



**MEETING OF THE CITY COMMISSION - AGENDA
WEDNESDAY, JULY 5, 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

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 Natural Resources Advisory Board.**

Presented by: Jamie Sauder, Commission and Becky Smith, Vice Mayor

Recommended Action: Approve the Appointment of Member to the Natural Resources Advisory Board.

2) **Kretsinger Subdivision Final Plat.**

Presented by: Justin Givens, Administrator of Planning & Zoning

Recommended Action: Approve Kretsinger Subdivision Final Plat.

3) **Award Bid for Peyton Street Waterline Improvements Project.**

Presented by: Jim Ubert, City Engineer

Recommended Action: Staff recommends awarding the project to Carlson Utility for the bid about of \$2,353,920.00.

4) **Award Bid for Sodens Road Waterline Extension.**

Presented by: Jim Ubert, City Engineer

Recommended Action: The staff recommend awarding the project to S.R. Coffman Construction for total bid amount of \$53,654.31.

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Commission Meeting Minutes 06-21-23.
- 2) Utility Easement Agreement for 500 Block Wilson Street for Street Light Installation.
- 3) 18th Avenue/Road 180 Paving Improvements Change Order No. 1

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 45 minutes, inviting Chuck Scott, RDA President; and Jim Witt, Special Projects Manager, and stating at which time the open meeting will resume.

RECESS

Recess to Conference Room 1AB for Study Session

STUDY SESSION AGENDA ITEMS

- 1) Final Report from the Homeless Taskforce.
- 2) Ordinance 23-20 Extending the Provisions of City Code Pertaining to the Prohibition of Camping on Public Property.
- 3) Review Outside Appropriation Request.
- 4) Resolution No. 3699 for Revenue Neutral Rate.
- 5) Whittier Park Concept Plan.

ADJOURNMENT



Commission Action Report

Appoint of Member to the Natural Resources Advisory Board

Title: Appoint of Member to the Natural Resources Advisory Board

Agenda Date: July 5, 2023

Presented By: Jamie Sauder, Commissioner & Becky Smith, Vice Mayor

Background:

The Natural Resources Advisory Board requests that the City Commission fill board openings with qualified candidates.

Discussion:

Applications were received, and interviews were conducted by Commissioners Jamie Sauder and Becky Smith.

Interviewing Commissioners recommend the appointment of Keith Senn for a three year term **/OR/** to fill an unexpired term ending 12/31/2026.

Recommended action:

Approve the appointment of Keith Senn to the Natural Resources Advisory Board.



Commission Action Report

Final Plat: Kretsinger Subdivision

Title: Approve Final Plat: Kretsinger Subdivision Subject to Final Determination of Easement Requirements for Lot 24.

Agenda Date: July 5, 2023

Presented By: Justin Givens, Planning & Zoning Administrator

Background:

At their June 20, 2023 meeting, the Planning Commission conducted a public hearing to consider a Final Plat for the Kretsinger Subdivision. 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 65 lots on 16.65 acres of property south of East Logan Ave. and immediately east of South Exchange St. The development is unique in that it contains lots with access from an alley and lot sizes have been reduced from the 9,000 square feet that is typically seen in new residential subdivisions.

The Planning Commission approved the plat subject to the final determination of the type of sewer system that will be used (gravity vs. lift) which will affect the easement that will be required for Lot 24 of the development and a minor change to Lot 33 which moved the east side setback to 15 ft. versus 5 ft. that was previously shown on the plat.

The Governing Body, when considering a recommendation from the Planning Commission on a Final 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:

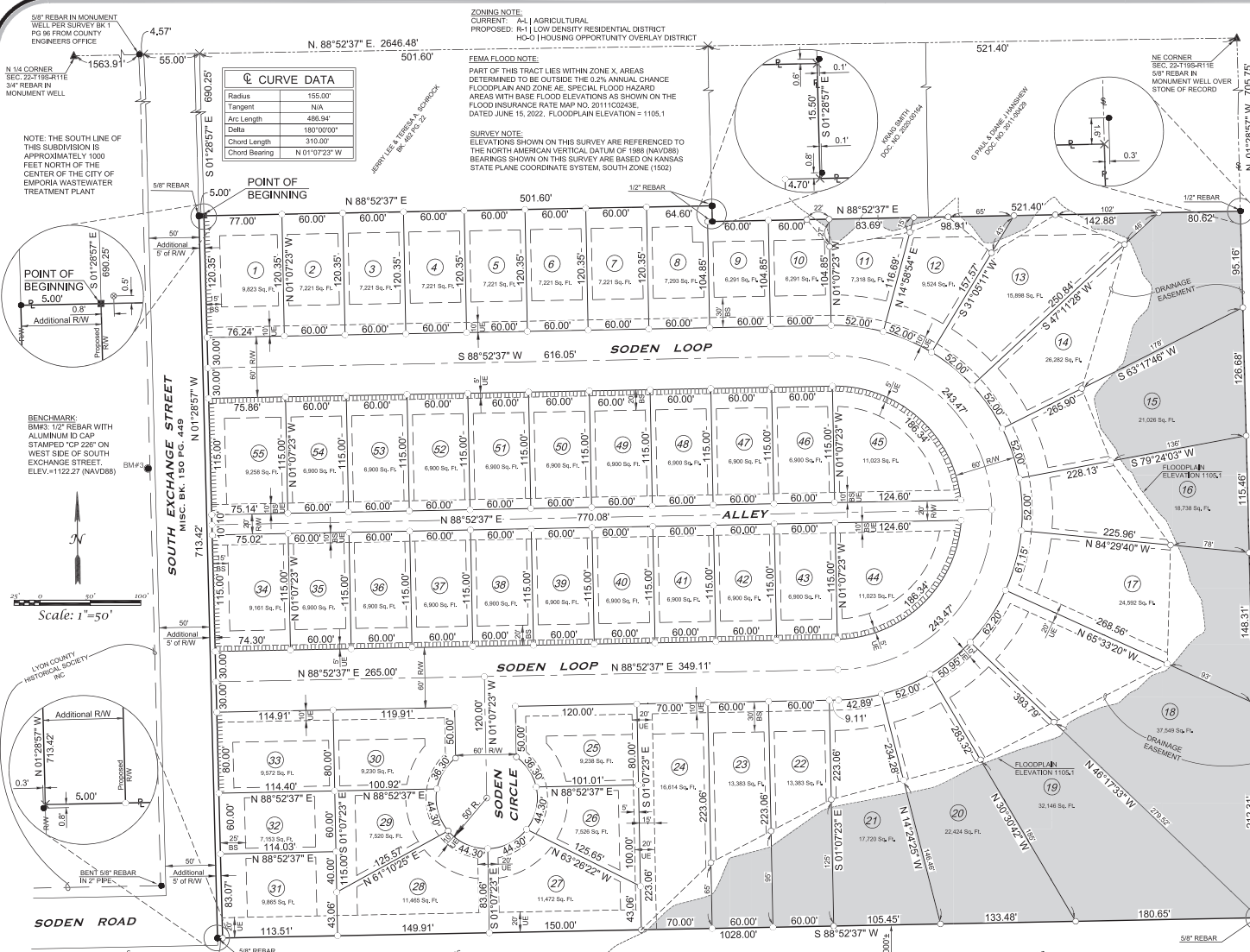
No city funds are required for the approval of the plat.

Recommended action:

Approve Final Plat: Kretsinger Subdivision Subject to Final Determination of Easement Requirements for Lot 24.

Attachments:

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



Legend

- ▲ Found Monuments
- Stone found per agreement BK 129 PG 401
- Set 1/2" x 24" Iron Bar w/BG Cap
- ⊗ Found Monument from survey
- ⊗ Surveyed Point
- ⊗ Found Point
- 47 Proposed Lot Number
- UE Utility Easement
- PE Pedestrian Easement
- SE Sewer Easement
- Controlled Access
- Section Line
- Lot Line/Right of Way Bearing and Distance
- Utility Easement Line
- Building Setback Line: 30' Front and 20' Rear for lots 1-33, 20' Front and 10' Rear for lots 34-45, All Side setbacks are 5' (All dimensions are typical unless otherwise noted).



Description

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6th P.M., CITY OF EMPORIA, LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 22; THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 S. 88°52'37" E. 102.20 FEET (AS DESCRIBED WEST); THENCE PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 S. 91°28'57" E. 60.00 FEET (AS DESCRIBED SOUTH 60 FEET) TO A STONE MARKING THE SOUTHWEST CORNER OF A TRACT ESTABLISHED BY MUTUAL CONSENT DESCRIBED ON PAGE 491 IN BOOK 129 IN THE LYON COUNTY REGISTER OF DEEDS, SAID STONE BEING THE POINT OF BEGINNING; THENCE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22;

N. 88°52'37" E. 50.00 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO SCHROCK AS DESCRIBED ON PAGE 22 IN BOOK 46 IN THE LYON COUNTY REGISTER OF DEEDS AND ON THE WEST LINE OF A TRACT OF LAND CONVEYED TO SMITH AS DESCRIBED ON DOCUMENT 2000-026 IN THE LYON COUNTY REGISTER OF DEEDS; THENCE ALONG THE WEST LINE OF SAID SMITH TRACT AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 S. 01°28'57" E. 15.50 FEET TO THE SOUTHWEST CORNER OF SAID SMITH TRACT; THENCE ALONG THE SOUTH LINE OF SAID SMITH TRACT AND THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO HANSHAW AS DESCRIBED ON DOCUMENT 2011-009 IN THE LYON COUNTY REGISTER OF DEEDS, BEING PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22;

N. 88°52'37" E. 50.00 FEET (WEST BEARING: 50.17 FEET) TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22; THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22;

S. 88°52'37" E. 60.00 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO KRETSINGER AS DESCRIBED ON DOCUMENT 2013-00192 IN THE LYON COUNTY REGISTER OF DEEDS AND A NORTHEAST CORNER OF A TRACT CONVEYED TO WOODS AS DESCRIBED ON DOCUMENT 2012-21088 IN THE LYON COUNTY REGISTER OF DEEDS; THENCE ALONG THE SOUTH LINE OF SAID KRETSINGER TRACT AND THE NORTH LINE OF SAID WOODS TRACT BEING PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22;

S. 88°52'37" W. 71.60 FEET; THENCE PARALLEL WITH THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 22 N. 88°52'37" E. 5.00 FEET TO THE POINT OF BEGINNING, CONTAINING 16.65 ACRES

Owners Certificate:

(State of Kansas) SS
(County of Lyon) SS

This is to certify that the undersigned are the owners of record of the land hereon described on this plat, and that the undersigned have caused the same to be surveyed and subdivided as herein set forth. The undersigned, as such owners, do hereby state that all street right-of-ways as shown on this plat are hereby dedicated to the public. An easement and license to locate, construct, operate, inspect, replace and maintain, or authorize the location, construction, operation, inspection, replacement and maintenance of poles, wires, conduits, water, gas and sewer pipes, required drainage channels or structures, hard and impervious surfaces, or other structures necessary to carry out the function of the easement, upon the area marked for easements on this plat is also hereby dedicated to the public. When and if used on this plat, the term "Utility shall include, by way of example, but not limited to, sewer, water, gas, electricity, cable TV, and telephone. When, and if, used on this plat, the term "Travel" shall include all forms of travel, by whatever means, unless the term is limited by other words or phrases, such as "Pedestrian Travel", etc. The undersigned acknowledges that, pursuant to K.S.A. 12-406, the dedication of right-of-ways and easements to the public constitutes a conveyance thereof to the City of Emporia, Kansas, in trust, for the use named, expressed or intended.

Given under my hand at Emporia, Kansas,
this day of _____ A.D., 2023.

Ignite Emporia, LLC
(County of Lyon)

Notary Certificate:

(State of Kansas) SS
(County of Lyon) SS

The foregoing instrument was acknowledged before me
this _____ day of _____ of A.D., 2023
by _____
Notary Public
My commission expires: _____

Certificate of the Register of Deeds:

(State of Kansas) SS
(County of Lyon)

This is to certify that this instrument was filed for record in the Register of Deeds office on the _____ day of _____, 2023, in Book _____ Page _____

Lyon County Register of Deeds: Wendy Weiss
Deputy: _____

Transfer of Record:
(State of Kansas) SS
(County of Lyon) SS

Entered on Transfer Form this _____ day of _____, 2023.

Lyon County Clerk: Tammy Vopot

County Treasurer Certificate:

(State of Kansas) SS
(County of Lyon) SS

I hereby certify that the taxes on the included tracts are current.

Lyon County Treasurer: Sharon Gaede
Date: _____

County Surveyor Review Certificate:

(State of Kansas) SS
(County of Lyon) SS

I hereby certify this plat is in accordance with the Land Survey Act, K.S.A. 38-2001, et seq.

Lyon County Surveyor: Warren Chip Woods
Date: _____

Certificate of the Governing Body:

(State of Kansas) SS
(County of Lyon) SS

The dedications shown on this plat have been accepted by the City of Emporia, Kansas, this _____ day of _____, 2023.

Mayor: Susan Brinkman
Attest: City Clerk: Kerry Sull

Certificate of the Planning Commission:

(State of Kansas) SS
(County of Lyon) SS

This Plat of Kretsinger Subdivision has been submitted to and approved by the Emporia-Lyon County Metropolitan Area Planning Commission this _____ day of _____, 2023.

Chair: Kenton Thomas
Attest: Secretary: Justin Givens

Surveyor's Certificate:

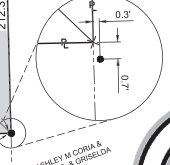
(State of Kansas) SS
(County of Lyon) SS

I, the undersigned do hereby certify that I am a Registered Land Surveyor in the State of Kansas with experience and proficiency in land surveying, that the heretofore described property was surveyed and subdivided by me, or under my supervision, that all subdivision regulations of the Subdivision Regulations of Emporia have been complied with in the preparation of this plat, and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief.

Given under my hand and seal at Manhattan, Kansas
this _____ day of _____ A.D., 2023.

BG CONSULTANTS, INC.
2508 WEST 15th AVENUE
EMPORIA, KANSAS 66801
(620)343-7842

Fred Gibbs, R.L.S.



OWNER / DEVELOPER:
Ignite Emporia, LLC
219 Commercial Street
Emporia, KS 66801
(620) 342-1600

DESIGNER:
BG Consultants, Inc.
2508 W. 15th Avenue
Emporia, KS 66801
(620) 343-7842

FINAL PLAT

Kretsinger Subdivision

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

Prepared By:
BG CONSULTANTS
ENGINEERS - ARCHITECTS - SURVIVORS

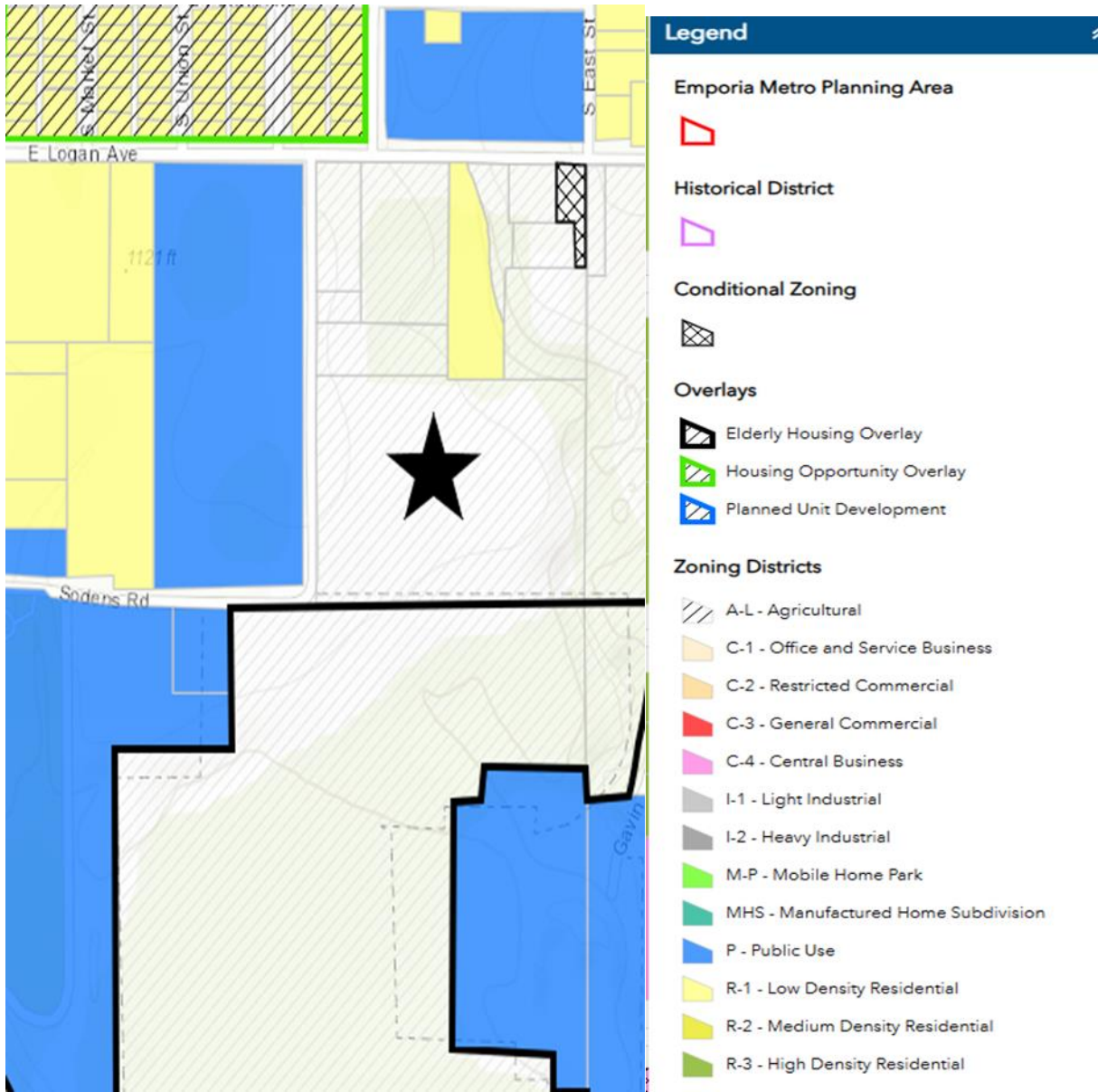
MANHATTAN, KANSAS LAWRENCE, KANSAS EMPORIA, KANSAS

JUNE 27, 2023 22-1120E

Aerial Photo



Area Zoning Map



EXCERPT OF MINUTES- 6/20/2023

EMPORIA - LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION

The Planning Commission met in a regular session on Tuesday, June 20, 2023, with Chair Thomas presiding. Members Duncan, Weaver, Barnes, Ogle, Rogers, and Bucklinger were present.

City staff: Justin Givens was present.

Chair Thomas called the meeting to order.

1. **Considered the minutes of the May 16 and May 23, 2023 Planning Commission Meetings. Commissioner Barnes** made a motion to approve the minutes. **Commissioner Bucklinger** seconded. **May 16, 2023 Minutes Approved 6-0-1 (Thomas abstained) May 23, 2023 Minutes Approved 7-0.**

2. **Consider Application PC 2023-05 Kretsigner Final Plat**

Chair Thomas 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.

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

Givens provided the staff report:

Application #: PC 2023-05

Applicants: Emporia Chamber of Commerce

Owners: Emporia Chamber of Commerce

Requested Action: Approval of a Final Plat

Purpose: Applicants desire to plat a 16.65-acre tract of land consisting of 55 lots.

Address: South Exchange ST & Sodens Rd.

Legal description:

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

AFOREMENTIONED NE1/4; THENCE S0°20'48"E, 697.92 FEET ALONG THE EAST LINE OF THE SAID NE1/4; THENCE S89°53'02"W, 1028.37 FEET; THENCE N0°20'48"W, 713.42 FEET; THENCE N89°53'02"E, 5.00 FEET TO THE POINT OF BEGINNING, LYON COUNTY, KANSAS.

Area Size: 16.65 Acres

Existing Zoning: R-1 Single Family Residential with a Housing Opportunity Overlay District

Surrounding Zoning:

North- Agricultural District / Low Density Residential Districts

East- Agricultural District

South- Public Use District / Agricultural District

West – Public Use District

Surrounding Actual Uses:

North – Low Density Single Family Homes and Abutting Properties

East – Flood Plain / Agricultural Land

South – David Taylor Zoo / Cultivated Farm Land / Wasterwater Treatment Facility

West – Public Use Lyon County Historical Society Vacant Land

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

Analysis:

The applicants have requested to plat a 16.65-acre tract of land into 55 single-family residential lots. The property was rezoned to R-1 from Agricultural and a Housing Opportunity Overlay District was approved for the property. The preliminary plat was approved at the February 15, 2022 meeting. Since that meeting, several changes have been made to the preliminary plat.

The most significant change was the deletion of the reserve area that encompassed the floodplain on eastern and northern lots. The City advised it was not receptive to the property being dedicated as a new park after approval of the preliminary plat. Since there will be no homeowners association to maintain the reserve area, the most prudent path forward was to include these areas into the adjoining lots, and create a drainage easement. The drainage easement will restrict building within the floodplain, but the individual property owners will own the areas.

The designers of the subdivision were also able to add two additional lots through a slight reconfiguration.

1. **Plat Name:** The preliminary plat is proposed to be named Kretsigner Addition, which meets requirements.
2. **Legal Description:** The legal description shown on the preliminary plat meets requirements.
3. **Lots:** The final plat proposes a total of 55 lots, which are labeled appropriately. The subject property is proposed to be developed in accordance with R-1 Residential and Housing Opportunity Overlay zoning bulk and lot size regulations, as listed below:
 - **Minimum Lot Area:** 5,800 sq. ft.
 - Proposed: Each of the lots exceeds the minimum lot area.

- Minimum Lot Width: 50 ft.
 - Proposed: Each of the lots exceeds the minimum lot width.
- Minimum Lot Depth: 90 ft.
 - Proposed: Each of the lots exceeds the minimum lot depth.
- Gross Development Allowance:
 - HO-O: 596,648* ft. sq./5800 ft. sq. = 102 lots
 - R-1: 596,648* ft. sq./9000 ft. sq. minimum lot size = 66 lots
 - Proposed: 55 lots
 - *square footage excludes area dedicated for right-of-way.

4. **Blocks:** One block appropriately shown on the face of the plat shall be included prior to submitting to the City Commission for approval.

5. **Streets and Access:** The development is adjacent to S. Exchange St. to the east. Two road entrances and one alley entrance is proposed from S. Exchange St. which is acceptable.

- Access Control has been provided along S. Exchange St.
- Access Control has been provided along the interior loop for those lots served by the alley.

6. **Building Setbacks:**

- A 30 ft. front yard building setback has been provided on exterior lots.
- A 20 ft. front yard building setback has been provided on interior lots.
- A 20 ft. rear yard setback has been provided for exterior lots without a drainage easement
- A 10 ft. rear yard setback has been provided for interior lots with alley access. This will encompass all buildings and any fence that may be placed on the property.
- A 5 ft. side yard setback has been provided, which meets requirements for lots with as built surveys. A 6 ft. side yard setback is required when structures are built without an as built survey.
 - Lots 1, 55, and 34 have been provided with 15 ft. side yard setbacks to accommodate their corner lot status.
- **Lot 33 shall be revised to show a 25 ft. side yard setback to match the front yard of the lots to the south.**
- **Lot 30 shall be revised to create at 20 ft. rear/side yard on the western property line.**

7. **Easements:** Easements for utilities are shown on the preliminary plat.

- The Utility Advisory Board has provided the Applicant with comments and feedback on proposed locations of public and private utilities and the easements necessary to accommodate apparatus. The applicant has provided an additional 10 ft. utility easement at the front of the exterior lots and at the rear of the south interior lots to accommodate private and public utilities.
- The pedestrian easement that was shown on the preliminary plat has been removed, as it is no longer necessary.
- A drainage easement has been provided for the floodplain area that will restrict development within the floodplain.
- **A utility easement is shown on Lot 24. If a sewer lift station is required it will be located within this easement. If no lift station is required, it would be removed prior to adoption by the City Commission.**

8. **Reserves:** No reserves are being shown on the final plat. The area previously shown as a reserve had been removed on advice of the City and the property has been incorporated in to the adjoining lot.

9. **Drainage:** The City Engineer has given approval for the development to NOT use retention ponds, but to allow stormwater to exit the property prior to upstream flows creating additional flooding issues.

10. **Public & Private Improvements:** A utility plan has been reviewed by the Utility Advisory Board, and comments have been provided to the Applicant on the location and sizing of utilities necessary to serve the development. The incorporation of these revisions have been reviewed by the Utility Advisory Board and City Engineer and are found to be sufficient to serve the property.

- **Streets & Sidewalks:** Street widths of appropriate size have been provided. Sidewalks have been provided on one side of the street which is acceptable.
- **Sanitary Sewer:** The applicant is in the process of obtaining approvals for a full gravity system. If approved by KDHE, the utility easement shown on Lot 24 will be removed from the final plat. If not approved, a lift station will be placed within that easement.
- **Water:** Lots will be served by an appropriately sized main that will loop the development. This new main will tie into a main that will be extended from the city main on E Logan St. and the Sodens Rd. main creating a looped system for the city. The new main along E Logan St. will also provide an opportunity to reduce long service line runs for the two houses north of the development.
- **Fire Protection:** The Fire Marshall will approve the final location and type of hydrants prior to installation. Preliminary plans show additional hydrants will be provided along S Exchange to increase fire protection in the area.
- **Private Utilities:** Private utilities have provided comments on the location of lines and apparatus such as electrical and communication pedestals. The Applicant has incorporate the comments into an approved utility plan and provided additional easements to accommodate private utilities.

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

12. **Miscellaneous:**

- Staff is recommending that the Applicant include language on the face of the plat or documents for closing that would acknowledge the proximity to the wastewater treatment facility and the possibility of odors and other nuisances arising from operations at the plant.
- The Applicant shall include any information on Lot or Homeowners Associations including restrictive covenants with the final plat prior to City Commission approval.

Neighborhood Communications: At the time of writing this report, staff has been in contact with one neighboring property owner who did not provide any opinion as to being for or against the project.

Recommendation: Staff recommends approval of the Final Plat subject to staff and Planning Commission comments, and that a revised Final Plat be submitted and approved by staff prior to the submittal of the Final Plat to the City Commission.

The Public Hearing was opened.

Commissioner Barnes asked if there was 5,800 buildable square feet. **Givens** stated we do not require lots to be a minimum of 5,800 buildable square feet, but 5,800 square feet including building setbacks and easements. He further stated that most of the lots have roughly 4,000 square feet of building space.

Jeanine McKenna, President/CEO Emporia Chamber of Commerce stated that the intended house size was between 1,200 and 1,600 square feet. **Givens** stated that a house of that size would meet our requirements for lot coverage as well.

Matthew Kohl, BG Consultants (applicants' agent) discussed the front and side setbacks as shown on the plat versus staff's questions as to a modified setback being more appropriate. **Givens** stated that the setback of these corner lots was different than what he was used to seeing. He further stated that the setbacks as shown on the plat were consistent with past plats approved by the City.

Commissioners discussed options for setbacks and agreed that the setbacks as shown for the corner lot cul-de-sac lots would not need to be adjusted.

Commissioner Bucklinger recommended that this be a discussion item in the future for subdivision regulations.

Commissioner Weaver asked about a Home Owners Association for the development. **McKenna** stated there would be a loose homeowners association but it would not collect dues or provide other functions as some homeowners associations do. Their primary function would be to enforce covenants and building standards.

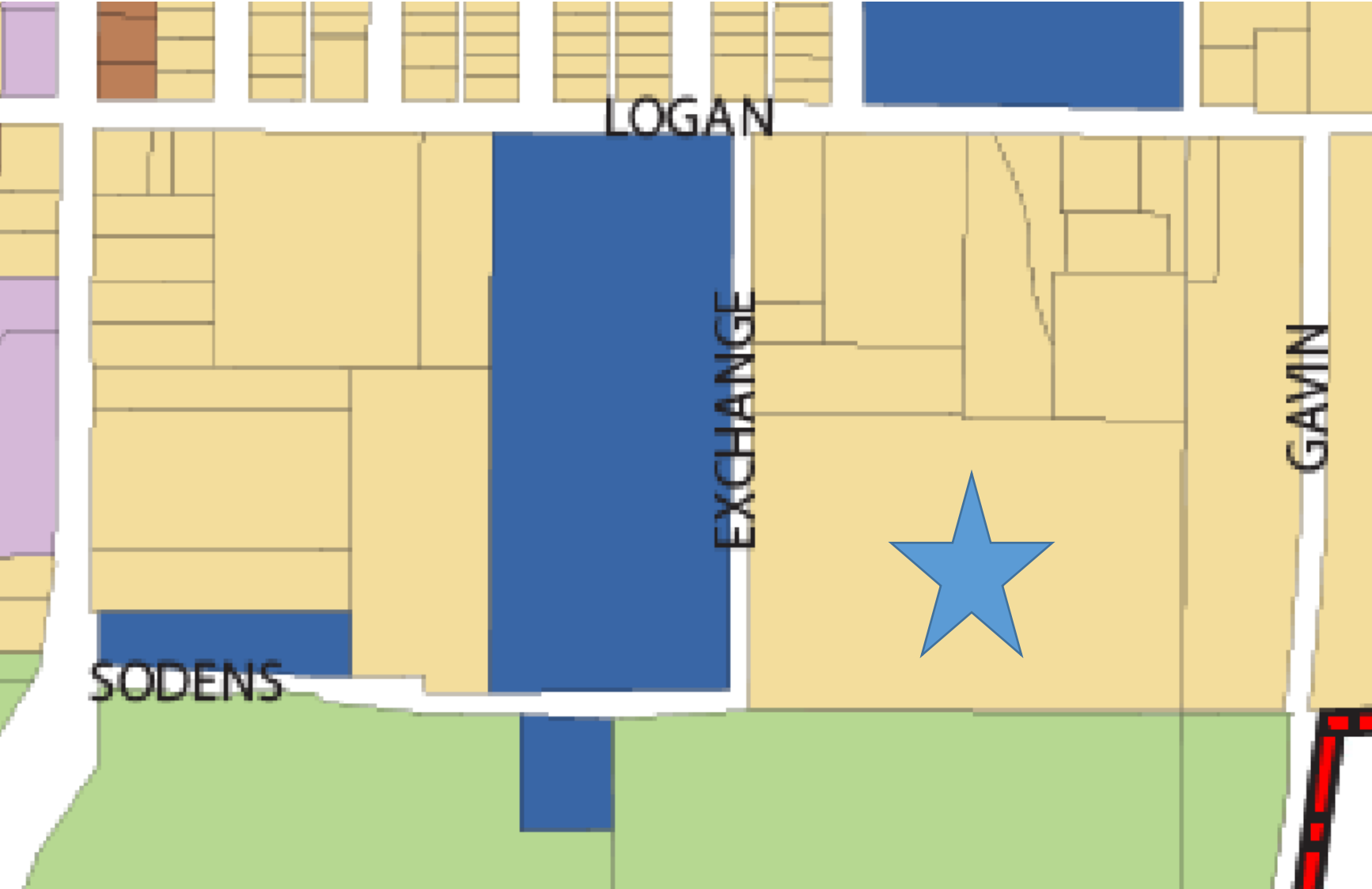
Commissioner Ogle asked about the utilities for the development, specifically the sewer system. **Kohl** provided an overview of the utility layout.

Commissioner Weaver asked about Sodens Road extending further east and the odors that might arise from the wastewater treatment plant. **Givens** stated that the provisions put in place to advise residents of the location of the plant would help in any future issues with residents. He further stated that Sodens Road is not intended to extend further east.

The Public Hearing was closed.

Commissioner Weaver made a motion to recommend approval of the plat to the City Commission subject to staff and Planning Commission comments and a final determination of the need for a lift station of Lot 24 easement requirements. **Commissioner Bucklinger** seconded the motion. Motion carried 7-0.

KRETSINGER SUBDIVISION
PLAN ELC MAP





Commission Action Report

Awarding Peyton Street Waterline Improvements Project

Title: Award Peyton Street Waterline Improvements (12th Ave Water Tower – 6th Ave & South Ave – Warren Way Tower), Project No. WM2104 KDHE KPWSLF Project No. 3070

Agenda Date: July 5th, 2023

Presented By: James Ubert, City Engineer

Background:
The Peyton Street Waterline – 12th Ave Water Tower to 6th Ave & South Ave to Warren Way Tower 16” Waterline will bolster the City’s water transmission capabilities between the 12th Ave water tower and Industrial Park III (our high-water consumption area).

Discussion:
The City of Emporia Engineering Department received five (5) bids opened publicly on June 27th, 2023 at 3:00 in the Engineering Conference Room for the Peyton Street Waterline Improvements (12th Ave Water Tower – 6th Ave & South Ave – Warren Way Tower), Project No. WM2104 KDHE KPWSLF Project No. 3070. The bids with Engineer’s Estimate are as follows:

Contractor	Total Bid
Carlson Utility	\$2,353,920.00
Middlecreek Corporation	\$2,378,250.00
Timco Blastings & Coatings	\$2,449,411.59
Mies Construction	\$2,497,702.00
Nowak Construction	\$2,778,056.10
Engineer’s Estimate	\$2,169,201.00

Financial considerations:
This project will be funded by the Kansas Public Water Supply State Revolving Fund Loan #3070 that the City has in place with KDHE.

Recommended action:
Staff recommends awarding the project to Carlson Utility for the bid about of \$2,353,920.00.

Attachments:
The bid tabulation is attached.

CITY OF EMPORIA, KS
BID TABULATION
FOR PEYTON STREET WATERLINE IMPROVEMENTS (12TH AVE WATER TOWER - 6TH AVE & SOUTH AVE - WARREN WAY TOWER)
PROJECT NO. WM2104 KDHE KPWSLF PROJECT NO. 3070

Location: City of Emporia
Bids Opened: 3:00 pm, June 27, 2023

			Carlson Utility		Middlecreek Corp		Timco Blastings & Coatings		Mies Construction		Nowak Construction		CITY ENGINEER'S ESTIMATE	
Quantity	Units	Description	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
1	L.S.	Mobilization	\$25,000.00	\$25,000.00	\$260,000.00	\$260,000.00	\$50,000.00	\$50,000.00	\$49,000.00	\$49,000.00	\$240,070.00	\$240,070.00	\$145,000.00	\$145,000.00
1	L.S.	Construction Staking	\$17,500.00	\$17,500.00	\$10,000.00	\$10,000.00	\$9,062.50	\$9,062.50	\$4,500.00	\$4,500.00	\$10,045.00	\$10,045.00	\$35,000.00	\$35,000.00
1,328	L.F.	20" Water Main (C-900) (In Place)	\$195.00	\$258,960.00	\$190.00	\$252,320.00	\$205.00	\$272,240.00	\$272.00	\$361,216.00	\$325.00	\$431,600.00	\$215.00	\$285,520.00
3,236	L.F.	16" Water Main (C-900) (In Place)	\$150.00	\$485,400.00	\$160.00	\$517,760.00	\$184.00	\$595,424.00	\$205.00	\$663,380.00	\$284.50	\$920,642.00	\$170.00	\$550,120.00
30	L.F.	12" Water Main (C-900) (In Place)	\$225.00	\$6,750.00	\$95.00	\$2,850.00	\$300.00	\$9,000.00	\$203.00	\$6,090.00	\$398.50	\$11,955.00	\$150.00	\$4,500.00
52	L.F.	10" Water Main (C-900) (In Place)	\$200.00	\$10,400.00	\$75.00	\$3,900.00	\$116.00	\$6,032.00	\$167.00	\$8,684.00	\$307.00	\$15,964.00	\$140.00	\$7,280.00
24	L.F.	8" Water Main (C-900) (In Place)	\$190.00	\$4,560.00	\$55.00	\$1,320.00	\$155.00	\$3,720.00	\$127.00	\$3,048.00	\$259.50	\$6,228.00	\$104.00	\$2,496.00
280	L.F.	6" Water Main (C-900) (In Place)	\$140.00	\$39,200.00	\$52.00	\$14,560.00	\$64.00	\$17,920.00	\$90.00	\$25,200.00	\$124.00	\$34,720.00	\$135.00	\$37,800.00
1	Ea.	16" x 6" Cross	\$4,500.00	\$4,500.00	\$4,400.00	\$4,400.00	\$3,567.00	\$3,567.00	\$3,100.00	\$3,100.00	\$2,712.00	\$2,712.00	\$8,000.00	\$8,000.00
1	Ea.	20" x 12" x 20" Tee	\$6,800.00	\$6,800.00	\$7,900.00	\$7,900.00	\$9,232.00	\$9,232.00	\$8,400.00	\$8,400.00	\$4,420.00	\$4,420.00	\$6,500.00	\$6,500.00
1	Ea.	20" x 10" x 20" Tee	\$6,800.00	\$6,800.00	\$9,800.00	\$9,800.00	\$9,000.00	\$9,000.00	\$10,900.00	\$10,900.00	\$5,625.00	\$5,625.00	\$6,000.00	\$6,000.00
2	Ea.	16" x 16" x 16" Tee	\$4,900.00	\$9,800.00	\$6,600.00	\$13,200.00	\$5,633.00	\$11,266.00	\$3,900.00	\$7,800.00	\$3,315.00	\$6,630.00	\$6,500.00	\$13,000.00
1	Ea.	16" x 10" x 16" Tee	\$4,400.00	\$4,400.00	\$4,900.00	\$4,900.00	\$4,160.00	\$4,160.00	\$3,100.00	\$3,100.00	\$2,712.00	\$2,712.00	\$4,200.00	\$4,200.00
1	Ea.	16" x 8" x 16" Tee	\$4,150.00	\$4,150.00	\$4,700.00	\$4,700.00	\$3,895.00	\$3,895.00	\$2,900.00	\$2,900.00	\$2,511.00	\$2,511.00	\$4,000.00	\$4,000.00
3	Ea.	16" x 6" x 16" Tee	\$4,150.00	\$12,450.00	\$5,900.00	\$17,700.00	\$3,721.00	\$11,163.00	\$2,800.00	\$8,400.00	\$2,377.00	\$7,131.00	\$7,200.00	\$21,600.00
1	Ea.	12" x 10" x 12" Tee	\$2,700.00	\$2,700.00	\$3,300.00	\$3,300.00	\$3,700.00	\$3,700.00	\$1,900.00	\$1,900.00	\$1,607.00	\$1,607.00	\$5,200.00	\$5,200.00
1	Ea.	10" x 10" x 10" Tee	\$1,450.00	\$1,450.00	\$2,800.00	\$2,800.00	\$3,500.00	\$3,500.00	\$1,600.00	\$1,600.00	\$1,406.00	\$1,406.00	\$4,500.00	\$4,500.00
1	Ea.	16" x 16" x 16" Tapping Tee w/ Valve	\$32,500.00	\$32,500.00	\$72,000.00	\$72,000.00	\$32,312.00	\$32,312.00	\$42,000.00	\$42,000.00	\$18,585.00	\$18,585.00	\$6,500.00	\$6,500.00
1	Ea.	12" x 12" x 12" Tapping Tee w/ Valve	\$13,300.00	\$13,300.00	\$29,000.00	\$29,000.00	\$15,568.00	\$15,568.00	\$13,000.00	\$13,000.00	\$8,739.00	\$8,739.00	\$4,600.00	\$4,600.00
1	Ea.	12" x 6" x 12" Tapping Tee w/ Valve	\$6,950.00	\$6,950.00	\$16,000.00	\$16,000.00	\$10,720.00	\$10,720.00	\$7,000.00	\$7,000.00	\$4,319.00	\$4,319.00	\$7,200.00	\$7,200.00
1	Ea.	16" x 90 Degree Bend	\$4,850.00	\$4,850.00	\$4,400.00	\$4,400.00	\$5,749.00	\$5,749.00	\$2,900.00	\$2,900.00	\$2,310.00	\$2,310.00	\$3,500.00	\$3,500.00
8	Ea.	6" x 90 Degree Bend	\$950.00	\$7,600.00	\$870.00	\$6,960.00	\$1,301.00	\$10,408.00	\$550.00	\$4,400.00	\$540.00	\$4,320.00	\$750.00	\$6,000.00
2	Ea.	16" x 45 Degree Bend	\$4,725.00	\$9,450.00	\$3,900.00	\$7,800.00	\$5,749.00	\$11,498.00	\$2,900.00	\$5,800.00	\$2,009.00	\$4,018.00	\$2,000.00	\$4,000.00
6	Ea.	6" x 45 Degree Bend	\$850.00	\$5,100.00	\$744.00	\$4,464.00	\$1,280.00	\$7,680.00	\$550.00	\$3,300.00	\$519.00	\$3,114.00	\$1,600.00	\$9,600.00
1	Ea.	20" x 16" Reducer	\$3,100.00	\$3,100.00	\$3,960.00	\$3,960.00	\$5,000.00	\$5,000.00	\$3,600.00	\$3,600.00	\$2,612.00	\$2,612.00	\$4,200.00	\$4,200.00
2	Ea.	16" x 12" Reducer	\$2,250.00	\$4,500.00	\$2,190.00	\$4,380.00	\$2,768.00	\$5,536.00	\$2,600.00	\$5,200.00	\$1,306.00	\$2,612.00	\$2,500.00	\$5,000.00
2	Ea.	16" x 10" Reducer	\$2,125.00	\$4,250.00	\$1,554.00	\$3,108.00	\$2,705.00	\$5,410.00	\$2,500.00	\$5,000.00	\$1,256.00	\$2,512.00	\$2,250.00	\$4,500.00
1	Ea.	10" x 6" Reducer	\$2,100.00	\$2,100.00	\$931.00	\$931.00	\$1,800.00	\$1,800.00	\$550.00	\$550.00	\$502.00	\$502.00	\$2,250.00	\$2,250.00
1	Ea.	6" x 4" Reducer	\$750.00	\$750.00	\$731.00	\$731.00	\$1,316.00	\$1,316.00	\$400.00	\$400.00	\$402.00	\$402.00	\$400.00	\$400.00

CITY OF EMPORIA, KS
BID TABULATION
FOR PEYTON STREET WATERLINE IMPROVEMENTS (12TH AVE WATER TOWER - 6TH AVE & SOUTH AVE - WARREN WAY TOWER)
PROJECT NO. WM2104 KDHE KPWSLF PROJECT NO. 3070

Location: City of Emporia
Bids Opened: 3:00 pm, June 27, 2023

			Carlson Utility		Middlecreek Corp		Timco Blastings & Coatings		Mies Construction		Nowak Construction		CITY ENGINEER'S ESTIMATE	
Quantity	Units	Description	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
1	Ea.	20" Cap	\$2,950.00	\$2,950.00	\$2,430.00	\$2,430.00	\$2,833.00	\$2,833.00	\$2,600.00	\$2,600.00	\$1,406.00	\$1,406.00	\$1,600.00	\$1,600.00
8	Ea.	16" Butterfly Valve with Valve Box	\$7,500.00	\$60,000.00	\$10,660.00	\$85,280.00	\$9,400.00	\$75,200.00	\$7,200.00	\$57,600.00	\$6,943.00	\$55,544.00	\$7,500.00	\$60,000.00
3	Ea.	12" Butterfly Valve with Valve Box	\$4,200.00	\$12,600.00	\$8,766.00	\$26,298.00	\$7,063.00	\$21,189.00	\$4,500.00	\$13,500.00	\$4,319.00	\$12,957.00	\$6,000.00	\$18,000.00
1	Ea.	10" Butterfly Valve with Valve Box	\$3,300.00	\$3,300.00	\$5,396.00	\$5,396.00	\$6,493.00	\$6,493.00	\$4,200.00	\$4,200.00	\$3,717.00	\$3,717.00	\$4,500.00	\$4,500.00
1	Ea.	8" Gate Valve with Valve Box	\$2,375.00	\$2,375.00	\$4,260.00	\$4,260.00	\$5,800.00	\$5,800.00	\$2,800.00	\$2,800.00	\$3,114.00	\$3,114.00	\$2,500.00	\$2,500.00
5	Ea.	6" Gate Valve with Valve Box	\$1,850.00	\$9,250.00	\$2,880.00	\$14,400.00	\$4,000.00	\$20,000.00	\$2,100.00	\$10,500.00	\$1,888.00	\$9,440.00	\$1,800.00	\$9,000.00
424	L.F.	1" HDPE Service Line (In Place)	\$105.00	\$44,520.00	\$74.00	\$31,376.00	\$176.00	\$74,624.00	\$120.00	\$50,880.00	\$76.50	\$32,436.00	\$35.00	\$14,840.00
1,714	L.F.	1" HDPE Service Line (Directional Bore)	\$165.00	\$282,810.00	\$74.00	\$126,836.00	\$69.50	\$119,123.00	\$66.00	\$113,124.00	\$49.10	\$84,157.40	\$60.00	\$102,840.00
10	Ea.	Fire Hydrant Assembly	\$14,700.00	\$147,000.00	\$9,900.00	\$99,000.00	\$10,873.00	\$108,730.00	\$10,000.00	\$100,000.00	\$8,629.00	\$86,290.00	\$6,500.00	\$65,000.00
12	Ea.	Connection to Existing Water Lines	\$7,400.00	\$88,800.00	\$14,369.00	\$172,428.00	\$7,708.00	\$92,496.00	\$3,000.00	\$36,000.00	\$2,687.00	\$32,244.00	\$5,000.00	\$60,000.00
2,729	S.Y.	Concrete Pavement (9" Reinf.) (AE) (Remove & Replace)	\$135.00	\$368,415.00	\$92.00	\$251,068.00	\$145.00	\$395,705.00	\$190.00	\$518,510.00	\$155.50	\$424,359.50	\$115.00	\$313,835.00
58	S.Y.	Concrete Pavement (6" Plain) (AE) (Remove & Replace)	\$105.00	\$6,090.00	\$90.00	\$5,220.00	\$160.00	\$9,280.00	\$165.00	\$9,570.00	\$136.00	\$7,888.00	\$90.00	\$5,220.00
98	L.F.	Curb & Gutter (2'-6" Combined) (Remove & Replace)	\$65.00	\$6,370.00	\$55.00	\$5,390.00	\$115.00	\$11,270.00	\$90.00	\$8,820.00	\$75.90	\$7,438.20	\$75.00	\$7,350.00
30	S.Y.	Concrete Sidewalk (4" Plain) (AE) (Remove & Replace)	\$85.00	\$2,550.00	\$84.00	\$2,520.00	\$160.00	\$4,800.00	\$150.00	\$4,500.00	\$87.10	\$2,613.00	\$210.00	\$6,300.00
1,798	C.Y.	Flowable Fill (Low Strength)	\$140.00	\$251,720.00	\$98.00	\$176,204.00	\$165.00	\$296,670.00	\$135.00	\$242,730.00	\$110.50	\$198,679.00	\$125.00	\$224,750.00
1	L.S.	Traffic Control	\$69,900.00	\$69,900.00	\$85,000.00	\$85,000.00	\$69,320.00	\$69,320.00	\$60,000.00	\$60,000.00	\$55,750.00	\$55,750.00	\$75,000.00	\$75,000.00
TOTAL AMOUNT OF BASE BID:				\$2,353,920.00		\$2,378,250.00		\$2,449,411.50		\$2,497,702.00		\$2,778,056.10		\$2,169,201.00



Commission Action Report

Award Sodens Road Watermain Extension Project

Title: Award Sodens Watermain Extension (Zoo Education Center to 155' East), Project No. WM2302

Agenda Date: July 5th, 2023

Presented By: James Ubert, City Engineer

Background:

The City of Emporia is investing in the David Traylor Zoo Improvements to include public access to parking lots as well as utility work to directly benefit the zoo area. The Sodens Road Watermain Extension Project will extend the City’s waterline for connection by the planned Zoo Administration Improvements.

Discussion:

The City of Emporia Engineering Office publicly opened bids at 2:00 pm on June 27th, 2023 for the Sodens Road Watermain Extension (Zoo Education Center to 155’ East), Project No. WM2302. The Engineering office received a total of three (3) bids for this project. The received bids and Engineer’s Estimate are as follows:

Contractor	Total Bid
SR Coffman Construction	\$53,654.31
Nowak Construction	\$58,811.50
Mies Construction	\$60,000.00
Engineer’s Estimate	\$40,535.00

Financial considerations:

This part of Sodens and South Exchange waterline will be paid for by the Kretsinger Addition RHID. It was bid as a separate project from the Kretsinger Addition due to the timing of the improvements.

Recommended action:

The staff recommends awarding the project to S.R. Coffman Construction for a total bid amount of \$53,654.31.

Attachments:

The bid tabulation is attached.

**CITY OF EMPORIA, KS
 BID TABULATION
 FOR CONSTRUCTION OF SODENS ROAD WATERMAIN EXTENSION (ZOO EDUCATION CENTER TO 155' EAST), PROJECT NO. WM2302**

Bids Opened: June 27, 2023 at 2:00 pm

Quantity	Units	Description	SR Coffman Construction		Nowak Construction		Mies Construction		CITY ENGINEER'S ESTIMATE	
			Unit	Total	Unit	Total	Unit	Total	Unit	Total
1	L.S.	Mobilization	\$2,500.00	\$2,500.00	\$8,048.00	\$8,048.00	\$11,840.00	\$11,840.00	\$3,000.00	\$3,000.00
1	L.S.	Construction Staking	\$3,200.00	\$3,200.00	\$1,660.00	\$1,660.00	\$1,650.00	\$1,650.00	\$1,250.00	\$1,250.00
155	L.F.	6" Water Main (C-900) (In Place)	\$114.35	\$17,724.25	\$165.00	\$25,575.00	\$119.00	\$18,445.00	\$85.00	\$13,175.00
2	Ea.	6" x 4" x 6" Tee	\$600.00	\$1,200.00	\$805.00	\$1,610.00	\$1,350.00	\$2,700.00	\$500.00	\$1,000.00
1	Ea.	6" x 6" x 6" Tee	\$600.00	\$600.00	\$905.50	\$905.50	\$1,550.00	\$1,550.00	\$600.00	\$600.00
2	Ea.	4" Gate Valve	\$1,075.00	\$2,150.00	\$1,308.00	\$2,616.00	\$1,870.00	\$3,740.00	\$1,000.00	\$2,000.00
2	Ea.	6" Gate Valve	\$1,375.00	\$2,750.00	\$1,710.00	\$3,420.00	\$2,350.00	\$4,700.00	\$1,650.00	\$3,300.00
2	Ea.	4" Cap	\$300.00	\$600.00	\$302.00	\$604.00	\$585.00	\$1,170.00	\$300.00	\$600.00
1	Ea.	6" Cap	\$375.00	\$375.00	\$402.50	\$402.50	\$785.00	\$785.00	\$450.00	\$450.00
1	Ea.	Fire Hydrant Assembly	\$8,750.00	\$8,750.00	\$6,849.00	\$6,849.00	\$10,750.00	\$10,750.00	\$4,500.00	\$4,500.00
40	S.Y.	Concrete Pavement (6" Reinf.) (AE) (Remove & Replace)	\$135.00	\$5,400.00	\$112.50	\$4,500.00	\$30.00	\$1,200.00	\$180.00	\$7,200.00
7	S.Y.	Concrete Sidewalk (4" Plain) (AE) (Remove & Replace)	\$90.00	\$630.00	\$117.50	\$822.50	\$10.00	\$70.00	\$120.00	\$840.00
9	C.Y.	Flowable Fill	\$308.34	\$2,775.06	\$144.00	\$1,296.00	\$100.00	\$900.00	\$180.00	\$1,620.00
1	L.S.	Traffic Control	\$5,000.00	\$5,000.00	\$503.00	\$503.00	\$500.00	\$500.00	\$1,000.00	\$1,000.00
TOTAL AMOUNT OF BASE BID:				\$53,654.31		\$58,811.50		\$60,000.00		\$40,535.00

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, June 21, 2023, with Mayor Brinkman presiding and Commissioners, Giefer, Harter, Sauder and Smith present. Also present were City Manager Cocking, Assistant City Manager Detter, 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.

Tagan Trahoon and members of the Emporia Pride Committee, were in attendance to accept a proclamation declaring the month of June, 2023 as “Pride Month” in Emporia. They stated Emporia cherishes the value and dignity of each person and appreciates the importance of equality and freedom. All are welcome in Emporia to live, work, and play, and every family, in any shape, deserves a place to call home where they are safe, happy and supported by friends and community. They stated Emporia appreciates the cultural, civic, and economic contributions of the LGBTQ+ community which strengthen our social welfare. They urged residents to recognize the contributions made by members of the LGBTQ+ community and to actively promote the principles of equality, liberty, and justice.

**CITY COMMISSION
(Board Appointments)**

Multi-Use Path Planning Board:

It was moved by Commissioner Giefer seconded by Commissioner Sauder that Diana Montalvo be appointed to the Multi-Use Path Planning Board for a term that expires on December 31, 2026. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**INDUSTRIAL REVENUE BONDS
(S & S Quality Meats, LLC)
(Authorize the Issuance of Taxable Industrial Revenue Bonds)
(Series 2023)
(Ordinance Number 23-19)**

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS (I) TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2023 (S&S QUALITY MEATS, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,812,800 AND (II) SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2023 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,757,393.01 FOR THE PURPOSES OF PURCHASING, ACQUIRING, CONSTRUCTING, FURNISHING, AND EQUIPPING A COMMERCIAL PROJECT, AND PAYING CERTAIN COSTS OF ISSUANCE THEREOF; AND AUTHORIZING EXECUTION OF BOND DOCUMENTS RELATING TO ISSUANCE, PAYMENT, AND PURCHASE OF THE SERIES 2023 BONDS, to which the City Clerk assigned Ordinance Number 23-19, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the City of Emporia approved an Incentive Compliance Agreement with S&S Quality Meats, LLC for the construction of the manufacturing facility on West Highway 50 in Emporia. The company has met the conditions of the Incentive Compliance Agreement and staff recommends approving the ordinance authorizing the issuance of the taxable industrial revenue bonds to S&S Quality Meats, LLC not to exceed \$14,000,000.00.

Commissioner Smith made a motion to approve Ordinance 23-19, an ordinance authorizing the issuance of taxable Industrial Revenue Bonds Series 2023 to S&S Quality Meats, LLC not to exceed \$14,000,000.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(2022 Annual Comprehensive Financial Report)**

Michael Keenan, Hood and Associates CPAs, was recognized and addressed the Governing Body. He stated the City of Emporia has contracted with Hood and Associates to conduct an annual audit with generally accepted auditing standards of financial statements. This is the 4th year of a 5-year agreement. He then reviewed the financial and compliance audit for the year ended December 31, 2022. He stated the responsibilities of the firm are to conduct their audit in accordance with generally accepted auditing standards, government auditing standards and uniform guidance. To obtain reasonable, not absolute, assurance that the basic financial statements are free of material misstatement. To report on internal controls over financial reporting and compliance with laws and regulations. As a result of auditing no illegal acts or changes in significant accounting policies occurred. There were no difficulties or disagreement with management and cooperation was achieved with full access to books and records. He stated financial statements are fairly presented in all material respects; there were no deficiencies in internal control to be considered as material weakness; and there were no noncompliance noted with finance-related laws and regulations that govern the City's operations.

Commissioner Harter made a motion to accept the 2022 Annual Comprehensive Financial Report. Commissioner Smith seconded the motion. The vote follows: Commissioner Harter aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Levying of a Transient Guest Tax)
(Convention and Visitors Advisory Board)
(Charter Ordinance Number 43)**

A CHARTER ORDINANCE EXEMPTING THE CITY OF EMPORIA, KANSAS, FROM THE PROVISIONS OF K.S.A. 12-1697 RELATING TO THE LEVYING OF A TRANSIENT GUEST TAX AND K.S.A. 12-16,101 RELATING TO THE MEMBERSHIP

OF THE CONVENTION AND VISITORS BOARD; AND REPEALING CHARTER ORDINANCE NO. 29, CHARTER ORDINANCE NO. 31, AND CHARTER ORDINANCE NO. 35, to which the City Clerk assigned Charter Ordinance Number 43, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated article 12 § 5 of the Constitution of the State of Kansas empowers cities to pass charter ordinances which exempt cities from non-uniform statutes and acts of the Kansas Legislature. The City of Emporia has previously taken action exempting the City from the provision of K.S.A. 12-1697 and 12-16,101 relating to the Levying of a Transient Guest Tax and Membership of the Convention and Visitors Board in Charter Ordinances 29, 31, and 35, and provided substitute provisions relating to those topics. She stated Charter Ordinance Number 43 will continue to exempt the City from K.S.A. 12-1697 and 12-16,101 and repeal Charter Ordinance Numbers 29, 31, and 35; with provisions that the existing transient guest tax established by Ordinance 16-42 will remain in effect until modified by ordinance and that the CVAB will continue in its current form until modified by ordinance. After Charter Ordinance Number 42 goes into effect, new City Commission action relating to the Transient Guest Tax and Convention and Visitors Advisory Board may be taken by standard ordinance. If Charter Ordinance Number 43 is approved by the required 2/3 majority vote, the ordinance will be published once each week for two consecutive weeks in the official City newspaper and will take effect 61 days after final publication unless a sufficient petition for referendum is filed. She stated staff was recommending approval of Charter Ordinance Number 43.

Commissioner Harter made a motion to approve Charter Ordinance Number 43 relating to the levying of a Transient Guest Tax and membership of the Convention and Visitors Advisory Board. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, 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 May 2023 for the community:1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	Increase of \$31,630.43 for the month, and Overall increase of 10.88% from year 2022.
	\$518,463.02	\$550,093.45	
YTD	\$2,413,236.07	\$2,675,915.00	

2.	City Share from County Tax		Increase of \$41,220.80 for the month, and Overall increase of 14.74% from year 2022.
	2022	2023	
	\$ 259,081.65	\$ 300,302.45	
YTD	\$1,229,809.92	\$1,411,138.47	

3. **Building Permits issued from 5/1/2023 to 5/31/2023 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	78
Total of valuations associated with those building permits:	\$ 4,428,419.00
Total number of dollars collected for Building Permit Fees:	\$ 18,552.00
Construct - single family dwellings	1
Demo - single family dwellings	1
Flint Hills Mall CID for May 2023	\$ 22,256.75
Year to Date Total	\$ 96,696.27
Pavilions CID for May 2023	\$ 17,102.24
CID #2	\$ 2,940.07
Year to Date Total	\$ 51,556.25

Consent Agenda

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

- a. Minutes of the Regular Meeting held on June 7, 2023.
- b. Lift Station #2 Rehabilitation Change Order No. 1.

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

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 JULY 5, 2023 MEETINGS:

- Hauling and Beneficial Land Application of Biosolids.
- Utility Easement Agreement for 500 Block of Wilson Street for Street Light Installation.
- Change Order for South Arundel for Sanitary Sewer.

Study Session:

- Review the Final Report from Homeless Taskforce.
- Review Outside Appropriation Requests.
- Discussion of Legislative Revisions to the RHID Program and Impact on City Policy.
- Determine RNR Intent.

CITY COMMISSION (Public Comment)

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

EXECUTIVE SESSION

Commissioner Sauder made a motion to recess into Executive Session for preliminary discussion of the acquisition of real property resuming the open meeting in the City Commission Meeting Room this same date, at 11:42 a.m., and to invite Jim Ubert, City Engineer. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Upon reconvening the meeting in Regular Session, at 11:42 a.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had preliminary discussion of the acquisition of real property 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 12:16 p.m., and to invite Jim Witt, Special Projects Coordinator, and Jim Ubert, City Engineer. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye. Commissioners Giefer and Harter were not available at the time of the vote.

Upon reconvening the meeting in Regular Session, at 12:16 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 and no action was taken.

Commissioner Smith made a motion to recess the meeting until 12:30 p.m. to Conference Room 1AB. 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.

The following items were discussed at Study Session:

1. Board Appointment Process Discussion.
2. Review CIP Items.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

500 Block Wilson Street Permanent Utility Easement Acquisition

Title: 500 Block Wilson Street Permanent Utility Easement Acquisition

Agenda Date: July 5, 2023

Presented By: James Ubert, City Engineer

Background:

The residents of the 500 block of Wilson Street petitioned the City of Emporia and Evergy requesting a streetlight to be installed mid-block on Wilson Street between 5th Avenue & 6th Avenue. A permanent utility easement was necessary for the construction and maintenance of a light pole by Evergy.

Discussion:

N/A

Financial considerations:

No city funds are required.

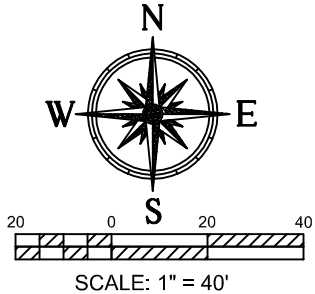
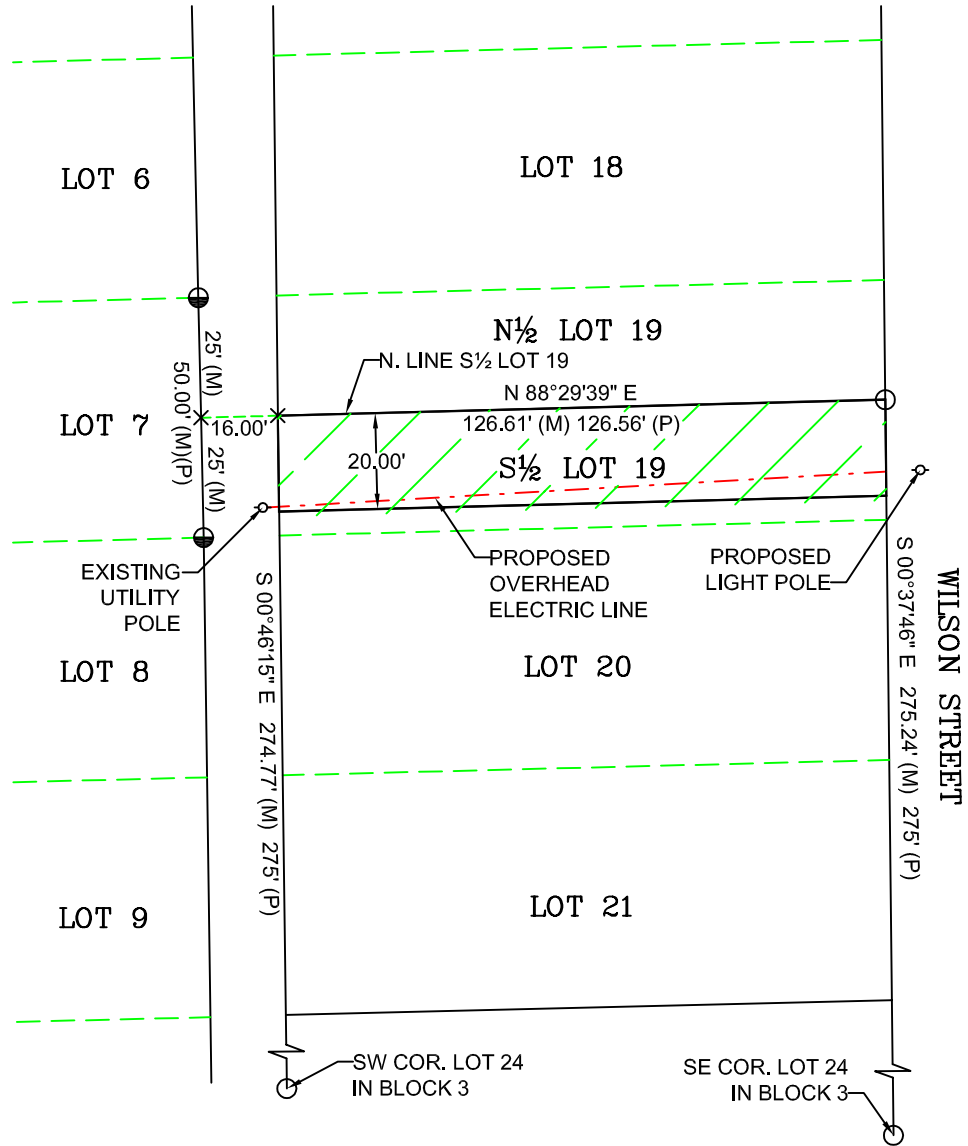
Recommended action:

Consider accepting the donated easement from property owners Gajda and Derrick for the installation and maintenance of streetlight.

Attachments:

Easement documents and exhibit.

EASEMENT EXHIBIT A
A TRACT IN THE SOUTH HALF OF LOT 19 IN BLOCK 3 IN
WEST LAWN ADDITION TO THE CITY OF EMPORIA, LYON
COUNTY, KANSAS



LEGEND:
 ○ -1/2" REBAR FOUND
 ● -1/2" REBAR FOUND W/ LS 752 ID CAP
 X -CALCULATED POSITION, NOT MONUMENTED
 (M) -MEASURED DISTANCE
 (P) -PLAT DISTANCE

BASIS OF BEARINGS:
 KANSAS STATE PLANE, SOUTH ZONE, USING RTK GPS AND CARLSON SURVEYING SOFTWARE

LEGAL DESCRIPTION: (PARENT TRACT: DOC.# 2022-02192)
 LOTS 20, 21 AND THE SOUTH HALF OF LOT 19 IN BLOCK 3 IN WEST LAWN ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

LEGAL DESCRIPTION: (PROPOSED ELECTRIC LINE EASEMENT)
 THE NORTH TWENTY (20) FEET OF THE SOUTH HALF OF LOT 19 IN BLOCK 3 IN WEST LAWN ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS.

State of Kansas) Certification:
) ss
 County of Lyon)

This is to certify and acknowledge that I, Aaron C. Davis, a licensed Land Surveyor in said County and State, did prepare this report under my direct supervision. Further, that this report and survey does not certify or show, with the client's knowledge, to ownership, easements and restrictions of record, unless otherwise shown or stated. Further, that certain corners may have been determined but not physically monumented as shown.



CLIENT: CITY OF EMPORIA / AMY GAJDA

GeoTech, Inc. 115 W. 5th AVENUE, EMPORIA, KS 66801 (620)342-7491 www.geotechinc.net	PROJECT #:	FIELD DATE:	DRAWN BY:	SHEET(S)
	23141-15	5/17/2023	ACD	1 OF 1

NOTE: This document is not original unless the seal, signature, and date are blue ink.

Exempt per K.S.A. 79-1437e(a)(13)

PERMANENT UTILITY EASEMENT

This indenture made this 24 day of June, 2023, by and between **Amy E. Gajda and Joshua Derrick**, of Emporia, Lyon County, Kansas, hereinafter referred to as "Grantor", and the City of Emporia, Lyon County, Kansas, a municipal corporation hereinafter referred to as "Grantee". WITNESSETH:

That the Grantor, in consideration of the sum of one dollar (\$1.00) duly paid, the receipt of which is hereby acknowledged, does by these presents grant and convey unto the Grantee, its successors and assigns, all the Grantor's interest in the following described parcel, laying,

LEGAL DESCRIPTION: (PARENT TRACT: DOC. #2022-02192)

LOTS 20, 21 AND THE SOUTH HALF OF LOT 19 IN BLOCK 3 IN WEST LAWN ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

LEGAL DESCRIPTION: (PROPOSED ELECTRIC LINE EASEMENT)

THE NORTH TWENTY (20) FEET OF THE SOUTH HALF OF LOT 19 IN BLOCK 3 IN WEST LAWN ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS.

SEE EXHIBIT "A"

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

IN WITNESS WHEREOF the Grantor has executed this indenture as of the date first above written.



Amy E. Gajda, Owner



Joshua Derrick, Owner

STATE OF KANSAS)
)ss:
COUNTY OF LYON)



BE IT REMEMBERED, on this 24th day of June, 2023, before me, the undersigned, a notary public in and for the County and State aforesaid, came **Amy E. Gajda**, such person(s) being personally known to me to be the same person(s) who executed the within instrument of writing and duly acknowledge the execution of the same.

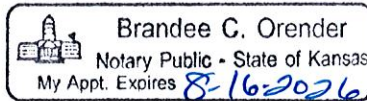
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Brandee C Orender
NOTARY PUBLIC

My Commission Expires:

8-16-2026

STATE OF KANSAS)
)ss:
COUNTY OF LYON)



BE IT REMEMBERED, on this 24th day of June, 2023, before me, the undersigned, a notary public in and for the County and State aforesaid, came **Joshua Derrick**, such person(s) being personally known to me to be the same person(s) who executed the within instrument of writing and duly acknowledge the execution of the same.

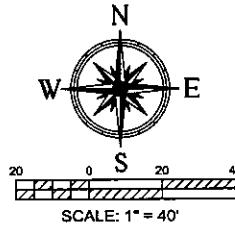
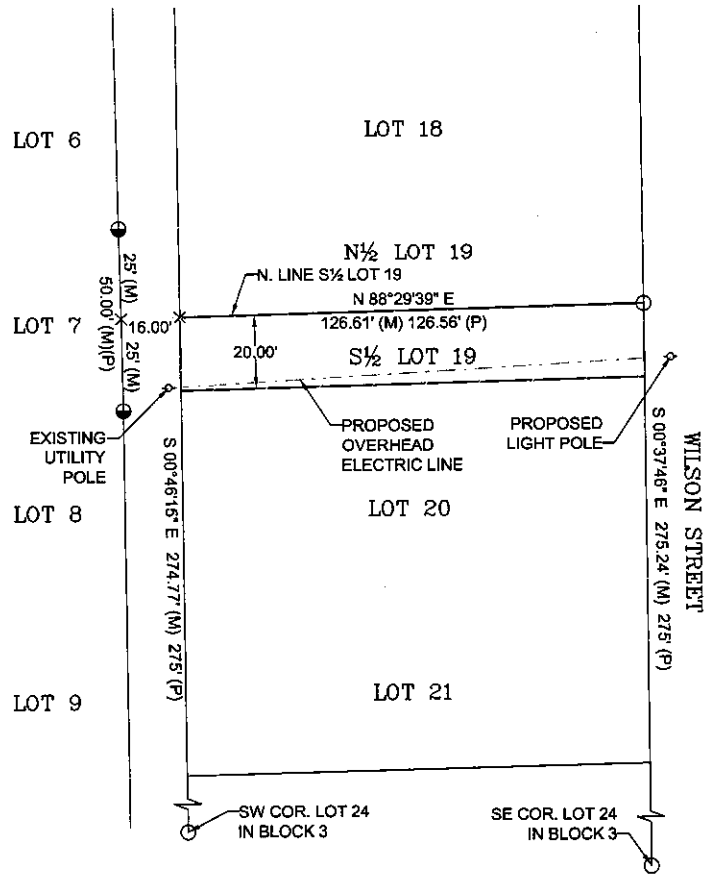
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Brandee C Orender
NOTARY PUBLIC

My Commission Expires:

8-16-2026

EASEMENT EXHIBIT A
 A TRACT IN THE SOUTH HALF OF LOT 19 IN BLOCK 3 IN
 WEST LAWN ADDITION TO THE CITY OF EMPORIA, LYON
 COUNTY, KANSAS



LEGEND:
 ○ -1/2" REBAR FOUND
 ● -1/2" REBAR FOUND W/ LS 752 ID CAP
 X -CALCULATED POSITION, NOT MONUMENTED
 (M)-MEASURED DISTANCE
 (P)-PLAT DISTANCE

BASIS OF BEARINGS:
 KANSAS STATE PLANE, SOUTH ZONE, USING RTK GPS AND CARLSON SURVEYING SOFTWARE

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Certification:
 State of Kansas)
) ss
 County of Lyon)

This is to certify and acknowledge that I, Aaron C. Davis, a licensed Land Surveyor in said County and State, did prepare this report under my direct supervision. Further, that this report and survey does not certify or show, with the client's knowledge, to ownership, easements and restrictions of record, unless otherwise shown or stated. Further, that certain corners may have been determined but not physically monumented as shown.



CLIENT: CITY OF EMPORIA / AMY GAJDA

GeoTech, Inc. 115 W. 5th AVENUE, EMPORIA, KS 66801 (820)342-7491 www.geotechinc.net	PROJECT #:	FIELD DATE:	DRAWN BY:	SHEET(S)
	23141-15	5/17/2023	ACD	1 OF 1

NOTE: This document is not original unless the seal, signature, and date are blue ink.



Commission Action Report
18th Avenue /Road 180 Paving Improvements Project
Change Order No. 1

Title: 18th Avenue/Road 180 Paving Improvements, Project No. PV1910
Change Order No. 1

Agenda Date: July 5, 2023

Presented By: James Ubert, City Engineer

Background:

The City of Emporia entered into Agreement 157-21 with KDOT for Road 180 (Road G to Road F5) Paving Improvements project. KDOT has agreed to pay \$2M of the said Paving Improvements. Road 180 Paving Improvements Project No. PV1910 KDOT Project No. 56 KA-6154-01 consists of roadway and drainage from Americus Road to Road F5. The City has previously entered into a Memorandum of Understanding with Evergy in which the City agreed to pave and sanitary sewer extension improvements on Road 180 along their property with Evergy agreeing to contribute up to \$360,000.00 in actual costs.

Discussion:

The City's contractor completed additional work on the job site during the construction of the Road 180 Paving Improvements project and had quantities adjustments amounting to a total of \$10,704.89, increasing the total contract cost from \$2,403,034.38 to \$2,413,739.27.

Financial considerations:

An additional cost of \$10,704.89, but within the project budget.

Recommended action:

Approve Change Order No. 1 in the amount of \$10,704.89 for the 18th Avenue/Road 180 Paving Improvements project.

Attachments:

Change Order No. 1 is attached.

**CHANGE ORDER NO. 1
ON CONTRACT WITH KILLOUGH CONSTRUCTION, LLC FOR THE CONSTRUCTION OF
Street Improvements Road 180 (Rd. F5 to Rd. G)
PROJECT NO. PV1910 / 56 KA-6154-01**

7/5/2023

This change in plans, made in accordance with the provisions of paragraph 9, GC-4 Changes to the Contract under the above Contract, provides for a change in the contract total due to estimated quantities being different than the actual quantities used in the construction of the Street Improvements Road 180 (Rd. F5 to Rd. G) Project No. PV1910 / 56 KA-6154-01

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
QUANTITIES ADDED:				
12.30	C.Y.	Foundation Stabilization @ Ninety Dollars and zero cents <hr/> (Unit Price in Words)	\$90.00	\$1,107.00
75	C.Y.	Shot Rock (Rip Rap) @ Forty Seven Dollars and Fifty cents <hr/> (Unit Price in Words)	\$47.50	\$3,562.50
1	E.A	Utility Adjustment (Raise Sanitary Sewer Manhole) @ One Thousand Seven Hundred Dollars and Zero cents <hr/> (Unit Price in Words)	\$1,700.00	\$1,700.00
181	L.F.	Curb and Gutter, Combined (AE) @ Twenty Two Dollars and Eighty Five cents <hr/> (Unit Price in Words)	\$22.85	\$4,135.85
1.5	L.F.	Slope Drain (Special) @ Sixty Four Dollars and Ten cents <hr/> (Unit Price in Words)	\$64.10	\$96.15
22.17	S.Y.	Concrete Pavement (8" Uniform)(AE) @ One Hundred Eight Dollars and Forty cents <hr/> (Unit Price in Words)	\$108.40	\$2,403.23
81.49	Ton	HMA - Commercial Grade (Class A) @ One Hundred Five Dollars and Thirty Nine cents <hr/> (Unit Price in Words)	\$105.39	\$8,588.23
23	L.F.	Pavement Marking (Thermoplastic)(Yellow)(12") @ Five Dollars and Zero cents <hr/> (Unit Price in Words)	\$5.00	\$115.00
5	L.F.	Pavement Marking (Intersection Grade)(White)(24") @ Twenty Dollars and Zero cents <hr/> (Unit Price in Words)	\$20.00	\$100.00
QUANTITIES OF CHANGE ORDER NO. 1 ADDED TO PROJECT:				<u>\$21,807.96</u>


<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
QUANTITIES DELETED:				
1.0	Ea.	Field Office and Laboratory (Type A) @ Two Thousand Five Hundred Dollars and zero cents <hr/> (Unit Price in Words)	\$2,500.00	\$2,500.00

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>P2 AMOUNT</u>
QUANTITIES DELETED:				
20.88	S.Y.	Concrete Pavement (6" Uniform)(AE) @ Ninety Eight Dollars and Nine cents (Unit Price in Words)	\$98.09	\$2,048.12
48.5	S.Y.	Sidewalk Construction (4") (AE) @ Forty Four Dollars and Thirty Seven cents (Unit Price in Words)	\$44.37	\$2,151.95
1.19	S.Y.	Sidewalk Ramp @ Two Hundred Thirty Six Dollars and one cents (Unit Price in Words)	\$236.01	\$280.85
1.0	C.Y.	Concrete for Seal Course (Set Price) @ One Hundred Seventy Five Dollars and zero cents (Unit Price in Words)	\$175.00	\$175.00
126	L.F	Pavement Marking (Thermoplastic)(Yellow)(4") @ Two Dollars and zero cents (Unit Price in Words)	\$2.00	\$252.00
16	L.F	Pavement Marking (Thermoplastic)(White)(6") @ Two Dollars and Fifty cents (Unit Price in Words)	\$2.50	\$40.00
1197	L.F.	Silt Fence @ Two Dollars and Twenty Five cents (Unit Price in Words)	\$2.25	\$2,693.25
2493	Lbs.	Mulching Tacking Slurry @ Zero Dollars and Thirty cents (Unit Price in Words)	\$0.30	\$747.90
214	EaDa	Work Zone Barricades (Pedestrian) @ One Dollar and zero cents (Unit Price in Words)	\$1.00	<u>\$214.00</u>

QUANTITIES OF CHANGE ORDER NO. 1 DELETED FROM PROJECT: \$11,103.07

TOTAL CHANGE ORDER NO. 1 ADDED TO PROJECT: \$10,704.89

CONTRACTOR: KILLOUGH CONSTRUCTION, LLC

BY: 
OWNER or AUTHORIZED REPRESENTATIVE

APPROVED BY: THE CITY OF EMPORIA, KS

BY: _____
TREY COCKING, CITY MANAGER

Date: _____

Attest: _____
CITY CLERK

**Street Improvements Road 180
(Rd. F5 to Rd. G)
PROJECT NO. PV1910 / 56 KA-6154-01
EXPLANATION FOR CHANGE ORDER 1**

During construction of the Street Improvements Road 180 (Rd. F5 to Rd. G) Project No. PV1910 / 56 KA-6154-01, changes and adjustment of quantities were made with additional changes added to the project. This change order results in an increase of the contract in the amount of **\$10,704.89**.

Quantities Added to the contract:

1. Foundation Stabilization –

This change was added to the project due to the soft unsuitable subgrade soils encountered in the field which required the contractor to slightly over excavate for the new Rigid Frame Box at STA 121+50. This increased the line item Foundation Stabilization by 12.30 CY, at a unit price of \$90.00, for a total amount added to the contract of **\$1107.00**.

2. Shot Rock (Rip Rap) –

This change was added to the project due to field conditions and location of existing watermain encountered during construction of the new RFB. By adding the Shot Rock this should assist in protecting the existing stream bed and help with erosion. The addition of Shot Rock (Rip Rap) increased the original contract by 75 CY, with a unit price of \$47.50, for a total amount added to the contract of **\$3562.50**.

3. Utility Adjustment (Raise Sanitary Sewer Manhole) –

This change was added to the project due to the location and existing elevation of the sanitary sewer manhole south of STA 121+00 as it relates to the grading once the sidewalk was installed. The additional work required to make the Utility Adjustment (Raise Sanitary Sewer Manhole) increased the original contract by 1 EA, at a unit price of \$1700.00, for an increase to the contract of **\$1700.00**.

4. Curb and Gutter, Combined (AE) –

This change was added to the project in order to assure the flow line matched the newly constructed curb and gutter being installed on the rest of the project. The additional 181 L.F. of curb and gutter was required at a unit price of \$22.85 for an increase to the contract of **\$4135.85**.

5. Slope Drain (Special) –

This change was added to the project due to field conditions encountered during construction and a discrepancy in planned quantity. The additional 1.5 L.F. of slope drain was required at a unit price of \$64.10 for an increase to the contract of **\$96.15**.

6. Concrete Pavement (8" Uniform) (AE) –

This change was added to the project due to existing field conditions encountered during construction. The contractor needed to match the existing concrete pavement along Road G as they transitioned from pavement to new curb and gutter at STA 123+25. The additional 22.17 S.Y. of concrete pavement was required at a unit price of \$108.40 for an increase to the contract of **\$2403.23**.

7. HMA Commercial Grade (Class A) –
This change was added to the project as an overrun of planned quantity. This was due to soft and unsuitable subgrade encountered at a couple of spots during paving, which required additional thickness. The additional cost for this item of HMA Commercial Grade (Class A) increased by 81.49 Tons at a unit price of \$105.39, for an increase to the contract of **\$8,588.23**.

8. Pavement Marking (Thermoplastic) (Yellow) (12") -
This change was added to the project as an overrun of planned quantity, due to existing field conditions and overall layout of roadway striping. The additional 23 L.F. of Pavement Marking (Thermoplastic) (Yellow) (12") was required at a unit price of \$5.00, for an increase to the contract of **\$115.00**.

9. Pavement Marking (Intersection) (Grade) (White) (24") –
This change was added to the project as an overrun of planned quantity due to existing field conditions and overall layout of roadway striping. The additional 5 L.F. of Pavement Marking (Intersection) (Grade) (White) (24") was required at a unit price of \$20.00, for an increase to the contract of **\$100.00**.

Quantities Deleted from the contract:

1. Field Office and Laboratory (Type A) –
This change represents an unused quantity on the project. This item has a unit price of \$2500.00 Ea. The total amount deducted from the original contract is **-\$2500.00**.

2. Concrete Pavement (6" Uniform) (AE)–
This change represents an underrun of materials used on the project by 20.88 S.Y. due to construction and field conditions encountered. This line-item has a unit price of \$98.09, for a deduction to the original contract of **-\$2,048.12**.

3. Sidewalk Construction (4") (AE) –
Due to the existing field conditions encountered, this change represents an underrun of planned quantity. This line-item has an unused quantity of 48.5 S.Y. with a unit price of \$44.37, for a deduction to the original contract of **-\$2,151.95**.

4. Sidewalk Ramp –
This change represents an underrun of materials used on the project by 1.19 S.Y. due to the existing field conditions encountered. This line-item has a unit price of \$236.01 for a deduction to the original contract of **-\$280.85**.

5. Concrete for Seal Course (Set Price) –
This change represents an unused planned quantity of this line item. This item has a remaining quantity of 1 C.Y. at the set price of \$175.00, for a deduction to the original contract of **-\$175.00**.

6. Pavement Marking (Thermoplastic) (Yellow) (4") -

This change represents an unused planned quantity of this line item. Due to the existing field conditions and adjustments of the traffic striping, the contractor did not use all the quantity needed. This line-item has an unused quantity of 126 L.F. with a unit price of \$2.00, for a deduction to the original contract of -**\$252.00.**

7. Pavement Marking (Thermoplastic) (White) (6") -

This change represents an underrun of material used on the project by 16 L.F. This line-item has a unit price of \$2.50 for a deduction to the original contract of -**\$40.00.**

8. Silt Fence -

This change represents an underrun of material on the project by 1,197 L.F. due to the contractor's construction means and methods. This line-item has a unit price of \$2.25 for a deduction to the original contract of -**\$2,693.25.**

9. Mulching Tacking Slurry -

This change represents an unused quantity of material on the project by 2,493 Lbs. This line-item has a unit price of \$0.30 for a deduction to the original contract of -**\$747.90.**

10. Work Zone Barricades (Pedestrian) -

This change represents an underrun of usage on the project by 214 EaDa. This line-item has a unit price of \$1.00 for a deduction to the original contract of -**\$214.00.**



Commission Action Report

Informational Items

Title: Informational Items
Agenda Date: July 5, 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 July 19, 2023.

Commission Meeting :

- Ordinance for Standard Traffic Ordinance.
- Ordinance for Uniform Public Offence Code.
- Award Mahtropolis Street & Drainage.
- Award KDOT CCLIP.
- Contract for SE Transmission Main Design.

Study Session :



Commission Action Report

Executive Session

Title: Executive Session
Agenda Date: July 5, 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 45 minutes, inviting Chuck Scott, RDA President, and stating at which time the open meeting will resume.

Attachments:

None

**Report of the
Taskforce on Homelessness to the
Emporia City Commission
June 20, 2023**

Chairperson: Mickey Edwards

Appointees: Lyn Blubaugh, Mickey Edwards, Raymond Rogers, Sgt. Dominick Vortherms, Michelle Williams

Commission Liaison: Susan Brinkman

City Staff: Officer Jaffar Agha, Trey Cocking, Jeff Lynch, Christina Montgomery, Jesse Taylor, Christine Torrens

Other Participants: Renee Hively, Amanda Pock, Pauline Stacchini, Heather Wagner

Resolution No. 3686 directs the Taskforce to develop recommendations to address homelessness in the City of Emporia, including:

- a. Identifying existing needs of unhoused and at-risk individuals within the community,
- b. Analyzing existing resources to address homelessness and providing recommendations for closing gaps in services,
- c. Proposing additional strategies to provide temporary and permanent housing solutions for unhoused individuals in the community, and
- d. Providing recommendations for legislative action.

Since January 2023, the Taskforce has met regularly to identify needs of individuals affected by homelessness, analyze existing resources, and formulate recommendations to improve the City's response to individuals affected by homelessness.

While the City's ordinance pertaining to camping on public property is a useful tool, the ordinance alone is not enough to serve the City's needs or the needs of its citizens. As such, the Taskforce makes the following recommendations:

1. The provisions of Emporia City Code Chapter 17 pertaining to camping on public property be updated in accordance with the Taskforce's recommendations to the City Attorney.
2. Camping permit procedures be implemented in accordance with the Taskforce's recommendations to the City Manager.
3. The City establish the Office of Unhoused Advocacy and Prevention and hire at least one full-time staff member with an operating budget.
4. The City implement the use of the Show the Way app to assist those who serve individuals affected by homelessness.
5. A formal City board be established to continue the work begun by the Taskforce, with current Taskforce appointees being named to the new board.
6. The newly-created board work collaboratively with the Office of Unhoused Advocacy and Prevention to develop a plan to establish a low-barrier shelter within the community.



Study Session Report

Ordinance 23-20 Extending the Provisions of City Code
Pertaining to the Prohibition of Camping on Public Property.

Title: Ordinance 23-20 Extending the Provisions of City Code Pertaining to the Prohibition of Camping on Public Property.

Agenda Date: July 5, 2023

Presented By: Christina Montgomery, City Attorney

Background:

In November of 2022, the City Commission approved Ordinance 22-49 enacting a temporary prohibition on camping on public property, which was later extended by Ordinance 23-11 in May of 2023. Ordinance 23-11 is scheduled to expire on July 8, 2023.

In December 2022, the Commission adopted Resolution 3686 establishing the Taskforce on Homelessness which was tasked with developing recommendations to address homelessness in the City of Emporia. The Taskforce has submitted final recommendations including a recommendation that “The provisions of Emporia City Code Chapter 17 pertaining to camping on public property be updated in accordance with the Taskforce’s recommendations to the City Attorney.”

Discussion:

The proposal for Ordinance No. 23-20 incorporates recommendations from the Taskforce including the removal of certain “Whereas” language and a maximum fine of \$100.00 or community service in lieu of a fine. The proposed ordinance does not have a scheduled end date.

Financial considerations:

The City will pay the cost of publication of the ordinance.

Attachments:

Ordinance 23-20

ORDINANCE NO. 23-20

AN ORDINANCE AMENDING CHAPTER 17-69 THROUGH 17-72 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, PERTAINING TO THE PROHIBITION OF CAMPING ON PUBLIC PROPERTY WITHOUT A PERMIT AND REPEALING SAID SECTIONS AS THEY EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE.

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

SECTION 1. Section 17-69 of the Code of the City of Emporia, Kansas is hereby amended to read as follows:

“Section 17-69. Unlawful Camping.

It is unlawful and a public nuisance for any person or persons to camp in or upon any public property or public right-of-way, unless such person or persons have been granted a temporary permit allowing such activity as set forth in Section 17-71.”

SECTION 2. Section 17-70 of the Code of the City of Emporia, Kansas is hereby amended to read as follows:

“Section 17-70. Definitions.

As used in this Chapter:

- (a) “To camp” means to set up, or to remain in or at a campsite for the purpose of remaining overnight, or of establishing or maintaining a temporary place to live.
- (b) “Campsite” means any place where any camp paraphernalia is placed, established, set up, used, or maintained, or personal property is kept or stored.
- (c) “Camp paraphernalia” includes but is not limited to tents, tarpaulins, cots, beds, sleeping bags, hammocks, cooking equipment, stoves, lanterns, tents, huts, lean-tos, shacks, trailer campers, vehicles, or any part thereof, or any other sleeping matter, or any other shelter or structure.
- (d) “Public property” means any publicly owned property, including but not limited to streets, sidewalks, alleys, parks, parking lots, easements, improved or unimproved land, or any property owned or managed by the City or other governmental agency.
- (e) “Public right-of-way” means the entire width of the area from property line to property line, including all area intended, designed, or used for vehicles or pedestrian traffic and the area between the roadway and the abutting private property line.”

SECTION 3. Section 17-71 of the Code of the City of Emporia, Kansas is hereby amended to read as follows:

“Section 17-71. Temporary Camping Permits.

The City Manager, or the Manager’s designee, may issue a temporary permit to allow camping on public property. The City Manager or the Manager’s designee shall establish criteria for the application for, and review and approval of such temporary camping and storage permits; and is further empowered to ascertain that the operation or maintenance of any temporary camp or campsite will in no way jeopardize public health, safety, or welfare. For this purpose, the City Manager or the Manager’s designee is also empowered to implement additional rules and regulations as necessary pertaining to all aspects of temporary camping permits including the revocation of such permits.”

SECTION 4. Section 17-72 of the Code of the City of Emporia, Kansas is hereby created to read as follows:

“Section 17-72. Violations – penalty.

Any person who is convicted of a violation of any of the provisions of Sec. 17-69 shall be deemed guilty of a misdemeanor and subject to a fine of up to \$100.00 or community service in lieu of a fine. In addition to the penalties set forth herein, the City Manager or Manager’s designee may abate a public nuisance created by unlawful camping or otherwise remove personal property unlawfully placed or left upon public property or public right-of-way.”

SECTION 5. Incorporation into the Code of the City of Emporia, Kansas. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, Kansas as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 6. Effective Date. This ordinance shall take effect upon its publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 5th day of July, 2023.

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk

Title: Resolution 3699 for Revenue Neutral Rate
Agenda Date: July 5, 2023
Presented By: Janet Harrouff, Director of Finance

Background

In March 2021, the Kansas Legislature passed SB 13 and HB 2104 which establish limitation on the ad valorem property tax levies by taxing subdivisions without an additional notice prior to budget adoption. The legislation requires on or before July 20, the governing body shall notify the county clerk of its proposed intent to exceed the revenue neutral rate and provide the date, time and location of the public hearing and its proposed tax rate. A letter will be sent by the county clerk to all taxing entities notifying them of the proposed tax levies.

Discussion

The City's RNR is 39.492 as calculated by the County Clerk. The final mill levy for 2022 taxes was 44.426. The 2023 budget was approved on a mill levy of 43.8.

For 2024 we are budgeting 10 mills for Bond and Interest, 5 mills for Library and .005 mills for Industrial then the General fund mills will adjust depending on the total mills approved. The budget assumes a 3% property tax delinquency rate.

Mill Levy	Total Ad Valorem Dollars	General Fund Share
39.492	\$8,950,191	\$5,550,578
43.8	\$9,926,405	\$6,526,791
44.426	\$10,067,923	\$6,668,309

The Resolution is submitted for the maximum proposed mill levy. The final mill levy can be lower as the final budget numbers are determined in the next several weeks. The RNR and Budget public hearings are scheduled for September 6, 2023.

Financial Considerations

A compensation study was approved which will increase annual salary expenses by approximately \$1,000,000 in the General Fund.

General Fund Estimated unencumbered balance:

Mill Levy	2024	2025	2026	2027	2028
39.492	\$4,602,237	\$2,982,711	\$1,100,198	\$(993,002)	\$(3,227,228)
43.8	\$5,550,017	\$4,906,705	\$4,416,692	\$3,209,666	\$2,166,300
44.426	\$5,687,413	\$5,185,619	\$4,571,369	\$3,784,479	\$2,895,754

Attachments

Resolution No. 3699

Resolution No. 3699

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

WHEREAS, the Revenue Neutral Rate for the City of Emporia was calculated as 39.492 mills by the Lyon County Clerk; and

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

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

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

Section 1. The Governing Body of the City of Emporia hereby sets a public hearing regarding its intention to exceed the Revenue Neutral Rate for September 6, 2023, at 11:00 am to be held at Commission Meeting Room at 522 Mechanic and directs that notice of the public hearing be given as required by state law.

Section 2. The Governing Body of the City of Emporia expresses its intention to exceed the Revenue Neutral Rate with a proposed mill levy of 45.00 mills.

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

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

ADOPTED this 5th day of July 2023 and **SIGNED** by the Mayor.

Mayor

Attested:

City Clerk

Notes:

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



Study Session Report

Whittier Park Concept Plan

Title: Whittier Park Concept Plan
Agenda Date: July 5, 2023
Presented By: Kevin Hanlin, Director of Public Lands & Facilities

Background:

In March the City entered into an agreement with Foster Design Associates, LLC for a redevelopment of Whittier Park. This discussion stems from the determination of utilizing Whittier Park for the development of a new skate park, which is currently at Santa Fe Park. Besides contracting with the designer, a committee was formed to serve as community stakeholders in the process. The committee had the following volunteers:

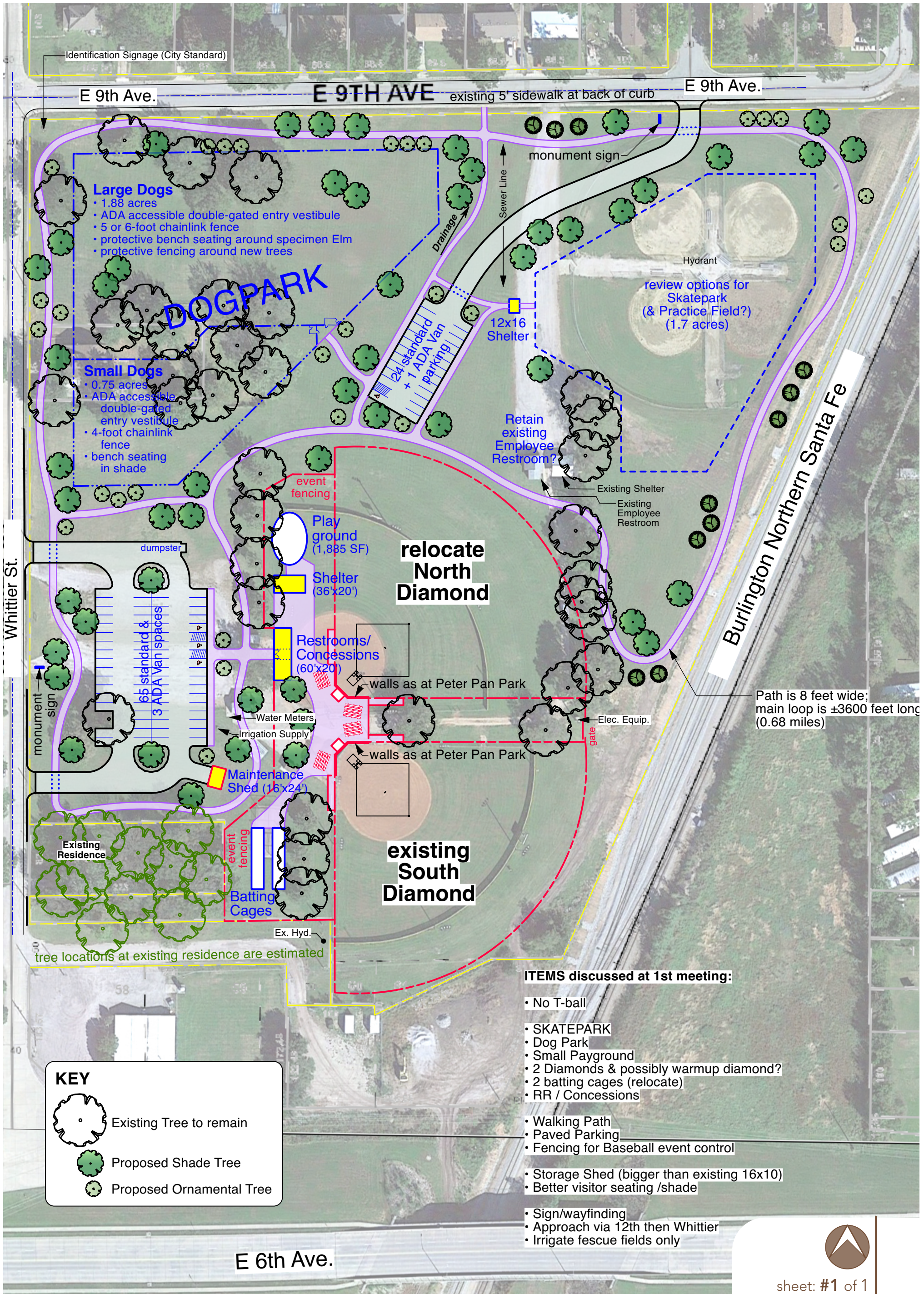
- Becky Smith – City Commission
- Becky Nurnberg – Emporia Community Foundation
- Maddox Gutierrez – Petitioner to improve the skate park; Skateboard enthusiast
- Amanda Gutierrez - Emporia Rec Commission
- Lelan Dains – Visit Emporia
- Daphne Mertens - Healthier Lyon County
- Adrian Mohling - Skateboard enthusiast
- Justin Givens – City of Emporia

Discussion:

The Whittier Park concept plan was unveiled to the Whittier Park Committee for review on Wednesday, June 28, 2023, in City Conference Room 1AB. David Foster and Debbie Foster of Foster Design Associates, LLC were present to discuss their concept of features and locations of features within Whittier Park. The consultant covered all aspects of the park and much discussion was had on each of the items. Overall, there was a consensus of acceptance of the plan and a desire to forward the plan to the City Commission for discussion.

Attachments

Whittier Park Concept Plan



Identification Signage (City Standard)

E 9th Ave. E 9TH AVE existing 5' sidewalk at back of curb E 9th Ave.

Large Dogs
 • 1.88 acres
 • ADA accessible double-gated entry vestibule
 • 5 or 6-foot chainlink fence
 • protective bench seating around specimen Elm
 • protective fencing around new trees

Small Dogs
 • 0.75 acres
 • ADA accessible double-gated entry vestibule
 • 4-foot chainlink fence
 • bench seating in shade




relocate North Diamond

existing South Diamond

review options for Skatepark (& Practice Field?) (1.7 acres)

Path is 8 feet wide; main loop is ±3600 feet long (0.68 miles)

KEY

-  Existing Tree to remain
-  Proposed Shade Tree
-  Proposed Ornamental Tree

ITEMS discussed at 1st meeting:

- No T-ball
- SKATEPARK
- Dog Park
- Small Playground
- 2 Diamonds & possibly warmup diamond?
- 2 batting cages (relocate)
- RR / Concessions
- Walking Path
- Paved Parking
- Fencing for Baseball event control
- Storage Shed (bigger than existing 16x10)
- Better visitor seating /shade
- Sign/wayfinding
- Approach via 12th then Whittier
- Irrigate fescue fields only

E 6th Ave.



sheet: #1 of 1
 scale: 1"=100'-0"



FOSTER DESIGN
 Associates LLC

landscape architecture & planning

Concept Plan
 Whittier Park — Emporia, Kansas

1415 E. 2nd Street N. Wichita, KS date: 6/22/2023 project: 23032
 316-262-4525 — www.fosterdesignassociates.com