENUE
 HUTCHINSON, KANSAS 67501
 PH: (620) 728-0212 FAX: (620) 728-0413

SURVEY DATE: 01/20/2023	PLAT DATE: 04/27/2023
DRAWN BY: LB	PRICED NO: 200018P
CHECKED BY: LPD	SHEET: 1 OF 1



NE CORNER NW 1/4 SECTION 11, T19S, R11E FOUND 5/2" REBAR WITH ALUMINUM CAP STAMPED "LYON COUNTY" FROM TIES BY S. BROGGER AT K.S.A.S.

FOUND 1/2" REBAR SET BY G.A. MILES IN BOOK 146, PAGE 139 AT LYON COUNTY REGISTER OF DEEDS AND REFERRED SURVEY BY GEORGE INC. IN BOOK 348, PAGE 53 AT LYON COUNTY REGISTER OF DEEDS OFFICE

OWNER: NANCY S. RUMOLD PIR: 056911102000000010

EXISTING SBM1 RM=1472.50 FL IN 150=1465.33 FL OUT (P)=1465.34

EXISTING SBM2 RM=1472.50 FL IN 150=1465.33 FL OUT (P)=1465.33

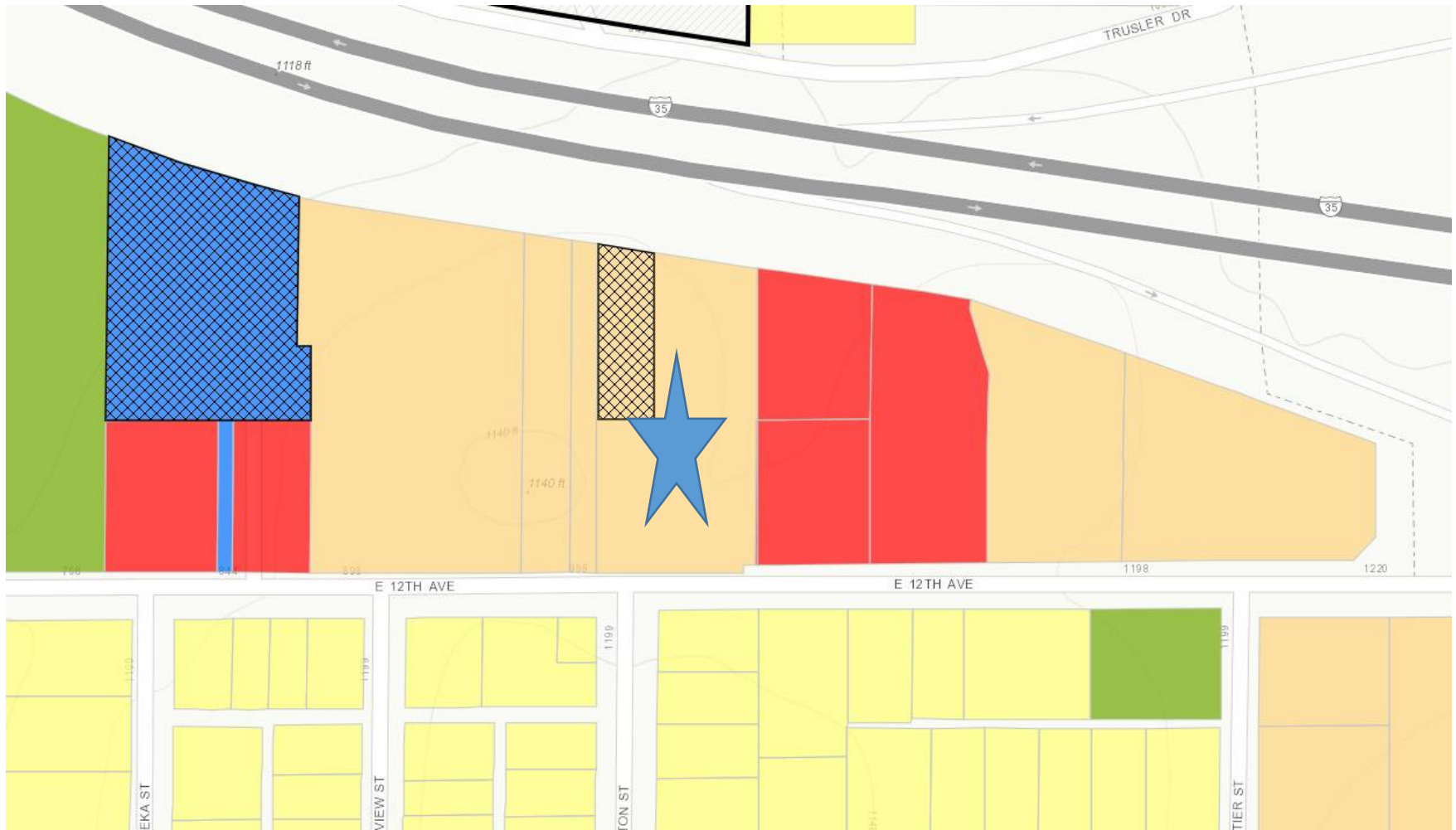
SE CORNER NW 1/4 SECTION 11, T19S, R11E FOUND MANHOLE AT SURFACE FROM TIES BY J. LINDER AT K.S.A.S.

SW CORNER NW 1/4 SECTION 11, T19S, R11E RESET USING TIES BY S. BROGGER AT K.S.A.S. AND SURVEY BY S. BROGGER AT LYON COUNTY REGISTER OF DEEDS AND PUBLIC WORKS

JTS RETAIL ADDITION
AERIAL MAP



JTS RETAIL ADDITION
ZONING MAP



JTS RETAIL ADDITION
FUTURE REGULATING MAP



Emporia Regulating Plan

- Emporia City Limits
- District Boundary
- MU Mixed-Use
- FH Flex-Use High
- FL Flex-Use Low
- MU Mixed-Use
- MF Multi-Family
- SF-A Single-Family Attached
- SF-D Single-Family Detached
- CH Country Home
- IF Industrial-Flex
- LI Light Industrial
- HI Heavy Industrial
- C/P Civic/ Public
- G/P/R Greenspace/Parks/Recreation
- Tax Lots

EXCERPT OF MINUTES- 5/16/2023

EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, May 16, 2023, with Vice-Chair Duncan presiding. Members Weaver, Barnes, Ogle, Rogers, and Bucklinger were present.

City staff: Justin Givens was present.

Vice-Chair Duncan called the meeting to order.

1. **Considered the minutes of the April 18, 2023, Planning Commission Meeting.**
Commissioner Barnes made a motion to approve the minutes. **Commissioner Bucklinger** seconded. **Approved 4-0-2 (Ogle and Rogers abstained)**
2. **Consider Application PC 2023-03 JTS Retail Addition**

Vice-Chair Duncan asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper and the property owners within 200ft of the property.

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

Givens provided the staff report:

Application #: PC 2023-02

Applicants: JTS Investments, LLC

Owners: CMR Holdings, LLC – JTS Investments, LLC

Requested Action: Approval of a Minor Plat

Purpose: Applicants desire to re-plat approximately 2.60 acres from one large lot into two new lots with the balance of the parent track being kept intact to facilitate a retail development.

Address: 914, 1002, and 1004 E 12th Ave.

Legal description: BEGINNING AT A POINT 230 FEET NORTH OF AND 1138 FEET WEST OF THE SOUTHEAST CORNER OF THE NW1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, THENCE WEST ON A LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION A DISTANCE OF 150 FEET; THENCE SOUTH ON A LINE PARALLEL TO THE EAST LINE OF SAID QUARTER SECTION A DISTANCE OF 200 FEET; THENCE WEST ON A LINE PARALLEL TO SAID SOUTH LINE A DISTANCE OF 212.55 FEET; THENCE NORTH ON A LINE PARALLEL TO SAID EAST LINE A DISTANCE OF 429.20 FEET TO A POINT ON THE SOUTH LINE OF I-35 BY-PASS RIGHT OF WAY; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 368.09 FEET; THENCE SOUTH 175

FEET TO THE POINT OF BEGINNING, EXCEPT A TRACT BEGINNING AT A POINT 30 FEET NORTH OF AND 1450.55 FEET WEST OF THE SOUTHEAST CORNER OF SAID NW1/4; THENCE WEST 50 FEET; THENCE NORTH 25 FEET; THENCE EAST 50 FEET; THENCE SOUTH 25 FEET TO THE POINT OF BEGINNING.

Area Size: 2.60 Acres +/-

Existing Zoning: C-2 Restricted Commercial

Surrounding Zoning:

North- Public Use

East- C-3 General Commercial

South- R-2 Medium Density Residential

West – C-2 Restricted Commercial

Surrounding Actual Uses:

North – I-35

East – Commercial Property

South – Single-Family Residences

West – Commercial Property

Future Zoning in ELC Comp. Plan: Flex Use Low

Analysis:

The applicant has requested to re-plat approximately 2.60 acres of commercial property that would include two new parcels with the balance of the parent tract remaining intact. The larger new lot would facilitate a new retail development, while the smaller lot would provide a clear area of ownership for the existing water/ice self service station.

The re-platting is being done under the minor plat process that allows a preliminary and final plat to be presented and considered at the same time to help streamline the development process.

1. **Plat Name:** The proposed name of the minor plat is the JTS Retail Addition, which meets requirements.
2. **Legal Description:** The legal description as shown on the final plat meets requirements.
3. **Lots:** The minor plat proposes two lots, which are labeled appropriately. The subject property is to be developed in accordance with C-2 Restricted Commercial Zoning District requirements.
4. **Blocks:** One block is proposed, which is labeled appropriately.
5. **Streets and Access:** The development is adjacent to East 12th Ave., and the street is of sufficient width to accommodate commercial development.
6. **Building Setbacks:** No building setbacks are required in the C-2 district and therefore are not required to be shown on the plat.
7. **Easements:** Easements for utilities are as shown on the plat. No additional easements are required.
8. **Reserves:** No reserves are shown or are necessary.
9. **Drainage:** The site is predominately impervious and drainage has already been accounted for. Therefore no additional drainage report or storage is required.
10. **Public & Private Improvements:** No new public or private utilities will be necessary for this development as all are in place and existing.

11. **Plat Binder:** A plat binder, identifying all property interests and encumbrances shall be submitted prior to submittal to the City Commission for final approval.

12. **Miscellaneous:**

- The applicant will be required to submit filed copies of cross access agreements that allow for travel between lots prior to the issuance of a building permit.
- Notary Certificates for CMR Holding Members shall be added to a revised final plat prior to submittal to the City Commission for final approval.

Neighborhood Communications: At the time of writing this report, staff has not received any objections to the proposed plat.

Recommendation: Staff recommends approval of the Minor Plat subject to Staff, Utility Advisory Board, and Planning Commission comments, and that a Revised Minor Plat be submitted with any corrections necessary, and approved by Staff prior to submittal to the City Commission.

Attachments: Preliminary Plat / Final Plat / Aerial Map / Zoning Map / Plan ELC Map

The Public Hearing was opened.

Commissioner Barnes asked if the cross access agreements were for perpetuity. **Givens** stated that was correct. Commissioners **Weaver** and **Duncan** asked questions about the balance of the property including the area behind the retail development.

Levi Bond, Iron Horse Development, (agents for the applicant) stated that balance of the property would not be platted, but the portion behind the retail development would be demoed.

Commissioner **Bucklinger** asked about allowed uses on the platted property. **Givens** stated that any allowed use in the C-2 District would be allowed.

The Public Hearing was closed.

Commissioner Rogers made a motion to recommend approval of the plat to the City Commission. **Commissioner Weaver** seconded the motion. Motion carried 6-0.

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, May 24, 2023, with Mayor Brinkman presiding and Commissioners, Giefer, Harter, Sauder and Smith 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.

Shane Brunner and Daphne Mertens, representing MUPP Board, were in attendance to accept a proclamation declaring May 31 through June 4, 2023, as "Walk, Run & Bike Week" in Emporia. They stated from May 31 to June 4, Emporia will once again be the host to the Garmin UNBOUND Gravel bike race which is one of North American's premier, annual, ultra-endurance cycling challenges. This year's event will include the rides of 25, 50, 100, 200 and 350 miles and the High School Junior ride. The UNBOUND Gravel rides will bring in over 4,000 participants from all 50 states, Puerto Rico, and 43 foreign countries and more than 10,000 friends, family, fans and supporters will visit our community. On May 31st and June 1st, the 42nd Annual Law Enforcement Torch Run will enter Lyon County at the Coffey County line and local law enforcement officers will carry the Torch to El Dorado with an eventual destination at the summer games of the Special Olympics in Wichita. They stated the Multi-Use Path Planning Board encourages residents of Emporia to follow the example of our running and bicycling visitors and get up, get out and walk, run, or bicycle.

Mayor Brinkman then presented the proclamation.

**CITY COMMISSION
(Board Appointments)**

Natural Resources Advisory Board:

It was moved by Commissioner Smith seconded by Commissioner Sauder that Nadia Qureshi and Marcia Lawrence be appointed to the Natural Resources Advisory Board for a terms that expire on December 31, 2025. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

Emporia Human Relations Commission:

It was moved by Commissioner Sauder seconded by Commissioner Harter that Diana Montalvo be appointed to the Emporia Human Relations Commission for a term that expires on May 31, 2026. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**ECONOMIC DEVELOPMENT
(Tax Abatement for S & S Quality Meats, LLC)
(Public Hearing)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the Commission previously entered into an Incentive Compliance Agreement to exempt property tax on the current real property improvements in association with S & S Quality Meats, LLC and a public hearing is a statutory requirement. She stated City Bound Counsel is still finalizing the final construction and equipment costs associated with the project. She stated staff and Bond Counsel recommends the City Commission open the public hearing and adjourn to 1120 a.m. on next regular meeting on June 7, 2023.

Mayor Brinkman opened the public hearing.

No one in attendance wished to address the Governing Body.

Commissioner Sauder made a motion to continue the public hearing to June 7, 2023 at 11:20 a.m. Commissioner Giefer seconded the motion.

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

PLANNING AND DEVELOPMENT
(Application No. 2023-04 - Request of Emporia Enterprises, Inc.)
(Intent w/Lyon County to Annex Land Located at Industrial Park IV)
(Resolution Number 3696)

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request from Emporia Enterprises, Inc. He stated the City has received a petition and consent from Emporia Enterprises, Inc., the owners of Park IV Industrial Park, for annexation into the City. The City is currently in the process of designing road improvements to Road F to help serve the area and anticipate requesting annexation of the road right-of-way at a future date. Industrial Park IV is approximately 147 acres between W. Hwy 50 and Road 180 and just east of Road F, zoned Light Industrial and the road improvements and access to city utilities will assist in making the site shovel ready. He stated when the City receives a petition and consent for annexation from a property owner and that property is not contiguous with the City, a resolution from the Governing Body must be adopted asking the Lyon County Commission to make certain findings to allow the process to move forward. He stated this is a resolution of intent that would make the parcel of land ready to annex into city limits.

Commissioner Smith made a motion to approve Resolution Number 3696, a resolution requesting the Lyon County Commission make certain findings regarding the annexation of property located at Industrial Park IV. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

PLANNING AND DEVELOPMENT
(Annex Property Located at 1022 S. Weaver Street)
(Ordinance Number 23-14)

AN ORDINANCE ANNEXING LAND TO THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 23-14, was presented to the Governing Body for their consideration.

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated previously the City installed a water main along S. Weaver Street to provide water service to residents in the area. Those needing to connect to the City service have petitioned and consented to annex in order to receive water service. He stated seven of the ten properties along S. Weaver Street adjacent to the water line have been annexed into the city and established water service. The property owner at 1022 S. Weaver Street has applied and consented to annexation in order to receive water service from the City and fees associated with tapping into the water main. He stated staff was recommending approval of Ordinance 23-14 annexing the property located at 1022 S. Weaver Street into the City of Emporia.

Commissioner Harter made a motion to approve Ordinance 23-14 annexing the property located at 1022 S. Weaver Street into the City of Emporia. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

BONDS
(Authorizing General Obligation Bonds)
(Infrastructure Improvements of Mahtropolis Subdivision)
(Resolution Number 3697)

Jim Witt, Special Projects Coordinator, was recognized and addressed the Governing Body. He stated the City's Housing and RHID Policy allows for the issuance of General Obligation Bonds for infrastructure improvements if additional eligible housing units are to

be constructed on the property to be served. The issuance of the bonds will not take place until a later date. The ordinance authorizing the issuance should be in place before construction of the infrastructure takes place. Bids for sanitary sewer and water line improvements for Mahtropolis Subdivision will be presented today and street and drainage improvements will be presented at a later date. He stated a Development Agreement with the building/developer was finalized and approved by the Commission in December 2022. The total estimated cost of the infrastructure is \$1,000,000.00. Upon the issuance of the GO bonds the City will retire the debt uncured using the Kansas RHID program. The City has 25 years to recapture the debt through the collection of property taxes. He stated staff recommends approval of Resolution Number 3697 authorizing the issuance of General Obligation Bonds for infrastructure improvements for the Mahtropolis Subdivision.

Commissioner Harter made a motion to approve Resolution Number 3697, a resolution authorizing the issuance of General Obligation Bonds for infrastructure improvements for the Mahtropolis Subdivision. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

ENGINEERING
(Sanitary Sewer and Waterline Improvements Project No. HD23MAHT)
(Mahtropolis Addition)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated six (6) bids were received for the Mahtropolis Addition that will create 27 single-family houses along Mahnopoly Avenue and Riley Avenue. The utility improvements portion of this project will consist of sanitary sewer and watermain extensions. The bids are as follows:

BID TABULATION FOR MAHTROPOLIS ADDITION SANITARY SEWER & WATERLINE

Contractor	Sanitary Sewer	Waterline	Total Bid
<i>Ditch Diggers, Inc.</i>	\$137,786.00	\$ 65,576.00	\$203,362.00
Mies Construction	\$133,641.00	\$ 78,088.00	\$211,729.00
Nowak Construction	\$170,138.00	\$ 85,340.00	\$255,478.00
Middlecreek Corp.	\$193,989.00	\$ 90,522.00	\$284,511.00
Carlson Utility Inc.	\$207,526.00	\$133,934.00	\$341,460.00
S. R. Coffman Const.	\$391,400.07	\$154,676.00	\$546,076.07
Engineer's Estimate	\$165,800.00	\$ 76,434.00	\$242,234.00

He stated staff recommends awarding the Sanitary Sewer and Waterline Improvements Project No. HD23MAHT to Ditch Diggers, Inc., for the total bid amount of \$203,362.00.

Commissioner Sauder made a motion to award Mahtropolis Addition Sanitary Sewer and Waterline Improvements Project No. HD23MAHT to Ditch Diggers, Inc., for the total bid amount of \$203,362.00. Commissioner Smith seconded the motion. The vote follows: Commissioners Sauder, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

**WASTEWATER TREATMENT
(Hauling and Beneficial Land Application of Biosolids)
(Request for Proposals)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated the Wastewater treatment facility solicited a Request for Proposals (RFP) for the Hauling and Beneficial Land Application of Biosolids. He stated the RFP allowed for companies to submit comprehensive plans for the hauling and beneficial use of biosolids produced at the plant and set the minimum requirements for meeting volume 40 of the Code of Federal Regulations, part 502 for the disposal of biosolids. He stated staff received 4 responses meeting the minimum requirements and 3 responses with comprehensive plans. He stated responses were reviewed and ranked by a technical panel and recommended Hodges Farms and Dredging to be awarded the contract. Hodges Farms and Dredging was not the lowest price, however, was the best value for the city. Hodges Farms and Dredging would provide all

soil testing, complete all EPA reports and submit them to the City, develop and application plan and rate for each site, provide oversight for all regulatory compliance of each site, provide a grower's report to each farmer, and haul biosolids that have not been pressed, if needed, for the same price of \$11.95 per ton. He stated the contract is for a three (3) year period with possible two (2) year extension.

Commissioner Giefer questioned the requirements in the RFP not specifically state that all items would be bid the same.

Mayor Brinkman stated what the low bidder bid on was what was stated in the RFP and the recommendation was for services beyond what was listed for all bidders. She stated she felt there was an un-level playing field for services and the criteria was not the same for all to bid on.

Commissioner Sauder stated he felt the bid from Hodges Farm provides exceptional value to the City for taking some tasks off of city personnel.

Following further discussion, Mayor Brinkman made a motion to reject the bids and rebid the Hauling and Beneficial Land Application of Biosolids for a July 5, 2023 timeline. Commissioner Harter seconded the motion. The vote follows: Mayor Brinkman, aye; Commissioner Harter aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Commissioner Sauder, nay.

**WATER TREATMENT PLANT
(Equipment Purchase - Valve Actuators)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated the city bonded \$550,000.00 for the upgrade and installation of new valve actuators. When the initial purchase was made the actuators were installed by staff. Due to the in house installation, there is a remaining balance of \$259,000.00 and staff would like to purchase actuators needed to upgrade, or add to, to the remaining valves in the facility. He stated a quote for each size actuator that needs to be purchased to complete the upgrade or addition, was received from Mid-America Valve & Equipment for a cost of

\$146,391.00 with in house installation. The bond proceeds were \$550,000.00 for the purchase and installation of actuators of which \$293,001.19 has been utilized to date. He stated staff is recommending approval of the purchase of the remaining actuators from Mid-America Valve & Equipment for \$146,391.00.

Commissioner Smith made a motion to approve the purchase of the remaining actuators from Mid-America Valve & Equipment for \$146,391.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

PUBLIC WORKS
(Underground Utilities Division)
(Equipment Purchase - Sewer Camera System)

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated Underground Utilities utilizes a sewer camera for the inspections of sanitary and storm sewer pipes. The current camera system is approximately 11 years old and has been in for repairs several times in the last two (2) years at an estimated cost of \$30,000.00. He stated each time the camera is sent in for repairs it is shipped to Florida and crews cannot perform inspections for weeks until it is returned. He stated staff received two (2) quotes for camera systems, and the EnviroSight camera system offered all the necessary functions at the lowest price. He stated Key Equipment, located in Kansas City, is the distributor for the system, and trained staff to offer in house repairs. There is \$83,000.00 budgeted in the CIP and \$17,555.00 will be used from the divisional budget expenses for the purchase. Staff is recommending the approval of the purchase of the EnviroSight camera system from Key Equipment for \$100,555.00.

Following further discussion, Commissioner Smith made a motion to approve the purchase of the EnviroSight camera system from Key Equipment for \$100,555.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

**PARK DEPARTMENT
(Equipment Purchase - Mower)
(Bids)**

Kevin Hanlin, Direct of Public Lands & Facilities, was recognized and addressed the Governing Body. He stated bids were received to replace a 2005 Jacobsen. He stated the Park system contains 320 acres of land that are maintained with five wide area mowers. In addition, these mowers are utilized to mow 25+ other locations that are either along the road right of way or city facilities. He stated this a necessary purchase because of the demand placed on the equipment and the condition of the current unit. He stated this will be paid for from the General Fund.

BID TABULATION FOR SELF PROPELLED RIDING MOWER

Vendor	Cost
Professional Turf Products	\$99,601.00
Kansas Golf and Turf	\$89,671.00
Prairieland Partners	\$76,830.00

He stated staff was recommending approval of the bid from Prairieland Partners for a John Deere mower with 128" cut in the amount of \$76,830.00.

Commissioner Sauder made a motion to approve the bid from Prairieland Partners for a John Deere mower with 128" cut in the amount of \$76,830.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**CITY MANAGER'S REPORTS
(Financials & Building Permits)**

This is the time for the City Manager to make comments and reports to the public. **The following is general information for the month of April 2023 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	
	\$433,010.86	\$468,956.27	Increase of \$35,945.41 for the month, and
YTD	\$1,894,773.05	\$2,125,821.55	Overall increase of 12.19% from year 2022.

2. City Share from County Tax

	2022	2023	
	\$ 216,670.32	\$ 242,998.00	Increase of \$26,327.68 for the month, and
YTD	\$ 970,728.27	\$1,110,836.02	Overall increase of 14.43% from year 2022.

3. **Building Permits issued from 4/1/2023 to 4/30/2023 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	82
Total of valuations associated with those building permits:	\$ 3,716,985.00
Total number of dollars collected for Building Permit Fees:	\$ 18,930.75
Construct - single family dwellings	0
Demo - single family dwellings	0
Flint Hills Mall CID for April 2023	\$ 14,737.44
Year to Date Total	\$ 74,439.52
Pavilions CID for April 2023	\$ 8,842.93
Year to Date Total	\$ 31,513.94

Consent Agenda

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

- a. Minutes of the Regular Meeting held on May 3, 2023.
- b. Approve Agreement with Archimages, Inc. for Initial Project Scope for Fire Station Improvement Projects.
- c. Ordinance 23-15 Authorizing a Beer Garden for the Dynamic Discs Open Block Party.

AN ORDINANCE EXEMPTING IN THE 800 BLOCK AND THE 900 BLOCK OF COMMERCIAL STREET AND 9TH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE DYNAMIC DISCS OPEN BLOCK PARTY JUNE 17, 2023, to which the City Clerk assigned Ordinance Number 23-15, was presented to the Governing Body for their consideration.

- d. Removal of Member of the Emporia Human Relations Commission.

- e. Ordinance 23-16 Authorizing a Beer Garden for the Kansas Free for Arts Event.

AN ORDINANCE EXEMPTING A HALF-BLOCK AREA INCLUDING 7TH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE EMPORIA PRIDE LIVE SPECIAL EVENT JUNE 9, 2023, to which the City Clerk assigned Ordinance Number 23-16, was presented to the Governing Body for their consideration.

- f. Jones Aquatic Complex Agreement.

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

CITY COMMISSION
(City Manager's Report)

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

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

TENTATIVE AGENDAS FOR THE JUNE 7, 2023 MEETINGS:

- Proclamation Naming June as Zoo Month.
- Public Hearing for Smoots/Fanestil.
- Bond Ordinance for Smoots/Fanestil.
- Approve MOU with Emporia Community Club regarding Reeble Park.
- Change Order for South Arundel for Sanitary Sewer.
- Change Order for Lift Station No. 2.

Study Session:

- Discuss Implementation of Rental Registration and Revisions of the Current Vacant Property Ordinance.
- Review CIP items.
- Review Outside Appropriation Requests.
- Discussion of Legislative Revisions to the RHID Program and impact on City Policy.

**CITY COMMISSION
(Public Comment)**

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

Commissioner Sauder recognized the Emporia High School Golf Team for their participation in the recent tournament.

EXECUTIVE SESSION

Commissioner Sauder made a motion to recess into Executive Session to discuss confidential matters of a third party regarding economic development projects resuming the open meeting in the City Commission Meeting Room this same date, at 12:55 p.m., and to invite Jim Ubert, City Engineer, Jim Witt, Special Projects Coordinator, Jeanine McKenna, President & CEO of Emporia Area Chamber of Commerce, and Ross Vogal LDB, Inc. Commissioner Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Upon reconvening the meeting in Regular Session, at 12:55 p.m., this same date in the City Commission Meeting Room, Mayor Brinkman they had discussed confidential matters of a third party regarding economic development project and no action was taken.

EXECUTIVE SESSION

Commissioner Sauder made a motion to recess into Executive Session to discuss confidential matters of a third party regarding proprietary information projects resuming the open meeting in the City Commission Meeting Room this same date, at 1:16 p.m., and to invite Jim Witt, Special Projects Coordinator. Commissioner Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; and Mayor Brinkman, aye. Commissioners Giefer and Sauder were not available at the time of the vote.

Upon reconvening the meeting in Regular Session, at 1:16 p.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had discussed confidential matters of a third party regarding proprietary information recommending the following action: Authorize the Mayor to enter into an agreement with Emporia Community Club to transfer property and create an easement for Reeble Park. Authorize the Mayor to sign the 7th Incentive Compliance Agreement with Simmons Pet Food.

Commissioner Smith made a motion to authorize the Mayor to enter into an agreement with Emporia Community Club to transfer property and create an easement for Reeble Park. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye. Commissioners Harter and Sauder were not available at the time of the vote.

Commissioner Smith made a motion to authorize the Mayor to sign the 7th Incentive Compliance Agreement with Simmons Pet Food. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye. Commissioners Harter and Sauder were not available at the time of the vote.

EXECUTIVE SESSION

Commissioner Smith made a motion to recess into Executive Session for consultation with an attorney for the public body which would be deemed privileged in the attorney-client relationship resuming the open meeting in the City Commission Meeting Room this same date at 1:40 p.m. and to invite Public Works Director, Dean Grant; Finance Director, Janet Harrouff; and Tracy Streeter with Burn and McDonnell. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye. Commissioner Harter was not available at the time of the vote.

Upon reconvening the meeting in Regular Session, at 1:40 p.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had consultation with an attorney for the public body which would be deemed privileged in the attorney-client relationship recommending the

following action: Authorize staff to make application to the State of Kansas for Water Marking Rights.

Commissioner Smith made a motion to authorize staff to make application to the State of Kansas for Water Marking Rights. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

The following items were discussed at Study Session:

1. Discuss Revenue Sources, Fund Balances, Personnel and Capital Projects.
2. Discuss Emporia Friends of the Zoo (EFOZ) Picnic.
3. Discuss Commission Action Meeting on July 5, 2023.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Informational Items

Title: Informational Items
Agenda Date: June 7, 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 June 21, 2023.

Commission Meeting :

- 2022 Comprehensive Final Report
- Change Order for South Arundel for Sanitary & Sewer.
- Change Order for Lift Station #2.
- Utility Easement Agreement for 500 Block of Wilson Street for Street Light Installation.

Study Session :

- Discuss Budgeted Funds.
- Review CIP Items.
- Discussion of Legislative Revisions to the RHID Program & Impact on the City Policy.



Commission Action Report

Executive Session

Title: Executive Session
Agenda Date: June 7, 2023

Background:

An executive session for discussions regarding data related to financial affairs or trade secrets of corporations, partnerships, trusts, and individuals for economic development projects. K.S.A. 75-4319(b)(4) is the authority for this recess into executive session.

Discussion:

N/A

Financial considerations:

No city funds are required.

Recommended action:

Recess into Executive Session to discuss confidential matters of a third party regarding proprietary information for 30 minutes, inviting Jim Witt, Special Projects Coordinator, and Garrett Nordstrom, Governmental Assistant Services stating at which time the open meeting will resume.

Attachments:

None



Title: Review Outside Appropriation Request
Agenda Date: June 7, 2023
Presented By: Janet Harrouff, Director of Finance

Background

Tax dollars are received from liquor sales and transient guest tax. These dollars must be used for specific purposes. Outside agencies that meet program criteria can request an allocation. The liquor tax dollars can only be used by agencies that provide counseling or prevention services for drug addiction. The Transient guest tax dollars can only be used by agencies that promote tourism. There are other outside agencies that receive funds from either sales tax or general fund money.

Discussion

The agencies are required to submit a request to the City Manager’s office. The Convention and Visitors Advisory Board reviews the request from the agencies requesting Transient Guest Tax dollars and makes a recommendation to the City Commission.

The liquor tax, sales tax dollars and general fund money requests are reviewed and approved by the City Commission.

Financial Considerations

2024 Request	2023 Received	
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General Fund

\$50,000	\$50,000	Emporia Main Street total request \$190,000 split btw General & TGT & Industrial Sales Tax fund was \$150,000 in 2023
\$94,000	\$94,000	Emporia Recreation Commission for Aquatic Center

Convention & Tourism Fund

\$ 7,500	\$7,500	William Allen White House
\$30,000	\$10,000	Emporia Arts Council Committee recommended \$15,000
\$30,000	\$30,000	Emporia Granada
\$15,000	\$15,000	Lifetime Unbound
\$20,000	\$25,000	DDO (Dynamic Discs)
\$20,000		PDGA Masters Disc Golf World Championship
\$20,000	\$20,000	Kansas Free for Arts Committee recommended \$15,000
\$95,000	\$100,000	Emporia Main Street
\$462,000	\$385,000	Emporia Chamber of Commerce
\$400,000		ESU Stadium

May 18, 2023

Dear Emporia City Commissioners,

During the May 16th meeting of the Convention and Visitors Advisory Board, in which all seven members were present, nine requests for allocations of funds from the Transient Guest Tax Fund for fiscal year 2024 were reviewed. As requested by the City Commission, we are making the following recommendations:

Requests for allocations from the Transient Guest Tax Reserve Fund

Emporia State University requested \$400,000 from the TGT Reserve Fund for enhancements to Welch Stadium in preparation for the 2024 and 2026 Track Events. Don Hill, Shane Shively and Steve Blocker were in attendance to answer any questions. The board recommends the full amount of \$400,000 be allocated.

Requests for allocations from the Transient Guest Tax Fund

William Allen White Community Partnership requested \$7,500 from the TGT Fund. This is the same amount funded in 2023. The board recommends the full amount of \$7,500 be allocated.

Emporia Arts Council requested \$30,000 from the TGT Fund. This is an increase of \$20,000 over their 2023 allocation. The board recommends the amount of \$15,000 be allocated.

Emporia Granada Theatre requested \$30,000 from the TGT Fund. This is an increase of \$10,000 over their 2023 allocation. The number of concerts and events being offered will increase in 2024. The board recommends the full amount of \$30,000 be allocated.

Dynamic Discs requested \$20,000 from the TGT Fund for the 2024 PDGA Masters Disc Golf World Championships. The board recommends the full amount of \$20,000 be allocated.

Emporia Main Street requested an allocation of \$190,000. The board recommends 50% of the ask be allocated from the TGT Fund and the remainder be allocated from a separate fund to be determined by the City.

Visit Emporia requested an allocation of \$462,000. The board recommends the full amount of \$462,000 be allocated.

Requests for Sponsorships from the Transient Guest Tax Fund

Kansas Free for Arts requested \$20,000 from the TGT Fund for the 2024 **Halfway to Everywhere Music and Arts Festival**. The board recommends the amount of 15,000 be allocated and would like to meet with KFA Executive Director Hank Osterhout at CVAB's October meeting to discuss the event.

Dynamic Discs requested \$20,000 from the TGT Fund for the 2024 Dynamic Discs Open. The board recommends the full amount of \$20,000 be allocated.

Respectfully,
Matthew Fowler
Chairman
Emporia Convention and Visitors Advisory Board

5 year Budget								
	5/30/23 5:05 PM							
2023-2028	6/7/2023							
Revenue Detail and Expenditure Summary								
CONVENTION & TOURISM FUND								
	2021	2022	Budget	Budget	Budget	Budget	Budget	Budget
	(Actual)	(Actual)	2023	2024	2025	2026	2027	2028
Beginning Cash Balance	\$531,612	\$649,123	\$853,964	\$951,464	\$607,964	\$689,464	\$770,964	\$852,464
REVENUE								
Transient Guest Tax	\$634,077	\$771,864	\$800,000	\$800,000	\$800,000	\$800,000	\$800,000	\$800,000
Interest on Investment	\$300	\$4,093	\$14,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
Fence Rental	\$8,128	\$7,999	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000
Misc	\$0	\$50,630	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL RECEIPTS	\$642,506	\$834,587	\$820,000	\$816,000	\$816,000	\$816,000	\$816,000	\$816,000
EXPENDITURES								
CVB Appropriation	\$273,750	\$365,000	\$385,000	\$462,000	\$462,000	\$462,000	\$462,000	\$462,000
Truster Sports Complex	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City cost associated with events	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
Civic Auditorium improvements	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Red Rock's Appropriation	\$5,625	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500
ESU Welch Stadium				\$400,000				
Emporia Main Street	\$37,500	\$56,250	\$100,000	\$95,000	\$90,000	\$90,000	\$90,000	\$90,000
Emporia Arts Council Support	\$7,500	\$10,000	\$10,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Emporia Granada	\$15,000	\$20,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
Lifetime - Biking Event	\$25,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
DDO	\$25,000	\$25,000	\$25,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
PDGA Professional Disc Golf World	\$20,000	\$20,000		\$20,000				
Kansas Free for Arts	\$10,000	\$20,000	\$20,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Jones Disc Golf Course Improvements			\$20,000					
Hammond Park Crossings			\$30,000					
Miscellaneous	\$12,750	\$10,995	\$0	\$0	\$0	\$0	\$0	\$0
Outstanding PO's	\$12,870							
Special Projects			\$0	\$0				
TOTAL EXPENDITURES	\$524,995	\$629,745	\$722,500	\$1,159,500	\$734,500	\$734,500	\$734,500	\$734,500
Ending Cash Balance	\$649,123	\$853,964	\$951,464	\$607,964	\$689,464	\$770,964	\$852,464	\$933,964
Transient Guest Tax Receipts	2019	2020	2021	2022	2023			
1ST QUARTER-JANUARY	\$172,538.00	\$193,559.51	\$105,764.76	\$184,682.75	\$217,964.96			
2ND QUARTER-APRIL	\$125,683.39	\$132,542.30	\$135,567.13	\$143,987.80	\$170,824.51			
3RD QUARTER-JULY	\$207,494.60	\$80,649.41	\$192,642.58	\$223,905.58				
4TH QUARTER-OCTOBER	\$207,822.11	\$151,949.08	\$200,102.99	\$219,288.14				
TOTAL	\$713,538.10	\$558,700.30	\$634,077.46	\$771,864.27	\$388,789.47			
	\$6339 in late pmts	\$45,010 in late pmts	\$63,375 in late pmts					
Increased bed tax to 7% in January 2017								

5 year Budget	06/07/23							
2023-2028	5/30/23 17:05							
Revenue Detail and Expenditure Summary								
Industrial Development Sales Tax								
	2021	2022	Budget	Budget	Budget	Budget	Budget	Budget
	(Actual)	(Actual)	2023	2024	2025	2026	2027	2028
Beginning Cash Balance	\$442,850	\$247,174	\$1,323,973	\$1,447,973	\$1,476,973	\$1,505,973	\$1,534,973	\$1,563,973
Revenue:								
Sales Tax Receipts	\$925,000	\$1,925,000	\$925,000	\$925,000	\$925,000	\$925,000	\$925,000	\$925,000
Interest Income	\$231	\$5,240	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Money for Land Purchase	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Miscellaneous	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Revenue	\$1,925,231	\$1,930,240	\$945,000	\$945,000	\$945,000	\$945,000	\$945,000	\$945,000
Expense:								
Appropriation to the RDA	\$350,000	\$350,000	\$350,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
Emporia Enterprises	\$1,025,000	\$25,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000
Main Street				45,000.00	45,000.00	45,000.00	45,000.00	45,000.00
Miscellaneous	\$200,000	\$7,500	\$0	\$0	\$0	\$0	\$0	\$0
Land Purchase for Industry								
Transfer to Project								
Water Tower Pmt & Land Purchase	\$350,000	\$0	\$436,000	\$436,000	\$436,000	\$436,000	\$436,000	\$436,000
REG Demolition	\$195,906	\$470,941						
Excess Carryover			0	0.00				
Total Expenses	\$2,120,906	\$853,441	\$821,000	\$916,000	\$916,000	\$916,000	\$916,000	\$916,000
Ending Cash Balance	\$247,174	\$1,323,973	\$1,447,973	\$1,476,973	\$1,505,973	\$1,534,973	\$1,563,973	\$1,592,973
Main Street Allocation \$45,000								
Land Purchase Bond Pmt \$86,000								

5 year Budget								
	5/31/23 9:09 AM							
2023-2028								
6/7/2023								
Revenue Detail and Expenditure Summary								
SPECIAL ALCOHOL FUND								
	2021	2022	Budget	Budget	Budget	Budget	Budget	Budget
	(Actual)	(Actual)	2023	2024	2025	2026	2027	2028
Beginning Cash Balance	\$73,442	\$89,339	\$103,198	\$107,498	\$101,458	\$95,418	\$89,378	\$83,338
REVENUE								
Private Club Liquor Tax	\$86,358	\$100,043	\$100,000	\$104,660	\$104,660	\$104,660	\$104,660	\$104,660
Interest on Investment	\$40	\$565	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500	\$1,500
TOTAL RECEIPTS	\$86,397	\$100,609	\$101,500	\$106,160	\$106,160	\$106,160	\$106,160	\$106,160
EXPENDITURES								
Appropriations	\$70,500	\$86,750	\$97,200	\$112,200	\$112,200	\$112,200	\$112,200	\$112,200
Other Charges								
Special Projects			\$0	\$0				
TOTAL EXPENDITURES	\$70,500	\$86,750	\$97,200	\$112,200	\$112,200	\$112,200	\$112,200	\$112,200
Ending Cash Balance	\$89,339	\$103,198	\$107,498	\$101,458	\$95,418	\$89,378	\$83,338	\$77,298
Appropriations								
	Received in 2020	Received in 2021	Receive in 2022	Receive in 2023	Requested for 2024			
Cross Winds	\$20,000	\$15,000	\$15,000	\$15,000	\$20,000			
Corner House	\$65,000	\$48,750	\$75,000	\$75,000	\$85,000			
Emporia State University	\$9,000	\$6,750	\$6,750	\$7,200	\$7,200			
ESU - Orientation								
Empower House Ministries				\$0	\$0			
Total	\$94,000	\$70,500	\$96,750	\$97,200	\$112,200			
Receipts								
	2019	2020	2021	2022	2023			
1ST QUARTER - MARCH	\$26,806.24	\$22,675.47	\$17,214.78	\$23,976.09	\$25,545.75			
2ND QUARTER - JUNE	\$22,937.39	\$21,661.91	\$18,634.03	\$22,129.19				
3RD QUARTER - SEPTEMBER	\$26,000.31	\$7,881.01	\$25,844.73	\$28,544.72				
4TH QUARTER - DECEMBER	\$26,705.52	\$14,069.40	\$24,664.21	\$25,393.46				
TOTAL	\$102,449.46	\$66,287.79	\$86,357.75	\$100,043.46	\$25,545.75			
25% reduction in 2021 allocation								

5 year Budget	5/31/23 8:07 AM								
2023-2028	6/7/2023								
Revenue Detail and Expenditure Summary									
SPECIAL PARKS & RECREATION									
	2021 (Actual)	2022 (Actual)	Budget 2023	Budget 2024	Budget 2025	Budget 2026	Budget 2027	Budget 2028	
Beginning Cash Balance	\$117,931	\$128,120	\$22,852	\$14,852	-\$140,488	-\$298,078	-\$307,468	-\$217,308	
REVENUE									
Private Club Liquor Tax	\$86,358	\$100,043	\$100,000	\$104,660	\$104,660	\$104,660	\$104,660	\$104,660	\$104,660
Donations& Grants	\$4,267	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Lake Kahola Proceeds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Trf from projects	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interest on Investment	\$77	\$598	\$2,000	\$500	\$500	\$500	\$500	\$500	\$500
TOTAL RECEIPTS	\$90,701	\$100,642	\$102,000	\$105,160	\$105,160	\$105,160	\$105,160	\$105,160	\$105,160
EXPENDITURES									
Maintenance & Repair	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Commodities	\$0	\$14,330	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Municipal Band Allocation	\$0	\$10,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Capital Outlay	\$60,513	\$84,868	\$95,000	\$245,500	\$247,750	\$99,550	\$0	\$12,500	\$0
Contractual Services	\$20,000	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Transfer to Project Accounts	\$0	\$96,711	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Special Projects	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL EXPENDITURES	\$80,513	\$205,909	\$110,000	\$260,500	\$262,750	\$114,550	\$15,000	\$27,500	\$27,500
Ending Cash Balance	\$128,120	\$22,852	\$14,852	-\$140,488	-\$298,078	-\$307,468	-\$217,308	-\$139,648	
Receipts									
	2020	2021	2022	2023					
1ST QUARTER - MARCH	\$22,675	\$17,215	\$23,976	\$25,546					
2ND QUARTER - JUNE	\$22,612	\$18,634	\$22,129						
3RD QUARTER - SEPTEMBER	\$7,881	\$25,845	\$28,545						
4TH QUARTER - DECEMBER	\$14,069	\$24,664	\$25,393						
TOTAL	\$67,237	\$86,358	\$100,043	\$25,546					
Municipal Band requested \$15,000									



Outside Appropriations Requests



Emporia
Kansas

Background

Tax dollars are received from liquor sales and transient guest tax. These dollars must be used for specific purposes. Outside agencies that meet program criteria can request an allocation through the City Manager's Office.

Liquor tax dollars can only be used by agencies that provide counseling or prevention services for drug addiction.

Transient guest tax dollars can only be used by agencies that promote tourism.

Liquor tax requests (as well as sales tax dollars and general fund money requests) are reviewed and approved by the City Commission

Transient guest tax requests are reviewed by the Convention and Visitors Advisory Board and they present their recommendation to the City Commission

2024 Transient Guest Tax Fund Requests and Recommendations

Entity	Request	Recommendation	Details
Emporia State University	\$400,000	\$400,000	Welch Stadium enhancements for 2024 and 2026 Track Events
William Allen White Community	\$7,500	\$7,500	Same amount funded in 2023
Emporia Arts Council	\$30,000	\$15,000	Request is \$20,000 increase from previous cycle
Emporia Granada Theatre	\$30,000	\$30,000	Request is \$10,000 more from previous cycle. Events and Concerts will increase.
Dynamic Discs	\$20,000	\$20,000	2024 PDGA Masters Disc Golf World Championships
Emporia Main Street	\$190,000	\$95,000	Board recommends split between TGT, ED Sales Tax, and General Fund. General Fund would fund the remainder
Visit Emporia	\$462,000	\$462,000	Full amount requested to be awarded
Kansas Free For Arts*	\$20,000	\$15,000	Board will meet with KFA Executive Director at October CVAB meeting to discuss event. Received \$20,000 in 2023
Dynamic Discs*	\$20,000	\$20,000	2024 Dynamic Disc Open. Received \$25,000 in 2023.



* Asterisk notates requests for sponsorships from the TGT Fund

2024 Other Tax Fund Requests

General Fund

Entity	Request	Recommendation	Details
Emporia Recreation Commission	\$94,000		Aquatic Center Funding. Received \$94,000 in 2023
Emporia Mainstreet	\$190,000		This request is split between three funds: General, Convention/Tourism, and Industrial Development Sales Tax

Convention and Tourism Fund

Entity	Request	Recommendation	Details
Lifetime Unbound	\$15,000		Continuation of program and services provided. Received \$15,000 in 2023
Emporia Chamber	\$462,000		Received \$385,000 in 2023
Emporia Mainstreet	\$190,000	\$95,000	This request is split between three funds: General, Convention/Tourism, and Industrial Development Sales Tax

Special Parks Fund Requests

Entity	Request	Recommendation	Details
Emporia Municipal Band	\$15,000		Provide a band for public concerts, dedications and memorial services as per the annual Contract with the City and contribute to the cultural atmosphere of the community.

2024 Other Tax Fund Requests

Industrial Development Sales Tax Requests

Entity	Request	Recommendation	Details
Emporia Enterprises	\$35,000		Base operating budget needed to
RDA	\$400,000		Retention, expansion, and recruitment success related to Economic Development
Emporia Mainstreet	\$45,000		This request is split between three funds: General, Convention/Tourism, and Industrial Development Sales Tax

Special Alcohol Fund Requests

Entity	Request	Recommendation	Details
Corner House	\$85,000		Continuation of program and services provided
Crosswinds Counseling	\$20,000		Offset uncovered costs of DRA program and further support for SUD programming
ESU Drug Prevention Program	\$7,200		Effective prevention presentations and activities for ESU students

Appropriations 2020-2024

Entity	2024 Request	2023 Award	2023 Request	2022 Award	2022 Request	2021 Award*	2021 Request*	2020 Award	2020 Request
Emporia Main Street Convention and Tourism Bureau	\$190,000	\$150,000	\$150,000	\$112,500	\$150,000	\$37,500	\$100,000	\$100,000	\$100,000
RDA	\$462,000	\$385,000	\$385,000	\$365,000	\$385,000	\$273,750		\$365,000	\$356,000
Emporia Enterprises	\$400,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000	\$350,000
ESU Foundation	\$35,000	\$35,000	\$35,000	\$25,000	\$35,000	\$1,025,000	\$25,000	\$25,000	\$40,000
ESA ADAP	\$0	\$0	\$0	\$350,000	\$0	\$0	\$0	\$125,000	\$125,000
Emporia Arts Council	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$5,625	\$6,750	\$7,500	\$10,000
Emporia Granada Theatre	\$400,000	\$0	\$0	\$0	\$0	\$7,500	\$10,000	\$50,000	\$50,000
Unbound Gravel	\$7,200	\$7,200	\$7,200	\$6,750	\$7,200	\$6,750	\$20,000	\$9,000	\$9,000
Dynamic Discs DDO	\$30,000	\$10,000	\$10,000	\$10,000	\$10,000	\$15,000	\$18,750	\$10,000	\$15,000
Dynamic Discs PDGA Jr. Worlds	\$30,000	\$30,000	\$30,000	\$20,000	\$30,000	\$15,000		\$20,000	\$20,000
	\$15,000	\$15,000	\$25,000	\$15,000	\$0	\$0	\$7,500	\$25,000	\$25,000

Appropriations 2020-Current (cont'd)

Entity	2024 Request	2023 Award	2023 Request	2022 Award	2022 Request	2021 Award*	2021 Request*	2020 Award	2020 Request
Dynamic Discs Masters Worlds	\$20,000	\$0	\$0	\$0	\$0	\$0	\$243,765	\$0	\$0
Corner House	\$85,000	\$75,000	\$75,000	\$75,000	\$75,000	\$48,750	\$75,000	\$65,000	\$75,000
Crosswinds Counseling	\$20,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$20,000	\$20,000
Emporia Municipal Band	\$15,000	\$15,000	\$15,000	\$10,000	\$15,000	\$10,000	\$15,000	\$10,000	\$15,000
Friends of Troop 157	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$5,000
Empower House Ministries	\$0	\$0	\$30,000		\$30,000	\$0	\$0	\$0	\$0
Emporia Senior Center	\$0	\$0	\$0	\$0	\$76,000	\$0	\$0	\$0	\$0
Emporia Rec Commission/Aquatic Center	\$0	\$55,000	\$55,000	\$55,000	\$0	\$0	\$0	\$0	\$0
Land Bank	\$0	\$50,000	\$50,000	\$50,000	\$0	\$0	\$0	\$0	\$0
Kansas Free for Arts	\$20,000	\$20,000	\$20,000	\$20,000	\$0	\$0	\$0	\$0	\$0
Plumb Place	\$0	\$0	\$0	\$25,000	\$0	\$0	\$0	\$0	\$0
Red Rocks State Historic Site	\$0	\$0	\$0	\$0	\$0	\$5,625	\$7,500	\$0	\$0

Revenue and Expenditure Summary by Fund

Industrial Development Sales Tax Fund

	2021 Actual	2022 Actual	2023 Budget	2024 Budget	2025 Budget	2026 Budget	2027 Budget	2028 Budget
Beginning Cash Balance	\$442,850	\$247,174	\$1,323,973	\$1,447,973	\$1,476,973	\$1,505,973	\$1,534,973	\$1,563,973
Total Revenue	\$1,925,231	\$1,930,240	\$945,000	\$945,000	\$945,000	\$945,000	\$945,000	\$945,000
Total Expenditures	\$2,120,906	\$853,441	\$821,000	\$916,000	\$916,000	\$916,000	\$916,000	\$916,000
Ending Cash Balance	\$247,174	\$1,323,973	\$1,447,973	\$1,476,973	\$1,505,973	\$1,534,973	\$1,563,973	\$1,592,973

Special Alcohol Fund

	2021 Actual	2022 Actual	2023 Budget	2024 Budget	2025 Budget	2026 Budget	2027 Budget	2028 Budget
Beginning Cash Balance	\$73,442	\$89,339	\$103,198	\$107,498	\$101,458	\$95,418	\$89,378	\$83,338
Total Revenue	\$86,397	\$100,609	\$101,500	\$106,160	\$106,160	\$106,160	\$106,160	\$106,160
Total Expenditures	\$70,500	\$86,750	\$97,200	\$112,200	\$112,200	\$112,200	\$112,200	\$112,200
Ending Cash Balance	\$89,339	\$103,198	\$107,498	\$101,458	\$95,418	\$89,378	\$83,338	\$77,298

Revenue and Expenditure Summary by Fund (cont'd)

Special Parks and Recreation

	2021 Actual	2022 Actual	2023 Budget	2024 Budget	2025 Budget	2026 Budget	2027 Budget	2028 Budget
Beginning Cash Balance	\$117,931	\$128,120	\$22,852	\$14,852	-\$140,488	-\$290,078	-\$307,468	-\$217,308
Total Revenue	\$90,701	\$100,642	\$102,00	\$105,160	\$105,160	\$105,160	\$105,160	\$105,160
Total Expenditures	\$80,513	\$205,909	\$110,000	\$260,500	\$262,750	\$114,550	\$15,000	\$27,500
Ending Cash Balance	\$128,120	\$22,852	\$14,852	-\$140,488	-\$290,078	-\$307,468	-\$217,308	-\$139,648

Convention and Tourism Fund

	2021 Actual	2022 Actual	2023 Budget	2024 Budget	2025 Budget	2026 Budget	2027 Budget	2028 Budget
Beginning Cash Balance	\$531,612	\$649,123	\$853,964	\$951,464	\$607,964	\$689,464	\$770,964	\$852,464
Total Revenue	\$642,506	\$834,587	\$820,000	\$816,000	\$816,000	\$816,000	\$816,000	\$816,000
Total Expenditures	\$524,995	\$629,745	\$722,500	\$1,159,500	\$734,500	\$734,500	\$734,500	\$734,500
Ending Cash Balance	\$649,123	\$853,964	\$951,464	\$607,964	\$689,464	\$770,964	\$852,464	\$933,964

Questions Asked

Does the RDA have \$170,000 in cash reserves?

- The \$170,000 was listed as of 12/31/2021 in the reviewed financial statements. They have recently reviewed 12/31/2022 financial statements, which will be an agenda item at their June 9th board meeting for approval. These financial statements show their unrestricted cash balance as \$89,333 as of 12/31/2022.

Is the RDA proposing to raise salaries from the \$130,000 range to the \$200,000 range?

- Their 12/31/2021 reviewed financial statements showed administrative salaries of \$39,368 and salaries (President) of \$121,772 for a total of \$161,140. Our 12/31/2022 reviewed financial statements show administrative salaries of \$40,747 and salaries (President) of \$200,529, for a total of \$241,276. In 2022 there were three months where two Presidents were being compensated. Our 2024 RDA Budget reflects in our 2023 Estimated Expenses for salaries to be \$173k. The requested increase is from \$173k to \$200k to allow for additional staffing to assist with marketing and communications.

Questions Asked

What is the plan for the \$100,000 increase in the CVB/Visit Emporia request?

- The CVB found that their 2023 budget equated to about 50% of the 2022 Transient Guest Tax revenue. Their request for an increase will put them in line with their peers (such as Dodge City, Hays, Manhattan, Salina, and Topeka) and allow them to be more competitive in reaching a larger audience. This will also give them the opportunity to spend more on marketing (specifically on billboards and digital marketing) which has been a consistent concern from our hotelier community.

Regarding the Main Street request, why is the funding split between TGT and other city funds? Did the CVAB recommend fully funding? Could the TGT support the entire request?

- The recommendation to split the funding from multiple sources is due to the multitude of intended uses that Main Street is requesting. Their request does not state that the intended use of all funding is explicitly for tourism alone, therefore CVAB could not recommend that 100% of the funding come from Transient Guest Tax alone. CVAB acknowledged Main Street's significant positive impact on tourism through their efforts working with local and international events alike and therefore recommended that 50% of their request be funded through the Transient Guest Tax Fund. It was Commissioner Smith who stated that the other 50% could likely be funded through the general fund as was done last year.

Questions Asked

What is the percentage of increase for Main Street, Visit Emporia, and RDA for the year over year 2023 to 2024?

- Main Street has a 27% increase in ask from \$150,000 to \$190,000. Visit Emporia has a 20% increase in ask from \$385,000 to \$462,000. RDA has a 12.5% increase in ask from \$350,000 to \$400,000

Regarding the ESU request, what is the balance in the TGT reserve account versus a 'regular' TGT account?*

- The use of the term "Reserve Fund" versus "Regular Fund" is an attempt to differentiate requests that are annual versus one-time requests. Perhaps that could be changed to just that, "Annual Allocation" and "One-Time Request?" We can certainly find the naming that works best, but that is the difference. According to the city's budget they are predicting to have \$822,002 in TGT reserves at the end of this year. We are currently on track to exceed this year's budget projections and the likelihood of that number being even higher is substantial.

Questions Asked

Could ESU provide a detailed budget for the project?

- The request submitted had solid estimated cost ranges at the time of the request submission and were listed on the application are in rank order of priority with emphasis on safety and accessibility. We are finalizing quotes and bids. There will be potential economies if some or most of the items can be aggregated and done together. ESU has already committed nearly \$600,000 toward track resurfacing, throws, and jumps areas. That work is proceeding. The additional work will be completed as soon, completely, and as cost effectively as possible. This work is urgent to benefit the effort in hosting a national event and providing the best hospitality we can. Just as importantly, it is an investment in the next 10+ years as we serve Emporia and the surrounding areas and continue to host hundreds of events and attract tens of thousands of visitors to our community.

• How much will the ESU Foundation be contributing to the project?

- At this point, our Foundation has secured \$155,000 for track improvements. ESU, has also already committed \$600,000, as mentioned above. ESU, including our Foundation, will continue to work every day to fund the remainder of the project, including cultivating donor support. The \$400,000 from the city will be a tremendous aid to get us to the finish line. We have a way to go but our goal remains getting the west side improvements completed by the 2024 NCAA Track Meet.

Questions Asked

I understand the track is open to the greater Emporia community. Where should community members park when using the track? All the spaces available are either Police or Green Permit required.

- Parking for Welch stadium (and for most of campus) is free on evenings/weekends, and in the summer(s). We monitor parking around Welch from 7:30am-4:30pm, Mon-Fri (excluding holidays and breaks).
- During the weekday/daytime hours, there is metered parking on the west side of the stadium. That said, we hear what folks are saying and appreciate where they're coming from. On the east side of the stadium, we're going to convert four of our green stalls to something along the lines of "Stadium Business / Community Free Parking" spots and make them 2HR parking. It's not a perfect solution but we'll experiment and monitor how it goes for the Fall/Spring semesters.

What communities hosted the National DII track events in 2018, 2019, 2022, and 2023?

- 2018 – Charlotte, NC
- 2019 - Kingsville, TX
- 2021 - Allendale, MI
- 2022 - Allendale, MI
- 2023 - Pueblo, CO

What other entities will be contributing to this project?

At this point, the main contributors to this project would be ESU, including the ESU Foundation, and the City of Emporia

Questions Asked

Did the university follow through and request a judgement from the AG on collecting TGT for non-university guests in the residence halls (Commission request of ESU from 2019 and requested every year since)? If so, what was the opinion? Could the City have a copy?

- We did investigate this option. Unfortunately, utilizing TGT in the Res-Halls isn't an option (see below for more details). That said, we agree with the spirit and purpose it represented. ESU is committed to identifying other ideas or means to arrive at the same goal of supporting our local economy, our shared venues, and promoting visitors and tourism to Emporia. We have already met with city officials on how to make a municipal access fee and are working through those details. We recognize we've missed that opportunity for this summer and, as a starting point for this year, based on revenues generated from Unbound Gravel, we plan to provide \$9,000 to the city of Emporia in support of another shared venue, the William L. White Auditorium.
- The longer answer ESU legal counsel did work with the Kansas Board of Regents (who ultimately governs Emporia State University) these past few months to determine what we're legally able (or not able) to do. Per KBOR's legal counsel, ESU cannot charge the transient guest tax in the residence halls. The controlling statute is K.S.A. 79-5302, which compels and authorizes every "business" to collect a transient guest tax from every "transient guest." However, the meaning of the word "business" is specifically defined by law and cannot reasonably be read to include a state university. Although ESU rents/leases rooms ("sleeping accommodations"), it does not do this in connection with any motel, hotel or tourist court, and it does hold out/advertise to the public that it does so. Because of this, the statute's specific, limiting language does not provide ESU with authority to serve as a collecting party for a TGT. Furthermore, the collection of a TGT is not expressly authorized anywhere in the body of statutes governing the administration of state universities (K.S.A. 76-701, et seq.) or by the policies set out by the Kansas Board of Regents. Notably, no other state educational institution collects a TGT



Emporia
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