



**MEETING OF THE CITY COMMISSION - AGENDA
WEDNESDAY, OCTOBER 18, 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. Please state your name and address prior to making comments.

NEW BUSINESS

1) Appoint Member to Emporia Human Relations Commission.

Presented by: Vice Mayor Smith and Commissioner Sauder

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

2) Public Hearing for the Establishment of the Lockwood Heights (formerly West 6th) RHID.

Presented by: Tayler Wash, Director of Special Projects

Recommended Action: Conduct Public Hearing for the Establishment of the West 6th Avenue RHID.

3) Ordinance 23-32 Establishing the Transient Guest Tax Advisory Board.

Presented by: Christina Montgomery, City Attorney

Recommended Action: Approve Ordinance 23-32 Establishing the Transient Guest Tax Advisory Board

4) Ordinance No. 23-31 Annexing 1100 S HWY 99 into the City Limits.

Presented by: Justin Givens, Administrator of Planning & Zoning

Recommended Action: Approve Ordinance No. 23-31 Annexing 1100 S HWY 99 into the City Limits.

5) Award 24th Ave & Prairie Street Waterline Improvements Project.

Presented by: Jim Ubert, City Engineer

Recommended Action: Approve the Award to Apex Excavating for the 24th Ave & Prairie Street

Waterline Improvements Project in the amount of \$4,270,905.00, subject to KDHE approval.

6) **24th Ave. and Prairie St. Waterline Improvements Supplemental Agreement No. 2 with BG Consultants, Inc.**

Presented by: Jim Ubert, City Engineer

Recommended Action: Approve 24th Ave. and Prairie St. Waterline Improvements Supplemental Agreement No. 2 with BG Consultants, Inc.

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

- 1) Financials & Permits
- 2) September Budget

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Commission Meeting Minutes October 4, 2023.
- 2) Purchase Fire Training Props for the Fire Department.
- 3) Purchase Extraction Tools for the Fire Department.
- 4) Removal of Community Housing Board/ Emporia Land Bank Member.

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

Recess into an Executive Session to discuss confidential matters of a third party for a potential development project for 30 minutes and to invite Tayler Wash, Special Projects Director; Jim Witt, Special Projects Coordinator; and Chuck Scott, RDA President; and stating at which time the open meeting will resume.

RECESS

Recess to Conference Room 1AB for Study Session

STUDY SESSION AGENDA ITEMS

- 1) Governing Body Handbook.
- 2) Code of Procedure for the City of Emporia.

- 3) Common Consumption Area Discussion
- 4) Discuss the Adoption of the 2021 Uniform Plumbing & Mechanical Code.
- 5) Discuss Legislative Policy
- 6) Discuss William Allen White Community Partnership.

ADJOURNMENT



Commission Action Report

Appoint Member to the Emporia Human Relations Commission

Title: Appoint Member to the Emporia Human Relations Commission

Agenda Date: October 18, 2023

Presented By: Vice Mayor Smith & Commissioner Sauder

Background:

The Emporia Human Relations Commission requests that the City Commission fill board openings with qualified candidates.

Discussion:

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

Interviewing Commissioners recommend the appointment of Daniela Barron for an unexpired term ending 06/01/2025.

Recommended action:

Approve the appointment of Daniela Barron to the Emporia Human Relations Commission.

Attachments:

EHRC Applications

From: noreply@civicplus.com
To: [Sue Bryson](#); [Emporia Info](#)
Subject: Online Form Submittal: Board Application Form
Date: Tuesday, August 22, 2023 10:24:20 AM

Board Application Form

Select the Board,
Commission, or
Committee applying for

Emporia Human Relations Commission

Personal Information

First Name	Daniela
------------	---------

Last Name	Barron
-----------	--------

Address1	2207 W 22nd Ave
----------	-----------------

Address2	<i>Field not completed.</i>
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City	Emporia
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State	KS
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Zip	66801
-----	-------

Home Phone Number	6205919960
-------------------	------------

Business Address	701 E. 6th Ave
------------------	----------------

Business Phone Number	6203434533
--------------------------	------------

Occupation	Human Resources
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Email Address	daniela.barron@bunge.com
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Residency Information

Length of Residency in Emporia	33 years
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Are you a registered voter	Yes
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Education and Hobbies

High School	Emporia High School
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College	<i>Field not completed.</i>
Trade or Business School	<i>Field not completed.</i>
Hobbies	Soccer, Spending time with my family, traveling
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	No
If yes, which	<i>Field not completed.</i>
Please, list organization memberships and positions held.	HR Page, Gen Emporia, Internal Bunge Campus Engagement Committee
Please, list areas of special interest.	<i>Field not completed.</i>
Please, enter basic resume information below.	10+ years of HR experience, bilingual
Please, enter why you would like to be a member of this board or commission.	I have a personal passion for assuring that marginalized groups are receiving fair treatment in all aspects of living within their community.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Sue Bryson](#); [Emporia Info](#)
Subject: Online Form Submittal: Board Application Form
Date: Monday, August 21, 2023 11:12:01 AM

Board Application Form

Select the Board,
Commission, or
Committee applying for

Emporia Human Relations Commission

Personal Information

First Name	Amy
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Last Name	Gerke
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Address1	25 Franklin
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Address2	<i>Field not completed.</i>
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City	Reading
------	---------

State	Ks
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Zip	66868
-----	-------

Home Phone Number	6203669686
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Business Address	541 A sherman
------------------	---------------

Business Phone Number	6203436144
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Occupation	Office Manager
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Email Address	agerke@mytown-media.com
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Residency Information

Length of Residency in Emporia	1 year
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Are you a registered voter	Yes
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Education and Hobbies

High School	Navasota High School
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College	Texas A&M
Trade or Business School	Mays Business School
Hobbies	<i>Field not completed.</i>
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	No
If yes, which	<i>Field not completed.</i>
Please, list organization memberships and positions held.	<i>Field not completed.</i>
Please, list areas of special interest.	<i>Field not completed.</i>
Please, enter basic resume information below.	Office Manager at My Town Media
Please, enter why you would like to be a member of this board or commission.	To involve myself more into the community.

Email not displaying correctly? [View it in your browser.](#)

From: noreply@civicplus.com
To: [Sue Bryson](#); [Emporia Info](#)
Subject: Online Form Submittal: Board Application Form
Date: Sunday, August 20, 2023 5:24:34 PM

Board Application Form

Select the Board,
Commission, or
Committee applying for

Emporia Human Relations Commission

Personal Information

First Name	Mandey
------------	--------

Last Name	Serig
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Address1	1501 E 10th Ave
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Address2	<i>Field not completed.</i>
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City	Emporia
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State	Kansas
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Zip	66801
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Home Phone Number	6208031840
-------------------	------------

Business Address	1501 E 10th Ave
------------------	-----------------

Business Phone Number	6208031840
--------------------------	------------

Occupation	Daycare Provider
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Email Address	Mandey_mauer@yahoo.com
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Residency Information

Length of Residency in Emporia	20 years
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Are you a registered voter	Yes
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Education and Hobbies

High School	EHS
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College	Vo tech
Trade or Business School	<i>Field not completed.</i>
Hobbies	Bike riding, hiking, reading.
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	No
If yes, which	<i>Field not completed.</i>
Please, list organization memberships and positions held.	<i>Field not completed.</i>
Please, list areas of special interest.	<i>Field not completed.</i>
Please, enter basic resume information below.	14 years as a daycare provider congruent with the last 5-6 years as a tech in the ER here in town at Newman.
Please, enter why you would like to be a member of this board or commission.	I feel I would have good insight into certain pertinent things as I have a child with special needs/disabilities and since working with the public in both of my long term positions as a daycare provider and PCT at Newman Regional Health.

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Christine Torrens

From: noreply@civicplus.com
Sent: Monday, May 15, 2023 12:52 PM
To: Sue Bryson; Emporia Info
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select the Board,
Commission, or Committee
applying for

Emporia Human Relations Commission

Personal Information

First Name	Michael
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Last Name	Mercer
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Sex:	Male
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Address1	812 lakeview st.
----------	------------------

Address2	<i>Field not completed.</i>
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City	emporia
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State	KS
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Zip	66801
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Home Phone Number	6203433836
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Business Address	812 lakeview st.
------------------	------------------

Business Phone Number	16203433836
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Occupation	Custodial Specialist
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Email Address	mikemercer71@yahoo.com
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Residency Information

Length of Residency in Emporia	40 years
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Are you a registered voter	Yes
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Education and Hobbies

High School	McLouth High Scho;;
College	Associates Degree
Trade or Business School	<i>Field not completed.</i>
Hobbies	<i>Field not completed.</i>
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	No
If yes, which	<i>Field not completed.</i>
Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	2 terms on the Human Relations committee
Please list organization memberships and positions held	<i>Field not completed.</i>
Please List Areas of Special Interest	sports, spending time with my grandchildren
Please Enter Basic Resume Information Below	

Education:

Associate of Applied Science/ Power Plant Technology August 2009
 Flint Hills Technical College Emporia Kansas

- GPA 3.58
- Courses included Professional Development, Physics, and Mechanical and Electrical courses.
- Two internships: Wolf Creek Nuclear Plant and Emporia State University power plant.

Core Competencies:

- Customer service oriented and will provide quality service.
- Flexible enough to change directions quickly and still finish job originally started.
- Can and will obtain proper certifications and licenses for this

position.

- I have a great work ethic and consider myself to be dependable.

Experience:

Emporia State University Aug. 2005-present

- Custodial Supervisor
- Supervisor position started November 2014
- Provide a safe and clean learning atmosphere
- Work with and around a variety of people.
- Carpet cleaning, tile floor maintenance, restroom cleaning and sanitizing, windows.
- Minor maintenance when needed.
- Complete all work orders and keep MSDS/SDS book updated.

USD 253 Emporia High School Emporia, Kansas

Custodian March 2005-Aug. 2005

- Cleaned classrooms, offices, gymnasium, and weight room.
- Work with and around a variety of people

Mid-America Electric Emporia, Kansas

- Rebuild Electrical, motors and pumps Oct 2004-March 2005

Fantestil Packing Company Emporia, Kansas

- Driver Aug.2002-Sept.2004

USD 251 Northern Heights High School Allen, Kansas

- Head Custodian Jan.2002-Aug.2002

Iowa Beef Processors Emporia, Kansas

- Five years' maintenance Oct. 1985-Jan.2002
- Twelve Years unloading/loading trucks

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Commission Action Report

Public Hearing on the Project Plan for the
Proposed Lockwood Heights (West 6th)
Reinvestment Housing Incentive District

Title: Public Hearing on the Project Plan for the Proposed Lockwood Heights
(West 6th) Reinvestment Housing Incentive District

Agenda Date: October 18, 2023

Presented By: Tayler Wash, Special Projects Director

Background:

On September 6, 2023, the Commission authorized this hearing which is required under state statute.

Discussion:

The project plan is consistent with state requirements and has been reviewed by staff. The County and USD 253 have been notified as required.

Financial Considerations:

Once the district is established by ordinance and additional real property improvements are made and completed, the financial benefits of the RHID will be utilized to pay for public and utility infrastructure needed to allow development.

Recommended Action:

Open and close the public hearing.

Attachments:

Lockwood Heights Development Plan and Attachments

DEVELOPMENT PLAN

FOR THE

Lockwood Heights SUBDIVISION

IN THE REINVESTMENT HOUSING INCENTIVE DISTRICT

OF THE CITY OF EMPORIA, KANSAS

August 2023

INTRODUCTION

On July 6, 2022, the governing body of the City of Emporia, Kansas (the City) adopted a resolution that found and determined that:

1. There is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.
2. The shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.
3. The shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.
4. The future economic wellbeing of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

Based on these findings and determinations, the Governing Body proposed the establishment of a Reinvestment Housing Incentive District within the City pursuant to the Act. (K.S.A. 12-5219 et seq.)

Following the adoption Resolution 3674, a certified copy was submitted to the Secretary of Commerce for approval of the establishment of the Reinvestment Housing Incentive District in the City, as required by K.S.A. 12-5244(c).

On July 27, 2022, the Secretary of Commerce provided written confirmation, approving, the establishment of the West 6th Reinvestment Housing Incentive District

DEVELOPMENT PLAN ADOPTION

K.S.A. 12-5245 states that once the City receives approval from the Secretary of Commerce for the development of a Kansas Reinvestment Housing Incentive District, the governing body must adopt a plan for the development of housing and public facilities within the proposed district.

DEVELOPMENT PLAN

As a result of the shortage of quality housing within Emporia, the City proposes this Development Plan to assist in the development of quality housing within the City.

1. The legal description of the West 6th Reinvestment Housing Incentive District is attached as **Exhibit A** to this document.
A map of the District is attached as **Exhibit B** to this document.
2. **The assessed valuation is \$23,092.** All values are for land only, no buildings or improvements exist. The ad valorem taxes for 2022 are \$3,678.96.
3. The name and address of the owner of record for the real estate within the District is Mid Kansas Properties, PO Box 924, Emporia, Kansas 66801-0924

4. The housing and public facilities project that are proposed to be constructed in the District include the following:

Housing Facilities

The housing facilities will be composed of 24 single-family homes.

Public Facilities

The city water and sewer utility lines will be installed and paid for by the developer. Once accepted by the City they will become city utility lines, excluding the individual service lines.

5. The names, addresses, and specific interests in the real estate in the District of the developers responsible for development of the housing and public facilities are:

Real Property Owner:	Mid Kansas Properties, LLC P.O. Box 924 Emporia, KS 66801
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Developer:	Mid Kansas Properties, LLC P.O. Box 924 Emporia, KS 66801
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Individuals with Specific Interest:	Brady Sauder 3704 Crossgate Circle Manhattan, KS 66503
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T.J. Sauder
4610 Aminda
Shawnee, KS 66226

Jamie A. Sauder
2704 Twin Lakes Dr.
Emporia, KS 66801

Steve Sauder
1966 Morningside Dr.
Emporia, KS 66801

6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District. The district is to be privately financed through ESB Financial, Emporia, Kansas.

7. Typically, the City would conduct a comprehensive analysis of the financial feasibility to determine whether the public benefits derived from the District will exceed the costs and ensure that the income from the District would be sufficient to pay for the public improvements to be undertaken in the District. However, the City will not be financing the public infrastructure for this project; therefore, a comprehensive analysis of the financial feasibility will not be necessary. The Developer will remit all of the eligible costs and receive all of the anticipated reimbursements for this project.

Exhibit A: Legal Description



ENTERED IN TRANSFER RECORD
IN MY OFFICE THIS 22ND DAY
OF MAY 2023
LYON COUNTY CLERK

STATE OF KS LYON CO
WENDY L. WEISS, REGISTER OF DEEDS
2023-01322
DATE RECORDED: 05/19/2023 09:24 AM
TX #: 4029584
REAL ESTATE FEE 17.00
TECHNOLOGY FEE 3.00
HERITAGE TRUST 1.00
PAGES: 1

CON # 3041919
WARRANTY DEED

THIS INDENTURE is made this 17th day of May, 2023, Between
6th Avenue LP

GRANTOR(S)

And

Mid-Kansas Properties, LLC

GRANTEE(S)

For good consideration Grantor(s) convey(s) and warrant(s), to the Grantees, his (their) heirs and assigns
the following described real property situated in the State of Kansas, County of Lyon :

THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST
QUARTER OF THE NORTHWEST QUARTER (NW1/4 NE1/4 NE1/4 NW1/4) AND A STRIP 12
RODS IN WIDTH OFF THE ENTIRE EAST SIDE OF THE NE1/4 NW1/4 NE1/4 NW1/4, ALL IN
THE SECTION 17, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY,
KANSAS.

ALSO:

8 RODS OFF THE WEST SIDE OF THE NORTHEAST QUARTER OF THE NORTHWEST
QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17,
TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

EXCEPT AND SUBJECT TO: Easements & Restrictions apparent & of record.

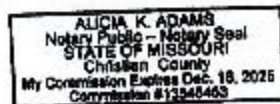
6th Avenue LP by

Dolph K. Woodman, manager for
6th Avenue GP, LLC, general partner

State of Missouri, County of Greene ss:

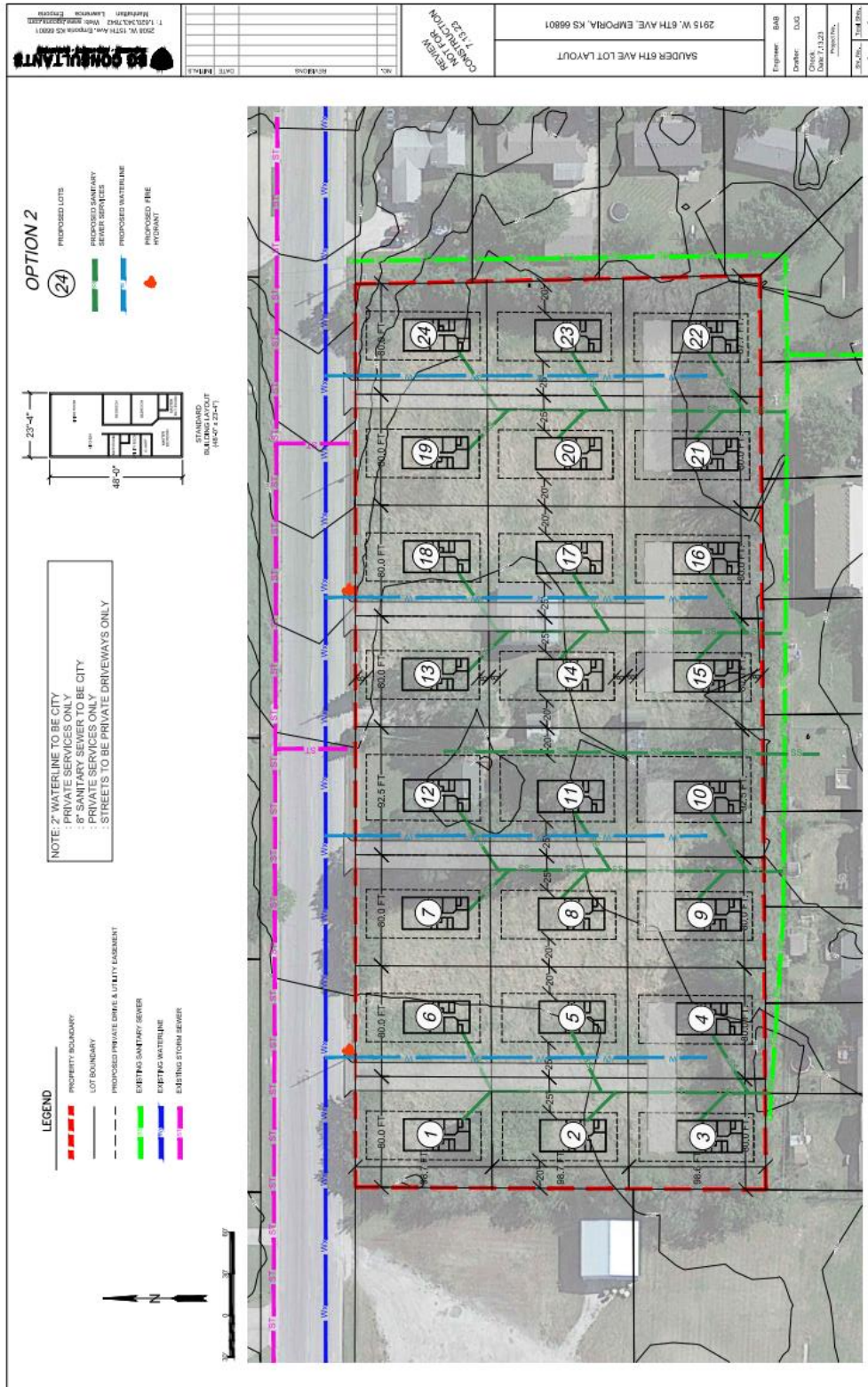
BE IT REMEMBERED, on this 17 day of May, 2023,
Before me, the undersigned, a notary public in and for the County and State aforesaid, came
6th Avenue LP by Dolph K. Woodman, manager for 6th Avenue GP, LLC, general partner
such persons being personally known to me to be the same persons who executed the within instrument of
writing and duly acknowledged 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.



Alicia K Adams
Notary Public - Alicia K Adams

Exhibit B: Plat/Map





Commission Action Report

Ordinance 23-32 Establishing the Transient Guest Tax Advisory Board

Title: Ordinance 23-32 Establishing the Transient Guest Tax Advisory Board

Agenda Date: October 18, 2023

Presented By: Christina Montgomery, City Attorney

Background:

Charter Ordinance 43 authorizes the Convention and Visitors Advisory Board to be modified by ordinary ordinance. The board has requested a name change to the Transient Guest Tax Advisory Board.

Discussion:

Ordinance 23-32 establishes a new Transient Guest Tax Advisory Board with the same roles and responsibilities as the existing CVAB and with the existing members of the board. The ordinance also clarifies the procedure of removal of board members from office due to extended absence.

Financial considerations:

The City will pay the cost of ordinance publication.

Recommended action:

Approve Ordinance 23-32 Establishing the Transient Guest Tax Advisory Board

Attachments:

Ordinance 23-32 Establishing the Transient Guest Tax Advisory Board

ORDINANCE NO. 23-32

AN ORDINANCE ESTABLISHING THE TRANSIENT GUEST TAX ADVISORY BOARD AND AMENDING THE CODE OF THE CITY OF EMPORIA KANSAS TO ADD A NEW DIVISION 4 AND CODE SECTION 2-50 UNDER CHAPTER 2, ARTICLE II OF THE CODE OF THE CITY OF EMPORIA, KANSAS

WHEREAS, the City of Emporia adopted a transient guest tax pursuant to Ordinance 23-26 and Charter Ordinance No. 43 in order to provide revenues to promote tourism and conventions; and

WHEREAS, the City of Emporia has a Convention and Visitors Advisory Board existing pursuant to Charter Ordinance No. 31 and Charter Ordinance No. 43, which board was established to make recommendations to the governing body concerning the programs and expenditures from the City's convention and tourism fund for the promotion of conventions and tourism; and

WHEREAS, upon request of the currently serving members of the Convention and Visitors Advisory Board, the Governing Body intends establish a new board to fulfill the role of the existing Convention and Visitors Advisory Board, and to codify the provisions establishing and regulating the board.

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

SECTION 1. That the Code of the City of Emporia, Kansas, 1983, is hereby amended by adding a new division under Chapter 2, Article II, entitled "Division 4. Advisory Boards to the City Commission" and a new section under such division, to be numbered 2-50, which said section reads as follows:

"Sec. 2-50 Transient Guest Tax Advisory Board.

- a) There is hereby created and established a Transient Guest Tax Advisory Board, which board shall make recommendations to the City Governing Body concerning the programs and expenditures from the City's convention and tourism fund for promotion of conventions and tourism.
- b) Except as hereinafter provided in paragraph c, the Transient Guest Tax Advisory Board shall consist of seven (7) members appointed by the Governing Body, who shall have an interest in the tourism industry. In appointing the members, the Governing Body shall attempt to create a representative balance of large and small businesses and businesses

from the various geographic areas of the county. Members of the board shall serve for three (3) years staggered terms, so that approximately one-third of the membership shall be coming up for reappointment each year. Board members shall be limited to two consecutive terms in office.

- c) There is currently in existence a Convention and Tourism Advisory Board of seven (7) members serving staggered terms which shall constitute the Transient Guest Tax Advisory Board, and the members thereof shall continue in their position until they resign, are removed from office, or their term expires. If they are on their second or subsequent term of office, they shall not be eligible for reappointment to the Board until they have been off of the Board for at least one year.
- d) Members of the board may establish standards of participation for the membership which if violated may result in the board recommending the removal of that member from the board. Should any member of the board miss four (4) or more consecutive meetings, that member's position shall be deemed vacated. The board shall notify the vacating board member and the City Governing Body in writing of the vacation due to absence. The City Governing Body may then fill the vacant position with a new member to fill the unexpired term.
- e) The board shall hold regular meetings at such times and dates are established by a majority vote of the board and shall not meet less often than once every month. The board may cancel a subsequent meeting by a majority vote of those members present whenever the board determines that such cancellation will not interfere with the orderly conduct of the board's business and duties. The board may hold special meetings upon notice to each member of the board on call of the chair or president of the board. Members of the board shall serve without pay.
- f) The City Governing Body, having adopted a transient guest tax, shall have the authority to contract for convention and tourism programs to be implemented. The Transient Guest Tax Advisory Board established herein may make recommendations to the Governing Body concerning any such contracts.”

SECTION 2. 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 3. 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 18th day of October, 2023.

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Ordinance No. 23-31 Annexing 1100 S HWY 99 into the City Limits

Title: Ordinance No. 23-31 Annexing 1100 S HWY 99 into the City Limits

Agenda Date: October 18, 2023

Presented By: Justin Givens, Planning & Zoning Administrator

Background:

The City has recently acquired a tract of land adjacent to the Emporia Golf Course and as such, has initiated the process of annexing the land into the city limits. The property is a 32-acre tract that is considered not contiguous to the existing city limits.

At the September 6, 2023, City Commission meeting, Resolution No. 3705 was adopted by the Commission asking the Lyon County Board of County Commissioners to make certain findings on the proposed annexation.

At their September 28, 2023 meeting, the Board of County Commissioners adopted Resolution 15-23 finding that the proposed annexation would not hinder or prevent the proper growth and development of the area or that of any other incorporated area.

Discussion:

K.S.A. 12-520c, as amended provides that once the Board of County Commissioners finds that the annexation may proceed, an ordinance may be adopted by the City Commission annexing the property into the City Limits.

Financial considerations:

The City will pay the cost of ordinance publication in the official city newspaper.

Recommended action:

Approve Ordinance No. 23-31 Annexing 1100 S HWY 99 into the City Limits

Attachments:

Ordinance No. 23-31
Aerial Location Map
Lyon County Resolution 15-23

ORDINANCE NO. 23-31

AN ORDINANCE ANNEXING AND INCORPORATING CERTAIN LAND WITHIN THE BOUNDARIES OF THE CITY OF EMPORIA, KANSAS PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 12-520c.

WHEREAS, on June 29, 2023, the City of Emporia, Kansas purchased land commonly described as 1100 S HWY 99, Emporia, Kansas 66801; and

WHEREAS, said tract does not currently adjoin the boundaries of the City of Emporia, Kansas but is within Lyon County and is proximate to and within the natural growth area of the City of Emporia, Kansas; and

WHEREAS, K.S.A. 12-520c(c) requires that the Board of County Commissioners of Lyon County, Kansas, by a 2/3 vote of the members thereof, find and determine that the annexation of such land will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Lyon County, Kansas before the City of Emporia, Kansas may annex such land; and

WHEREAS, on September 6, 2023, the governing body of the City of Emporia, Kansas adopted Resolution Number 3705 finding it advisable, desirable, beneficial and in the interests of the public to island annex said land and requesting the Board of Lyon County Commissioners to find and determine that such annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Lyon County, Kansas pursuant to K.S.A. 12-520c; and

WHEREAS, on September 28, 2023, the Lyon County Board of County Commissioners, by a 2/3 vote of the members thereof, adopted Resolution Number 15-23 finding and determining that based upon the available evidence, the proposed annexation will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Lyon County, Kansas, pursuant to K.S.A. 12-520c.

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

Section 1. Annexation: Pursuant to K.S.A. 12-520c, the following described land is hereby annexed and incorporated within the corporate limits of the City of Emporia, Kansas, to-wit:

THE SOUTHWEST QUARTER (SW1/4) OF SECTION 10, TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, EXCEPT BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 10, THENCE NORTH TO THE NORTHWEST CORNER OF THE SW1/4, THENCE EAST TO THE NORTHEAST CORNER OF THE SW1/4, THENCE SOUTH 980.5 FEET, THENCE WEST 1982.5 FEET, THENCE SOUTH TO THE SOUTH LINE OF SECTION 10, THENCE WEST TO BEGINNING, SAID EXCEPTION CONTAINING 84 ACRES, MORE OR LESS;

AND EXCEPT BEGINNING ON THE SOUTH LINE OF SAID QUARTER AT A POINT 1980.17 FEET WEST OF THE SOUTHEAST CORNER OF SAID QUARTER, THENCE NORTH 0°26' 1 0" EAST ALONG THE EXISTING FENCE 587.98 FEET, THENCE EAST 555 FEET, THENCE SOUTH 587.98 FEET, THENCE WEST 555 FEET TO POINT OF BEGINNING;

AND ALSO EXCEPT A TRACT OF LAND BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION, THE EAST LINE OF SAID QUARTER SECTION HAVING AN ASSUMED BEARING OF NORTH 01 °16' WEST, THENCE SOUTH 88°47' WEST 154.5 FEET, THENCE NORTH 01°13' WEST 20.0 FEET, THENCE NORTH 75°58' WEST 61.5 FEET, THENCE NORTH 01 °13' WEST 200.0 FEET, THENCE NORTH 03° 17' WEST 300.2 FEET, THENCE NORTH 01° 13' WEST 400.0 FEET, THENCE NORTH 01 °59' EAST TO A POINT 980.5 FEET SOUTH OF THE NORTH LINE, AND 63.1 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION, THENCE EAST 63.1 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION, THENCE EAST 63.1 FEET TO SAID EAST LINE, THENCE SOUTH ALONG SAID EAST LINE TO THE PLACE OF BEGINNING, CONTAINING 2.17 ACRES MORE OR LESS, EXCLUSIVE OF THE EXISTING HIGHWAY;

AND EXCEPT A TRACT OF LAND LOCATED IN THE SW1/4 OF SAID SECTION 10, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SW 1/4; THENCE ON AN ASSUMED BEARING OF NORTH 01 °16' WEST ON THE EAST LINE OF SAID SW1/4 FOR A DISTANCE OF 659.55 FEET; THENCE SOUTH 88°29'56" WEST FOR A DISTANCE OF 103.91 FEET TO THE WEST RIGHT OF WAY LINE OF K-99 HIGHWAY AND THE POINT OF BEGINNING; THENCE NORTH 01 °13' WEST ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 274.64 FEET; THENCE NORTH 01 °59' EAST ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 655.99 FEET; THENCE SOUTH 86° 17'25" WEST FOR A DISTANCE OF 576.35 FEET; THENCE NORTH 44°25'25" WEST FOR A DISTANCE OF 30.44 FEET; THENCE SOUTH 88°08'38" WEST FOR A DISTANCE OF 369.32 FEET; THENCE SOUTH 05°07'03" EAST FOR A DISTANCE OF 929.06 FEET; THENCE NORTH 88°29'56" EAST FOR A DISTANCE OF 866.13 FEET TO THE POINT OF BEGINNING.

AND EXCEPT

A TRACT BEGINNING AT THE SE CORNER OF THE SW1/4 OF SAID SECTION; THENCE S.89°50'17" W. (GEOID03) ON THE SOUTH LINE OF SAID SW1/4 FOR A DISTANCE OF 1425.17 FEET TO THE SE CORNER OF A PREVIOUSLY SURVEYED AND DESCRIBED TRACT RECORDED IN BOOK 390 AT PAGE 559; THENCE N.00°05'44" W. ON THE EAST LINE OF SAID PREVIOUSLY SURVEYED TRACT FOR A DISTANCE OF 385.00 FEET; THENCE N.89°50'17"E. PARALLEL WITH THE SOUTH LINE OF SAID SW1/4 FOR A DISTANCE OF 460.00 FEET; THENCE N.00°09'39"E. FOR A DISTANCE OF 90.00 FEET; THENCE S.87°30'00"E. FOR A DISTANCE OF 265.00 FEET; THENCE S.77°40'00"E. FOR A DISTANCE OF 200.00 FEET; THENCE S.87°57'56"E. FOR A DISTANCE OF 506.87 FEET TO THE EAST LINE OF SAID SW1/4; THENCE S.00°09'39"W. ON SAID EAST LINE FOR A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING. EXCLUSIVE OF RIGHT OF WAY FOR K-99 HIGHWAY AND INCLUSIVE OF THE COUNTY ROAD RIGHT OF WAY EASEMENT ON THE SOUTH SIDE THEREOF.

Section 2. Effective Date: This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

PASSED AND APPROVED BY THE CITY COMMISSION OF EMPORIA, KANSAS THIS 18TH DAY OF OCTOBER 2023.

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk

1100 S HWY 99



RESOLUTION NO. 15-23

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS FINDING AND DETERMINING THAT THE PROPOSED ANNEXATION BY THE CITY OF EMPORIA, KANSAS, WILL NOT HINDER OR PREVENT THE PROPER GROWTH AND DEVELOPMENT OF THE AREA OR THAT OF ANY OTHER INCORPORATED CITY LOCATED IN LYON COUNTY.

BE IT RESOLVED BY THE BOARD OF THE COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS:

Section 1. The Board of County Commissioners of Lyon County, Kansas finds that a request for annexation of the following described land has been presented to it by the City of Emporia, Kansas.

THE SOUTHWEST QUARTER (SW1/4) OF SECTION 10, TOWNSHIP 20 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, EXCEPT BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 10, THENCE NORTH TO THE NORTHWEST CORNER OF THE SW1/4, THENCE EAST TO THE NORTHEAST CORNER OF THE SW1/4, THENCE SOUTH 980.5 FEET, THENCE WEST 1982.5 FEET, THENCE SOUTH TO THE SOUTH LINE OF SECTION 10, THENCE WEST TO BEGINNING, SAID EXCEPTION CONTAINING 84 ACRES, MORE OR LESS;

AND EXCEPT BEGINNING ON THE SOUTH LINE OF SAID QUARTER AT A POINT 1980.17 FEET WEST OF THE SOUTHEAST CORNER OF SAID QUARTER, THENCE NORTH 0°26'10" EAST ALONG THE EXISTING FENCE 587.98 FEET, THENCE EAST 555 FEET, THENCE SOUTH 587.98 FEET, THENCE WEST 555 FEET TO POINT OF BEGINNING;

AND ALSO EXCEPT A TRACT OF LAND BEGINNING AT THE SOUTHEAST CORNER OF SAID QUARTER SECTION, THE EAST LINE OF SAID QUARTER SECTION HAVING AN ASSUMED BEARING OF NORTH 01°16' WEST, THENCE SOUTH 88°47' WEST 154.5 FEET, THENCE NORTH 01°13' WEST 20.0 FEET, THENCE NORTH 75°58' WEST 61.5 FEET, THENCE NORTH 01°13' WEST 200.0 FEET, THENCE NORTH 03°17' WEST 300.2 FEET, THENCE NORTH 01°13' WEST 400.0 FEET, THENCE NORTH 01°59' EAST TO A POINT 980.5 FEET SOUTH OF THE NORTH LINE, AND 63.1 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION, THENCE EAST 63.1 FEET WEST OF THE NORTHEAST CORNER OF SAID QUARTER SECTION, THENCE EAST 63.1 FEET TO SAID EAST LINE, THENCE SOUTH ALONG SAID EAST LINE TO THE PLACE OF BEGINNING, CONTAINING 2.17 ACRES MORE OR LESS, EXCLUSIVE OF THE EXISTING HIGHWAY;

AND EXCEPT A TRACT OF LAND LOCATED IN THE SW1/4 OF SAID SECTION 10, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SW 1/4; THENCE ON AN ASSUMED BEARING OF NORTH 01°16' WEST ON THE EAST LINE OF SAID SW1/4 FOR A DISTANCE OF 659.55 FEET; THENCE SOUTH 88°29'56" WEST FOR A DISTANCE OF 103.91 FEET TO THE WEST RIGHT OF WAY LINE OF K-99 HIGHWAY AND THE POINT OF BEGINNING; THENCE NORTH 01°13' WEST ON

SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 274.64 FEET; THENCE NORTH 01°59' EAST ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 655.99 FEET; THENCE SOUTH 86°17'25" WEST FOR A DISTANCE OF 576.35 FEET; THENCE NORTH 44°25'25" WEST FOR A DISTANCE OF 30.44 FEET; THENCE SOUTH 88°08'38" WEST FOR A DISTANCE OF 369.32 FEET; THENCE SOUTH 05°07'03" EAST FOR A DISTANCE OF 929.06 FEET; THENCE NORTH 88°29'56" EAST FOR A DISTANCE OF 866.13 FEET TO THE POINT OF BEGINNING.

AND EXCEPT

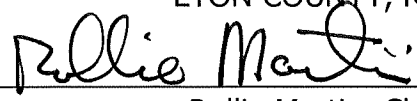
A TRACT BEGINNING AT THE SE CORNER OF THE SW1/4 OF SAID SECTION; THENCE S.89°50'17" W. (GEOID03) ON THE SOUTH LINE OF SAID SW1/4 FOR A DISTANCE OF 1425.17 FEET TO THE SE CORNER OF A PREVIOUSLY SURVEYED AND DESCRIBED TRACT RECORDED IN BOOK 390 AT PAGE 559; THENCE N.00°05'44" W. ON THE EAST LINE OF SAID PREVIOUSLY SURVEYED TRACT FOR A DISTANCE OF 385.00 FEET; THENCE N.89°50'17"E. PARALLEL WITH THE SOUTH LINE OF SAID SW1/4 FOR A DISTANCE OF 460.00 FEET; THENCE N.00°09'39"E. FOR A DISTANCE OF 90.00 FEET; THENCE S.87°30'00"E. FOR A DISTANCE OF 265.00 FEET; THENCE S.77°40'00"E. FOR A DISTANCE OF 200.00 FEET; THENCE S.87°57'56"E. FOR A DISTANCE OF 506.87 FEET TO THE EAST LINE OF SAID SW1/4; THENCE S.00°09'39"W. ON SAID EAST LINE FOR A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING. EXCLUSIVE OF RIGHT OF WAY FOR K-99 HIGHWAY AND INCLUSIVE OF THE COUNTY ROAD RIGHT OF WAY EASEMENT ON THE SOUTH SIDE THEREOF.

Section 2. The Board having determined that the annexation of the subject property will not hinder or prevent the proper growth and development of the area or that of any other incorporated city located within Lyon County, Kansas all as provided in K.S.A. 12-520(c).

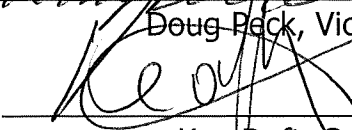
Section 3. This resolution shall take effect upon passage.

ADOPTED AND APPROVED by the Board of County Commissioners of Lyon County, Kansas this 28th day of September, 2023.

BOARD OF COUNTY COMMISSIONERS
LYON COUNTY, KANSAS


Rollie Martin, Chairman


Doug Beck, Vice Chairman


Ken Duft, Commissioner

ATTEST:



Tammy Vopat, Lyon County Clerk





Commission Action Report

Awarding of 24th Ave & Prairie Street Waterline Improvements Project

Title: Awarding of 24th Ave & Prairie Street Waterline Improvements, Project No. WM2201 KDHE KPSLF 3070

Agenda Date: October 18, 2023

Presented By: James Ubert, City Engineer

Background:

With the assistance of BG Consultants by providing a Preliminary Engineering Report and Cost Estimates the City of Emporia applied for and was funded a Kansas Department of Health & Environment Public Water Supply Loan (Project Loan #3070) to fund water main projects that are intended to either supplement or replace some of our aged (90 to 100 yr old) water transmission mains. The 24th Avenue & Prairie Street Waterline Improvements Project will supplement and/or replace portions of our 16" and 20" water transmission mains that extend from the Water Treatment Plant under I35 Hwy to 12th Avenue.

Discussion:

The City of Emporia Engineering Department hosted bid letting on Tuesday, September 26, 2023 at 2:00 held in Conference Room 1AB. There were seven (7) bids received. Below is the bid tabulation summary and Engineer's Estimate provided by BG Consultants.

Bidder	Bid Amount
Apex Excavating	\$4,270,905.00
Infrastructure Solutions	\$5,417,000.00
Middle Creek Corp.	\$6,031,853.00
Carlson Utility	\$6,150,605.00
BRB Contractors	\$6,250,192.00
Nowak Construction	\$6,456,251.00
Smoky Hill Construction	\$7,144,270.00
BG Consultants EOPC	\$5,299,950.00

Although the City has not worked with Apex Excavating before, it was determined (through past project reference checking and a face to face meeting with the City) that they have sufficient background in waterline construction & utility rehab projects, a commitment from their ownership on the project, and sufficient bonding capacity for this project.

Financial considerations:

This will be paid from the Kansas Department of Health and Environment Public Water Supply Loan Fund (Project Loan #3070).

Recommended action:

Award Apex Excavating the contract in the amount of \$4,270,905.00, subject to KDHE approval.

Attachments:

Recommendation letter and Bid Tabulation from BG Consultants.

October 10, 2023

Emporia, KS
522 Mechanic St.
Emporia, KS 66801

RE: 24th Ave. Waterline Improvements
BG #21-1417E
City Emporia #WM 2201

Dear Mayor and City Commissioner:

On October 3, 2023, at 2:00 p.m., Seven (7) bids and an Engineer's Opinion of Probable Cost (EOPC) were received and read publicly for the above referenced project. All bids submitted contained signed addendums and bid bond. A summary bid table is shown below, for quick reference, in ascending order based on the base bid. Detailed bid tabulations are attached.

Bidder	Base Bid
EOPC	\$ 5,299,950.00
APEX Excavating	\$ 4,270,905.00
Infrastructure Solutions	\$ 5,417,000.00
Middlecreek Corporation	\$ 6,031,853.00
Carlson Utility	\$ 6,150,605.00
BRB Contractors	\$ 6,250,192.00
Nowak Construction	\$ 6,456,251.00
Smokey Hill	\$ 7,144,270.00

Per the bidding documents, the unit price governs, and the bids were recalculated. There were no errors in the calculations submitted.

BG Consultants staff and City staff both checked references for Apex Excavating and had a meeting with key Apex personnel to discuss the project and construction. After reviewing all the bids and discussions with Apex staff, in our opinion, the lowest responsible bidder is identified as Apex Excavating, LLC out of Park City, KS. BG Consultants, Inc. and the City have not had past project experience with Apex Excavating, but discussions with past project references and meeting with their staff we believe they have the qualifications to perform the work. BG Consultants, Inc. recommends the City consider awarding the contract to Apex Excavating, LLC, contingent upon KDHE concurrence for the Base Bid for the sum of \$4,270,905.00. This recommendation is based upon our opinion of the identification of the lowest responsible bidder for the project.



Commissioner Action Items for Consideration

1. Award the contract to Apex Excavating, LLC contingent upon KDHE concurrence Base Bid for the sum of \$4,270,905.00.
2. Authorize Mayor and City Attorney to process all Contract Documents and proceed with construction.

As always, our staff will be available for questions pertaining to this project or recommendation.

Sincerely,

Bruce Boettcher, P.E.
Vice President

Attachments

1. Bid Tabulation

Emporia, Kansas

24th Ave. and Prairie Street Waterline Improvements

Bid Tabulations

Bid Letting 9/26/23

BG Project No. 21-1417E

City Project No. WM 2201

				Apparent Low Bidder															
Proposed Project				EOPC		APEX Excavating		Infrastructure Solutions		Middlecreek Corporation		Carlson Utility		BRB Contractors		Nowak Construction		Smokey Hill	
Item No.	Description	Quantity	Units	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization	Lump Sum		\$265,000.00	\$265,000.00	\$120,232.00	\$120,232.00	\$355,900.00	\$355,900.00	\$670,000.00	\$670,000.00	\$75,000.00	\$75,000.00	\$310,000.00	\$310,000.00	\$215,485.00	\$215,485.00	\$300,000.00	\$300,000.00
2	Construction Staking	Lump Sum		\$50,000.00	\$50,000.00	\$12,500.00	\$12,500.00	\$33,600.00	\$33,600.00	\$30,000.00	\$30,000.00	\$40,000.00	\$40,000.00	\$15,250.00	\$15,250.00	\$13,500.00	\$13,500.00	\$13,000.00	\$13,000.00
3	Traffic Control	Lump Sum		\$150,000.00	\$150,000.00	\$52,163.00	\$52,163.00	\$128,000.00	\$128,000.00	\$146,000.00	\$146,000.00	\$95,000.00	\$95,000.00	\$72,450.00	\$72,450.00	\$141,700.00	\$141,700.00	\$86,000.00	\$86,000.00
4	Temporary Erosion Control	Lump Sum		\$65,000.00	\$65,000.00	\$10,000.00	\$10,000.00	\$18,000.00	\$18,000.00	\$12,000.00	\$12,000.00	\$20,000.00	\$20,000.00	\$23,600.00	\$23,600.00	\$33,400.00	\$33,400.00	\$28,000.00	\$28,000.00
5	Clearing and Grubbing	Lump Sum		\$40,000.00	\$40,000.00	\$13,805.00	\$13,805.00	\$6,000.00	\$6,000.00	\$70,000.00	\$70,000.00	\$7,500.00	\$7,500.00	\$14,900.00	\$14,900.00	\$10,000.00	\$10,000.00	\$2,000.00	\$2,000.00
6	Seeding, Fertilizing, and Mulching	Lump Sum		\$60,000.00	\$60,000.00	\$48,100.00	\$48,100.00	\$7,000.00	\$7,000.00	\$25,000.00	\$25,000.00	\$14,500.00	\$14,500.00	\$24,150.00	\$24,150.00	\$44,700.00	\$44,700.00	\$26,000.00	\$26,000.00
7	36" Casing (Jack & Bore)	315	L.F.	\$600.00	\$189,000.00	\$705.00	\$222,075.00	\$950.00	\$299,250.00	\$815.00	\$256,725.00	\$850.00	\$267,750.00	\$825.00	\$259,875.00	\$657.00	\$206,955.00	\$700.00	\$220,500.00
8	36" Casing (Bore)	116	L.F.	\$550.00	\$63,800.00	\$1,555.00	\$180,380.00	\$1,150.00	\$133,400.00	\$560.00	\$64,960.00	\$850.00	\$98,600.00	\$990.00	\$114,840.00	\$658.00	\$76,328.00	\$845.00	\$98,020.00
9	24" Waterline (In Place)	7063	L.F.	\$285.00	\$2,012,955.00	\$205.00	\$1,447,915.00	\$250.00	\$1,765,750.00	\$269.00	\$1,899,947.00	\$300.00	\$2,118,900.00	\$284.00	\$2,005,892.00	\$376.00	\$2,655,688.00	\$370.00	\$2,613,310.00
10	24" Waterline (RJ)	159	L.F.	\$350.00	\$55,650.00	\$265.00	\$42,135.00	\$300.00	\$47,700.00	\$428.00	\$68,052.00	\$425.00	\$67,575.00	\$480.00	\$76,320.00	\$363.00	\$57,717.00	\$376.00	\$59,784.00
11	24" Waterline (Carrier Pipe Bore)(RJ)	431	L.F.	\$350.00	\$150,850.00	\$250.00	\$107,750.00	\$270.00	\$116,370.00	\$336.00	\$144,816.00	\$300.00	\$129,300.00	\$424.00	\$182,744.00	\$287.00	\$123,697.00	\$310.00	\$133,610.00
12	24" Waterline (RJ) (Directional Bore)	469	L.F.	\$400.00	\$187,600.00	\$535.00	\$250,915.00	\$610.00	\$286,090.00	\$670.00	\$314,230.00	\$625.00	\$293,125.00	\$790.00	\$370,510.00	\$487.00	\$228,403.00	\$560.00	\$262,640.00
13	20" Waterline (RJ)	78	L.F.	\$265.00	\$20,670.00	\$390.00	\$30,420.00	\$600.00	\$46,800.00	\$266.00	\$20,748.00	\$425.00	\$33,150.00	\$578.00	\$45,084.00	\$659.00	\$51,402.00	\$600.00	\$46,800.00
14	16" Waterline (In Place)	299	L.F.	\$180.00	\$53,820.00	\$125.00	\$37,375.00	\$260.00	\$77,740.00	\$224.00	\$66,976.00	\$375.00	\$112,125.00	\$246.00	\$73,554.00	\$542.00	\$162,058.00	\$500.00	\$149,500.00
15	16" Waterline (RJ)	48	L.F.	\$210.00	\$10,080.00	\$165.00	\$7,920.00	\$250.00	\$12,000.00	\$199.00	\$9,552.00	\$375.00	\$18,000.00	\$259.00	\$12,432.00	\$317.00	\$15,216.00	\$520.00	\$24,960.00
16	12" Waterline (In Place)	868	L.F.	\$90.00	\$78,120.00	\$70.00	\$60,760.00	\$110.00	\$95,480.00	\$157.00	\$136,276.00	\$235.00	\$203,980.00	\$147.00	\$127,596.00	\$157.00	\$136,276.00	\$200.00	\$173,600.00
17	10" Waterline (In Place)	145	L.F.	\$85.00	\$12,325.00	\$80.00	\$11,600.00	\$180.00	\$26,100.00	\$141.00	\$20,445.00	\$200.00	\$29,000.00	\$200.00	\$29,000.00	\$241.00	\$34,945.00	\$260.00	\$37,700.00
18	8" Waterline (In Place)	37	L.F.	\$65.00	\$2,405.00	\$55.00	\$2,035.00	\$130.00	\$4,810.00	\$90.00	\$3,330.00	\$200.00	\$7,400.00	\$115.00	\$4,255.00	\$168.00	\$6,216.00	\$260.00	\$9,620.00
19	8" Waterline (RJ)	57	L.F.	\$80.00	\$4,560.00	\$50.00	\$2,850.00	\$90.00	\$5,130.00	\$95.00	\$5,415.00	\$250.00	\$14,250.00	\$169.00	\$9,633.00	\$101.00	\$5,757.00	\$320.00	\$18,240.00
20	6" Waterline (In Place)	701	L.F.	\$55.00	\$38,555.00	\$35.00	\$24,535.00	\$80.00	\$56,080.00	\$80.00	\$56,080.00	\$185.00	\$129,685.00	\$116.00	\$81,316.00	\$112.00	\$78,512.00	\$265.00	\$185,765.00
21	6" Waterline (Bore)	2277	L.F.	\$70.00	\$159,390.00	\$70.00	\$159,390.00	\$100.00	\$227,700.00	\$98.00	\$223,146.00	\$150.00	\$341,550.00	\$128.00	\$291,456.00	\$69.00	\$157,113.00	\$325.00	\$740,025.00
22	HDPE Service Line (In Place)	727	L.F.	\$30.00	\$21,810.00	\$25.00	\$18,175.00	\$30.00	\$21,810.00	\$55.00	\$39,985.00	\$105.00	\$76,335.00	\$16.00	\$11,632.00	\$46.00	\$33,442.00	\$90.00	\$65,430.00
23	HDPE Service Line (Directional Bore)	60	L.F.	\$40.00	\$2,400.00	\$315.00	\$18,900.00	\$190.00	\$11,400.00	\$55.00	\$3,300.00	\$105.00	\$6,300.00	\$29.00	\$1,740.00	\$42.00	\$2,520.00	\$76.00	\$4,560.00
24	5/8" Service Assembly w/o Meter	33	Each	\$1,200.00	\$39,600.00	\$415.00	\$13,695.00	\$700.00	\$23,100.00	\$790.00	\$26,070.00	\$1,500.00	\$49,500.00	\$600.00	\$19,800.00	\$1,300.00	\$42,900.00	\$1,540.00	\$50,820.00
25	24" Butterfly Valve w/Box	8	Each	\$17,500.00	\$140,000.00	\$15,225.00	\$121,800.00	\$17,000.00	\$136,000.00	\$20,475.00	\$163,800.00	\$17,500.00	\$140,000.00	\$17,150.00	\$137,200.00	\$21,300.00	\$170,400.00	\$18,300.00	\$146,400.00
26	20" Butterfly Valve w/Box	3	Each	\$14,000.00	\$42,000.00	\$11,510.00	\$34,530.00	\$13,000.00	\$39,000.00	\$16,060.00	\$48,180.00	\$13,500.00	\$40,500.00	\$13,100.00	\$39,300.00	\$16,200.00	\$48,600.00	\$13,700.00	\$41,100.00
27	16" Butterfly Valve w/Box	5	Each	\$10,500.00	\$52,500.00	\$7,650.00	\$38,250.00	\$9,000.00	\$45,000.00	\$10,580.00	\$52,900.00	\$9,500.00	\$47,500.00	\$9,000.00	\$45,000.00	\$11,000.00	\$55,000.00	\$9,500.00	\$47,500.00
28	12" Butterfly Valve w/Box	5	Each	\$6,000.00	\$30,000.00	\$5,360.00	\$26,800.00	\$6,000.00	\$30,000.00	\$9,060.00	\$45,300.00	\$6,500.00	\$32,500.00	\$6,350.00	\$31,750.00	\$8,650.00	\$43,250.00	\$6,400.00	\$32,000.00
29	10" Butterfly Valve w/Box	3	Each	\$5,200.00	\$15,600.00	\$4,390.00	\$13,170.00	\$5,000.00	\$15,000.00	\$6,680.00	\$20,040.00	\$5,500.00	\$16,500.00	\$5,200.00	\$15,600.00	\$6,000.00	\$18,000.00	\$6,000.00	\$18,000.00
30	8" GateValve w/Box	2	Each	\$3,500.00	\$7,000.00	\$2,285.00	\$4,570.00	\$2,800.00	\$5,600.00	\$3,732.00	\$7,464.00	\$3,500.00	\$7,000.00	\$2,900.00	\$5,800.00	\$3,750.00	\$7,500.00	\$3,250.00	\$6,500.00
31	6" Gate Valve w/Box	9	Each	\$2,700.00	\$24,300.00	\$1,690.00	\$15,210.00	\$2,100.00	\$18,900.00	\$2,730.00	\$24,570.00	\$2,000.00	\$18,000.00	\$2,225.00	\$20,025.00	\$2,950.00	\$26,550.00	\$2,250.00	\$20,250.00
32	16" Air Release Assembly	1	Each	\$9,000.00	\$9,000.00	\$3,425.00	\$3,425.00	\$5,900.00	\$5,900.00	\$4,600.00	\$4,600.00	\$8,500.00	\$8,500.00	\$7,475.00	\$7,475.00	\$5,400.00	\$5,400.00	\$4,000.00	\$4,000.00
33	24" Air Release Assembly	2	Each	\$12,000.00	\$24,000.00	\$3,570.00	\$7,140.00	\$6,000.00	\$12,000.00	\$4,700.00	\$9,400.00	\$10,500.00	\$21,000.00	\$6,900.00	\$13,800.00	\$5,500.00	\$11,000.00	\$4,300.00	\$8,600.00
34	Fire Hydrant Setting	6	Each	\$8,500.00	\$51,000.00	\$7,345.00	\$44,070.00	\$8,200.00	\$49,200.00	\$9,600.00	\$57,600.00	\$7,000.00	\$42,000.00	\$9,050.00	\$54,300.00	\$10,100.00	\$60,600.00	\$8,300.00	\$49,800.00
35	Concrete Encased Sanitary Sewer	69	L.F.	\$300.00	\$20,700.00	\$35.00	\$2,415.00	\$215.00	\$14,835.00	\$160.00	\$11,040.00	\$250.00	\$17,250.00	\$180.00	\$12,420.00	\$138.00	\$9,522.00	\$210.00	\$14,490.00
36	Remove & Replace Surfacing (Concrete Pavement 9")	4156	S.Y.	\$120.00	\$498,720.00	\$110.00	\$457,160.00	\$130.00	\$540,280.00	\$145.00	\$602,620.00	\$150.00	\$623,400.00	\$174.00	\$723,144.00	\$171.00	\$710,676.00	\$106.00	\$440,536.00
37	Remove & Replace Surfacing (Concrete 6")	73	S.Y.	\$100.00	\$7,300.00	\$115.00	\$8,395.00	\$230.00	\$16,790.00	\$140.00	\$10,220.00	\$150.00	\$10,950.00	\$145.00	\$10,585.00	\$132.00	\$9,636.00	\$90.00	\$6,570.00
38	Remove and Replace Surfacing (Concrete Sidewalk 4")	88	S.Y.	\$90.00	\$7,920.00	\$100.00	\$8,800.00	\$110.00	\$9,680.00	\$120.00	\$10,560.00	\$45.00	\$3,960.00	\$136.00	\$11,968.00	\$105.00	\$9,240.00	\$84.00	\$7,392.00
39	Remove and Replace Surfacing (Sidewalk Ramp)	2	Each	\$1,750.00	\$3,500.00	\$3,245.00	\$6,490.00	\$4,200.00	\$8,400.00	\$900.00	\$1,800.00	\$700.00	\$1,400.00	\$3,500.00	\$7,000.00	\$2,950.00	\$5,900.00	\$2,400.00	\$4,800.00
40	Remove and Replace Surfacing (Curb and Gutter)	147	L.F.	\$60.00	\$8,820.00	\$85.00	\$12,495.00	\$95.00	\$13,965.00	\$70.00	\$10,290.00	\$120.00	\$17,640.00	\$100.00	\$14,700.00	\$93.00	\$13,671.00	\$72.00	\$10,584.00
41	Remove and Replace Surfacing (Gravel)	44	S.Y.	\$20.00	\$880.00	\$85.00	\$3,740.00	\$40.00	\$1,760.00	\$34.00	\$1,496.00	\$25.00	\$1,100.00	\$24.00	\$1,056.00	\$14.00	\$616.00	\$46.00	\$2,024.00
42	Connection to Existing Waterline	20	Each	\$5,000.00	\$100,000.00	\$2,185.00	\$43,700.00	\$3,300.00	\$66,000.00	\$5,690.00	\$113,800.00	\$18,500.00	\$370,000.00	\$3,800.00	\$76,000.00	\$12,700.00	\$254,000.00	\$14,500.00	\$290,000.00
43	Flowable Fill	4024	C.Y.	\$130.00	\$523,120.00	\$130.00	\$523,120.00	\$145.00	\$583,480.00	\$130.00	\$523,120.00	\$120.00	\$482,880.00	\$210.00	\$845,040.00	\$115.00	\$462,760.00	\$160.00	\$643,840.00
Subtotal					\$5,299,950.00		\$4,270,905.00		\$5,417,000.00		\$6,031,853.00		\$6,150,605.00		\$6,250,192.00		\$6,456,251.00		\$7,144,270.00



Commission Action Report

24th Ave. and Prairie St. Waterline Improvements Supplemental Agreement No. 2

Title: 24th Ave. and Prairie St. Waterline Improvements Supplemental Agreement No. 2

Agenda Date: October 18, 2023

Presented By: Jim Ubert, City Engineer

Background:

The 24th Avenue and Prairie Street Waterline Improvements is a lengthy project that will require significant oversight and resources throughout construction. Due to the scheduling of other projects, the City's Engineering Department is unable to add this project to their schedule to perform the construction services in-house. Therefore, staff would like to contract the project inspection and construction engineering services for this project.

Discussion:

Staff would like to contract with BG Consultants for construction services on the 24th Avenue and Prairie Street Waterline Improvements project.

Financial Considerations:

The contract is not to exceed \$418,065.00 and would be paid from the State Revolving Fund loan.

Recommended Action:

Approve Supplemental Agreement No. 2 on the 24th Avenue and Prairie Street Waterline Improvements project with BG Consultants, Inc.

Attachments:

24th Ave. and Prairie St. Waterline Improvements Supplemental Agreement No. 2

Supplemental Agreement No. 2
to
Engineering Services Agreement
Between
City of Emporia, KS and BG Consultants, Inc.
for
21-1417E City of Emporia Potable Waterline Improvement
24th Avenue – Pump Station to 18th Avenue
Preliminary Engineering Services

The purpose of this Supplement No. 2 is to define additional professional services requested by the **City of Emporia**, hereinafter called the CLIENT, to be provided by **BG Consultants**, hereinafter called the CONSULTANT. This agreement is a supplement to the **City of Emporia Potable Waterline Improvement: 24th Avenue – Pump Station to 18th Avenue AND BG CONSULTANTS, DATED December 1, 2021.**

SECTION I – SCOPE OF SERVICES

Under the terms of Supplement No. 2, the CLIENT and CONSULTANT agree to modify the scope of services to include additional professional services to include Resident Project Representative and Construction Engineering Services described as follows:

1. Project scope is waterline improvements from 24th Ave. pump station to 12th Ave. per Supplemental Agreement 1.
2. Provide general administration of the construction contract including Resident Construction Observation (full time) and Construction Engineering Services (part time) Exhibit A.
3. Participate and chair the preconstruction conference.
4. Process contractor equipment and material submittals in accordance with project documents.
5. Process applications for payment and project change orders in accordance with project documents.
6. Process completion paperwork including substantial completion and final completion certificates.

SECTION II – COMPENSATION

As compensation for the additional services required as described in Section I, The CLIENT agrees to pay the CONSULTANT a fee based on the actual hours expended on the Project at the rates indicated in the attached Fee Schedule and the actual reimbursable expenses permitted under this Agreement and incurred on the Project, but not to exceed a maximum fee of \$418,065.00 Dollars . This fee is based on the scope of Services outlined in Section I of this Agreement and shall be based on 235 Working Days . Payment is due within thirty (30) days of billing by the CONSULTANT and any late payment will incur an interest charge of one and one-half (1½) percent per month.

Furthermore, all billings will be made on a monthly basis for the prior month's work.

SECTION III – OTHER MATTERS

It is mutually agreed and understood that all terms of the original Agreement, not specifically revised by this Supplement No. 2, shall remain unchanged and in full force.

IN WITNESS WHEREOF, the parties have executed this Supplement No. 2 on this ____day of _____, 2023.

City of Emporia, KS
CLIENT

By _____

Title _____

Date _____

BG Consultants, Inc.
CONSULTANT

By _____
Bruce Boettcher, P.E.

Title Vice President

Date _____

EXHIBIT A

Portions of:

Exhibit A – Construction Engineering Services and Resident Project Representative.
EJCDC® E-500 (modified excerpts), Agreement Between Owner and Engineer for Professional
Services.

SECTION A – CONSTRUCTION ENGINEERING SERVICES

A1.01 *Construction Phase*

- A. Upon successful completion of the Bidding and Negotiating Phase, and upon written authorization from Owner, Engineer shall:
1. *General Administration of Construction Contract:* Consult with Owner and act as Owner's representative as provided in the Construction Contract. The extent and limitations of the duties, responsibilities, and authority of Engineer shall be as assigned in EJCDC® C-700, Standard General Conditions of the Construction Contract (2013 Edition), prepared by the Engineers Joint Contract Documents Committee, or other construction general conditions specified in this Agreement. If Owner, or Owner and Contractor, modify the duties, responsibilities, and authority of Engineer in the Construction Contract, or modify other terms of the Construction Contract having a direct bearing on Engineer, then Owner shall compensate Engineer for any related increases in the cost to provide Construction Phase services. Engineer shall not be required to furnish or perform services contrary to Engineer's responsibilities as a licensed professional. All of Owner's instructions to Contractor will be issued through Engineer, which shall have authority to act on behalf of Owner in dealings with Contractor to the extent provided in this Agreement and the Construction Contract except as otherwise provided in writing.
 2. *Resident Project Representative (RPR):* Provide the services of an RPR at the Site to assist the Engineer and to provide more extensive observation of Contractor's work. Duties, responsibilities, and authority of the RPR are as set forth in Section B. The furnishing of such RPR's services will not limit, extend, or modify Engineer's responsibilities or authority except as expressly set forth in Section B.
 3. *Pre-Construction Conference:* Participate in and chair a pre-construction conference prior to commencement of Work at the Site.
 4. *Electronic Transmittal Protocols:* If the Construction Contract Documents do not specify protocols for the transmittal of Project-related correspondence, documents, text, data, drawings, information, and graphics, in electronic media or digital format, either directly, or through access to a secure Project website, then together with Owner and Contractor jointly develop such protocols for transmittals between and among Owner, Contractor, and Engineer during the Construction Phase and Post-Construction Phase.
 5. *Original Documents:* Maintain and safeguard during the Construction Phase at least one original printed record version of the Construction Contract Documents, including

Drawings and Specifications signed and sealed by Engineer and other design professionals in accordance with applicable Laws and Regulations. Throughout the Construction Phase, make such original printed record version of the Construction Contract Documents available to Contractor and Owner for review.

6. *Schedules*: Receive, review, and determine the acceptability of any and all schedules that Contractor is required to submit to Engineer, including the Progress Schedule, Schedule of Submittals, and Schedule of Values.
7. *Baselines and Benchmarks*: establish baselines and benchmarks for locating the Work which in Engineer's judgment are necessary to enable Contractor to proceed.
8. *Visits to Site and Observation of Construction*: In connection with observations of Contractor's Work while it is in progress:
 - a. Make visits to the Site at intervals appropriate to the various stages of construction, as Engineer deems necessary, to observe as an experienced and qualified design professional the progress of Contractor's executed Work. Such visits and observations by Engineer, and the Resident Project Representative, if any, are not intended to be exhaustive or to extend to every aspect of the Work or to involve detailed inspections of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement and the Construction Contract Documents, but rather are to be limited to spot checking, selective sampling, and similar methods of general observation of the Work based on Engineer's exercise of professional judgment, as assisted by the Resident Project Representative, if any. Based on information obtained during such visits and observations, Engineer will determine in general if the Work is proceeding in accordance with the Construction Contract Documents, and Engineer shall keep Owner informed of the progress of the Work.
 - b. The purpose of Engineer's visits to the Site, and representation by the Resident Project Representative, if any, at the Site, will be to enable Engineer to better carry out the duties and responsibilities assigned to and undertaken by Engineer during the Construction Phase, and, in addition, by the exercise of Engineer's efforts as an experienced and qualified design professional, to provide for Owner a greater degree of confidence that the completed Work will conform in general to the Construction Contract Documents and that Contractor has implemented and maintained the integrity of the design concept of the completed Project as a functioning whole as indicated in the Construction Contract Documents. Engineer shall not, during such visits or as a result of such observations of the Work, supervise, direct, or have control over the Work, nor shall Engineer have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, for security or safety at the Site, for safety precautions and programs incident to any Constructor's work in progress, for the coordination of the Constructors' work or schedules, nor for any failure of any Constructor to comply with Laws and Regulations applicable to furnishing and performing of its work. Accordingly, Engineer neither guarantees the performance of any Constructor nor assumes responsibility for any Constructor's failure to furnish or perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents.

- c. The visits described above shall be at least monthly and the Engineer shall document all visits to the project with copies furnished to the Owner
9. *Defective Work:* Reject Work if, on the basis of Engineer's observations, Engineer believes that such Work is defective under the terms and standards set forth in the Construction Contract Documents. Provide recommendations to Owner regarding whether Contractor should correct such Work or remove and replace such Work, or whether Owner should consider accepting such Work as provided in the Construction Contract Documents.
10. *Compatibility with Design Concept:* If Engineer has express knowledge that a specific part of the Work that is not defective under the terms and standards set forth in the Construction Contract Documents is nonetheless not compatible with the design concept of the completed Project as a functioning whole, then inform Owner of such incompatibility, and provide recommendations for addressing such Work.
11. *Clarifications and Interpretations:* Accept from Contractor and Owner submittal of all matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation—RFIs), or relating to the acceptability of the Work under the Construction Contract Documents. With reasonable promptness, render a written clarification, interpretation, or decision on the issue submitted, or initiate an amendment or supplement to the Construction Contract Documents.
12. *Non-reviewable Matters:* If a submitted matter in question concerns the Engineer's performance of its duties and obligations, or terms and conditions of the Construction Contract Documents that do not involve (1) the performance or acceptability of the Work under the Construction Contract Documents, (2) the design (as set forth in the Drawings, Specifications, or otherwise), or (3) other engineering or technical matters, then Engineer will promptly give written notice to Owner and Contractor that Engineer will not provide a decision or interpretation.
13. *Field Orders:* Subject to any limitations in the Construction Contract Documents, Engineer may prepare and issue Field Orders requiring minor changes in the Work.
14. *Change Orders and Work Change Directives:* Recommend Change Orders and Work Change Directives to Owner and prepare Change Orders and Work Change Directives as requested.
15. *Differing Site Conditions:* Respond to any notice from Contractor of differing site conditions, including conditions relating to underground facilities such as utilities, and hazardous environmental conditions. Promptly conduct reviews and prepare findings, conclusions, and recommendations for Owner's use.
16. *Shop Drawings, Samples, and Other Submittals:* Review and take other appropriate action with respect to Shop Drawings, Samples, and other required Contractor submittals, but only for conformance with the information given in the Construction Contract Documents and compatibility with the design concept of the completed Project as a functioning whole as indicated by the Construction Contract Documents. Such reviews or other action will not extend to means, methods, techniques, sequences, or procedures

of construction or to safety precautions and programs incident thereto. Engineer shall meet any Contractor's submittal schedule that Engineer has accepted.

17. *Substitutes and "Or-equal"*: Evaluate and provide recommendation to the owner as the acceptability of substitute or "or-equal" materials and equipment proposed by Contractor. Review of substitutes "or equals" shall be in accordance with the General Conditions of the Construction Contract.
18. *Inspections and Tests*:
 - a. Receive and review all certificates of inspections, tests, and approvals required by Laws and Regulations or the Construction Contract Documents and performed by OTHERS. Engineer's review of such certificates will be for the purpose of determining that the results certified indicate compliance with the Construction Contract Documents and will not constitute an independent evaluation that the content or procedures of such inspections, tests, or approvals comply with the requirements of the Construction Contract Documents. Engineer shall be entitled to rely on the results of such inspections and tests.
 - b. As deemed reasonably necessary, request that Contractor uncover Work that is to be observed, tested, or approved by OTHERS.
 - c. Pursuant to the terms of the Construction Contract, require special observations or testing of the Work by OTHERS, whether or not the Work is fabricated, installed, or completed.
19. *Change Proposals and Claims*: (a) Review and respond to Change Proposals. Review each duly submitted Change Proposal from Contractor and, within 30 days after receipt of the Contractor's supporting data, either deny the Change Proposal in whole, recommend approval to owner in whole, or deny it in part and recommend approval to owner in part. Such actions shall be in writing, with a copy provided to Owner and Contractor. If the Change Proposal does not involve the design (as set forth in the Drawings, Specifications, or otherwise), the acceptability of the Work, or other engineering or technical matters, then Engineer will notify the parties that the Engineer will not resolve the Change Proposal. (b) Provide information or data to Owner regarding engineering or technical matters pertaining to Claims.
20. *Applications for Payment*: Based on Engineer's observations as an experienced and qualified design professional and on review of Applications for Payment and accompanying supporting documentation:
 - a. Determine the amounts that Engineer recommends Contractor be paid. Recommend reductions in payment (set-offs) based on the provisions for set-offs stated in the Construction Contract. Such recommendations of payment will be in writing and will constitute Engineer's representation to Owner, based on such observations and review, that, to the best of Engineer's knowledge, information and belief, Contractor's Work has progressed to the point indicated, the Work is generally in accordance with the Construction Contract Documents (subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, to the results of any subsequent tests called for in the Construction Contract Documents, and to any other qualifications stated in the recommendation), and the conditions

precedent to Contractor's being entitled to such payment appear to have been fulfilled in so far as it is Engineer's responsibility to observe the Work. In the case of unit price Work, Engineer's recommendations of payment will include final determinations of quantities and classifications of the Work (subject to any subsequent adjustments allowed by the Construction Contract Documents).

- b. By recommending payment, Engineer shall not thereby be deemed to have represented that observations made by Engineer to check the quality or quantity of Contractor's Work as it is performed and furnished have been exhaustive, extended to every aspect of Contractor's Work in progress, or involved detailed evaluations of the Work beyond the responsibilities specifically assigned to Engineer in this Agreement. Neither Engineer's review of Contractor's Work for the purposes of recommending payments nor Engineer's recommendation of any payment including final payment will impose on Engineer responsibility to supervise, direct, or control the Work, or for the means, methods, techniques, sequences, or procedures of construction or safety precautions or programs incident thereto, or Contractor's compliance with Laws and Regulations applicable to Contractor's furnishing and performing the Work. It will also not impose responsibility on Engineer to make any examination to ascertain how or for what purposes Contractor has used the money paid to Contractor by Owner; to determine that title to any portion of the Work, including materials or equipment, has passed to Owner free and clear of any liens, claims, security interests, or encumbrances; or that there may not be other matters at issue between Owner and Contractor that might affect the amount that should be paid.
21. *Contractor's Completion Documents:* Receive from Contractor, review, and transmit to Owner maintenance and operating instructions, schedules, guarantees, bonds, certificates or other evidence of insurance required by the Construction Contract Documents, certificates of inspection, tests and approvals, and Shop Drawings, Samples, and other data approved as provided under Paragraph A1.01.A.16. Receive from Contractor and review the annotated record documents which are to be assembled by Contractor in accordance with the Construction Contract Documents to obtain final payment. The Engineer shall prepare Record Drawings, and furnish such Record Drawings to Owner.
22. *Substantial Completion:* Promptly after notice from Contractor that Contractor considers the entire Work ready for its intended use, in company with Owner and Contractor, visit the Site to review the Work and determine the status of completion. Follow the procedures in the Construction Contract regarding the preliminary certificate of Substantial Completion, punch list of items to be completed, Owner's objections, notice to Contractor, and issuance of a final certificate of Substantial Completion. Assist Owner regarding remaining engineering or technical matters affecting Owner's use or occupancy of the Work following Substantial Completion.
23. *Other Tasks:* Perform or provide the following other Construction Phase tasks or deliverables:
- a. Upon Substantial Completion, the Engineer shall provide a copy of the Certificate of Substantial Completion to the Owner.

- b. The Engineer shall prepare Record Drawings showing appropriate record information based on Project annotated record documents received from Contractor, and furnishing 2 copies of such Record Drawings to Owner.
- 24. *Final Notice of Acceptability of the Work:* Conduct a final visit to the Project to provide opinion as to whether the Work is complete and acceptable so that Engineer may recommend, in writing, final payment to Contractor. Accompanying the recommendation for final payment, Engineer shall also provide a notice to Owner and Contractor to the best of Engineer's knowledge, information, and belief, and based on the extent of the services provided by Engineer under this Agreement.
- 25. *Standards for Certain Construction-Phase Decisions:* Engineer will render decisions regarding the requirements of the Construction Contract Documents, and judge the acceptability of the Work, pursuant to the specific procedures set forth in the Construction Contract for initial interpretations, Change Proposals, and acceptance of the Work. In rendering such decisions and judgments, Engineer will not show partiality to Owner or Contractor, and will not be liable to Owner, Contractor, or others in connection with any proceedings, interpretations, decisions, or judgments conducted or rendered in good faith.
- B. *Duration of Construction Phase:* The Construction Phase will commence with the execution of the first Construction Contract for the Project or any part thereof and will terminate upon written recommendation by Engineer for final payment to Contractors. If the Project involves more than one prime contract then Construction Phase services may be rendered at different times in respect to the separate contracts. Engineer shall be entitled to an equitable increase in compensation if Construction Phase services (including Resident Project Representative Services, if any) are required after the original date for completion and readiness for final payment of Contractor as set forth in the Construction Contract.
- C. *Limitation of Responsibilities:* Engineer shall not be responsible for the acts or omissions of any Contractor, Subcontractor or Supplier, or other individuals or entities performing or furnishing any of the Work, for safety or security at the Site, or for safety precautions and programs incident to Contractor's Work, during the Construction Phase or otherwise. Engineer shall not be responsible for the failure of any Contractor to perform or furnish the Work in accordance with the Contract Documents.

A1.02 *Post-Construction Phase*

- A. Upon written authorization from Owner during the Post-Construction Phase, Engineer shall:
 - 1. Together with Owner, visit the Project to observe apparent defects in the Work, make recommendations as to replacement or correction of defective Work, if any, or the need to repair of known damage to the Site or adjacent areas, and assist Owner in consultations and discussions with Contractor concerning correction of defective Work and needed repairs.
 - 2. Together with Owner, visit the Project within one month before the end of the Construction Contract's correction period to ascertain whether any portion of the Work or the repair of known damage to the Site or adjacent areas is defective and therefore subject to correction by Contractor.

3. Perform or provide the following other Post-Construction Phase tasks or deliverables:
 - a. Notify known regulatory agencies of the completion of the project
 - b. Two (2) sets of As-Built Drawings
- B. The Post-Construction Phase services may commence during the Construction Phase and, if not otherwise modified in this Exhibit A, will terminate twelve months after the commencement of the Construction Contract's correction period.

SECTION B – Duties, Responsibilities, and Limitations of Authority of Resident Project Representative

D1.01 Resident Project Representative

- A. Engineer shall furnish a Resident Project Representative ("RPR") to assist Engineer in observing progress and quality of the Work. The RPR may provide full time representation or may provide representation to a lesser degree. RPR is Engineer's representative at the Site, will act as directed by and under the supervision of Engineer, and will confer with Engineer regarding RPR's actions.
- B. Through RPR's observations of the Work, including field checks of materials and installed equipment, Engineer shall endeavor to provide further protection for Owner against defects and deficiencies in the Work. However, Engineer shall not, as a result of such RPR observations of the Work, supervise, direct, or have control over the Work, nor shall Engineer (including the RPR) have authority over or responsibility for the means, methods, techniques, sequences, or procedures of construction selected or used by any Constructor, for security or safety at the Site, for safety precautions and programs incident to the Work or any Constructor's work in progress, for the coordination of the Constructors' work or schedules, or for any failure of any Constructor to comply with Laws and Regulations applicable to the performing and furnishing of its work. The Engineer (including RPR) neither guarantees the performances of any Constructor nor assumes responsibility for any Constructor's failure to furnish and perform the Work, or any portion of the Work, in accordance with the Construction Contract Documents. In addition, the specific terms set forth in Exhibit A, Paragraph A1.01, of this Agreement are applicable.
- C. The duties and responsibilities of the RPR are as follows:
 1. *General:* RPR's dealings in matters pertaining to the Work in general shall be with Engineer and Contractor. RPR's dealings with Subcontractors shall only be through or with the full knowledge and approval of Contractor. RPR shall generally communicate with Owner only with the knowledge of and under the direction of Engineer.
 2. *Schedules:* Review the progress schedule, schedule of Shop Drawing and Sample submittals, schedule of values, and other schedules prepared by Contractor and consult with Engineer concerning acceptability of such schedules.
 3. *Conferences and Meetings:* Attend meetings with Contractor, such as preconstruction conferences, progress meetings, job conferences, and other Project-related meetings (but

not including Contractor's safety meetings), and prepare and circulate copies of minutes thereof.

4. *Safety Compliance:* Comply with known Site safety programs, as they apply to RPR, and if required to do so by such safety programs, receive safety training specifically related to RPR's own personal safety while at the Site.
5. *Liaison:*
 - a. Serve as Engineer's liaison with Contractor. Working principally through Contractor's authorized representative or designee, assist in providing information regarding the provisions and intent of the Construction Contract Documents.
 - b. Assist Engineer in serving as Owner's liaison with Contractor when Contractor's operations affect Owner's on-Site operations.
 - c. Assist in obtaining from Owner additional details or information, when required for proper execution of the Work.
6. *Clarifications and Interpretations:* Receive from Contractor submittal of any matters in question concerning the requirements of the Construction Contract Documents (sometimes referred to as requests for information or interpretation—RFIs), or relating to the acceptability of the Work under the Construction Contract Documents. Report to Engineer regarding such RFIs. Report to Engineer when clarifications and interpretations of the Construction Contract Documents are needed, whether as the result of a Contractor RFI or otherwise. Transmit Engineer's clarifications, interpretations, and decisions to Contractor.
7. *Shop Drawings and Samples:*
 - a. Record date of receipt of Samples and Contractor-approved Shop Drawings.
 - b. Receive Samples that are furnished at the Site by Contractor, and notify Engineer of availability of Samples for examination.
 - c. Advise Engineer and Contractor of the commencement of known Work requiring a Shop Drawing or Sample submittal, if RPR believes that the submittal has not been received from Contractor, or has not been approved by Contractor or Engineer.
8. *Proposed Modifications:* Consider and evaluate Contractor's suggestions for modifications to the Drawings or Specifications, and report such suggestions, together with RPR's recommendations, if any, to Engineer. Transmit Engineer's response (if any) to such suggestions to Contractor.
9. *Review of Work; Defective Work:*
 - a. Report to Engineer whenever RPR believes that known Work is defective under the terms and standards set forth in the Construction Contract Documents, and provide recommendations as to whether such Work should be corrected, removed and replaced, or accepted as provided in the Construction Contract Documents.

- b. Inform Engineer of known Work that RPR believes is not defective under the terms and standards set forth in the Construction Contract Documents, but is nonetheless not compatible with the design concept of the completed Project as a functioning whole, and provide recommendations to Engineer for addressing such Work. ; and
- c. Advise Engineer of that part of the Work that RPR believes should be uncovered for observation, or requires special testing, inspection, or approval by OTHERS.

10. *Inspections, Tests, and System Start-ups:*

- a. Consult with Engineer in advance of scheduled inspections, tests, and systems start-ups by OTHERS.
- b. Observe that tests, equipment, and systems start-ups and operating and maintenance training are conducted in the presence of appropriate Owner's personnel, and that Contractor maintains adequate records thereof.
- c. Observe, record, and report to Engineer appropriate details relative to the test procedures and systems start-ups.
- d. Observe whether Contractor has arranged for inspections required by Laws and Regulations, including those to be performed by public or known agencies having jurisdiction over the Work.
- e. Accompany visiting inspectors representing public or known agencies having jurisdiction over the Work, record the results of these inspections by OTHERS, and report to Engineer.

11. *Records:*

- a. Maintain at the Site files for correspondence, reports of job conferences, copies of Construction Contract Documents including all Change Orders, Field Orders, Work Change Directives, Addenda, additional Drawings issued subsequent to the execution of the Construction Contract, RFIs, Engineer's clarifications and interpretations of the Construction Contract Documents, progress reports, contractor approved Shop Drawing and Sample submittals, and Project-related documents.
- b. Prepare a daily report or keep a diary or log book, recording Contractor's hours on the Site, Subcontractors present at the Site, Change Orders, Field Orders, Work Change Directives, or changed conditions, Site visitors, deliveries of equipment or materials, general daily activities, decisions, observations in general, and observations as in the case of observing test procedures; and send copies to Engineer.
- c. Upon request from Owner to Engineer, photograph or video Work in progress or Site conditions.
- d. Record and maintain, up-to-date lists of the names, addresses, fax numbers, e-mail addresses, websites, and telephone numbers (including mobile numbers) of all Contractors, Subcontractors, and major Suppliers of materials and equipment.
- e. Maintain records for use in preparing Project documentation.

- f. Upon completion of the Work, furnish original set of RPR Project documentation to Engineer.

12. *Reports:*

- a. Furnish to Engineer periodic reports of progress of the Work and of Contractor's compliance with the progress schedule and schedule of Shop Drawing and Sample submittals.
- b. Furnish to Engineer and Owner copies of all inspection, test, and system start-up reports provided by OTHERS.
- c. Inform Engineer of the occurrence of any Site accidents, emergencies, acts of God endangering the Work, possible force majeure or delay events, damage to property by fire or other causes, or the discovery of potential differing site condition or Constituent of Concern.

13. *Payment Requests:* Review applications for payment with Contractor for compliance with the established procedure for their submission and forward with recommendations to Engineer, noting particularly the relationship of the payment requested to the schedule of values, Work completed, and materials and equipment delivered at the Site but not incorporated in the Work.

14. *Certificates, Operation and Maintenance Manuals:* During the course of the Work, observe that materials and equipment certificates, operation and maintenance manuals and other data required by the Contract Documents to be assembled and furnished by Contractor are applicable to the items actually installed and in accordance with the Contract Documents, and have these documents delivered to Engineer for review and forwarding to Owner prior to payment for that part of the Work.

15. *Completion:*

- a. Participate in Engineer's visits to the Site regarding Substantial Completion, assist in the recommendation of Substantial Completion, and prior to the issuance of a Certificate of Substantial Completion submit a punch list of observed items requiring completion or correction.
- b. Participate in Engineer's visit to the Site in the company of Owner and Contractor, to observe completion of the Work, and prepare a final punch list of items to be completed or corrected by Contractor.
- c. Observe whether all items on the final punch list have been completed or corrected, and make recommendations to Engineer concerning acceptance and issuance of the Final Completion documentation.

D. Resident Project Representative shall not:

- 1. Authorize any deviation from the Construction Contract Documents or substitution of materials or equipment (including "or-equal" items).
- 2. Exceed limitations of Engineer's authority as set forth in this Agreement.

3. Undertake any of the responsibilities of Contractor, Subcontractors, or Suppliers, or any Constructor.
4. Advise on, issue directions relative to, or assume control over any aspect of the means, methods, techniques, sequences or procedures of the Work, by Contractor or any other Constructor.
5. Advise on, issue directions regarding, or assume control over security or safety practices, precautions, and programs in connection with the activities or operations of Owner or Contractor.
6. Participate in specialized field or laboratory tests or inspections conducted off-site by others except as specifically authorized by Engineer.
7. Accept Shop Drawing or Sample submittals from anyone other than Contractor.
8. Authorize Owner to occupy the Project in whole or in part.

End of Exhibit A



Commission Action Report

Financials and Permits

Title: Financials and Permits
Agenda Date: October 18, 2023
Presented By: Trey Cocking, City Manager

Background:

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

The following is general information for the month of September 2023 for the community:

Monthly Local Retail Sales Tax Receipts Update

	2022	2023	
	\$ 638,249.40	\$ 482,428.13	Decrease of \$145,821.27 for the month, and
YTD	\$4,590,905.38	\$4,794,681.67	Overall increase of 4.44% from year 2022.

City Share from County Tax

	2022	2023	
	\$ 321,214.93	\$ 244,386.83	Decrease of \$76,828.10 for the month, and
YTD	\$2,337,901.92	\$2,525,468.66	Overall increase of 8.02% from year 2022.

Building Permits issued from 9/1/2023 to 9/30/2023 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	70
Total of valuations associated with those building permits:	\$ 3,579,809.00
Total number of dollars collected for Building Permit Fees:	\$ 17,355.50
Construct – Single-family dwellings	2
Demo – Single-family dwellings	0

Flint Hills Mall CID for September 2023	\$ 14,069.27
YTD	\$179,587.83

Pavilions CID for September 2023	\$ 9,634.93
CID #2	\$ 9,634.93
YTD	\$ 146,633.04



DATE: October 10, 2023
TO: City Commissioners
FROM: Janet Harrouff
SUBJECT: Budget Comparison

The **General Fund** Income Statement for the nine-month period ended September 30, 2023, has been reviewed and the significant budget variations have been explained below.

Revenue:

Ad Valorem Tax: \$38,739 higher than YTD budget

Sales Tax: \$575,550 higher than YTD Budget

City Sales Tax: \$345,081 higher

County Wide Tax: \$230,469 higher

Franchise tax: \$140,679 higher than YTD Budget

Electric - \$24,116 lower

Gas - \$104,383 higher

Cablevision - \$18,520 higher

Use of Property and Money: \$249,633 higher than YTD Budget

Interest \$241,042 higher

Nonoperating Revenues: \$2,135,523 higher than YTD budget due to moving ARPA funds to general fund for revenue losses.

Expense

Personnel Services: \$391,984 higher than YTD budget due to salary study increases.

Commodities: \$101,969 lower than YTD budget

Jet fuel purchases - \$47,266 lower

Gasoline purchases - \$26,175 lower

Ambulance Supplies - \$41,594 lower

Other Charges: \$206,022 lower than YTD budget

Shop Labor - \$107,477 lower

Testing & Recruitment - \$50,575 higher
Inter department Charges - \$132,375 lower
Pavilion Sales tax - \$47,312 higher

Capital Outlay: \$172,493 under YTD budget due to not purchasing items yet.

Transfer to Project accounts: \$2,047,100 over YTD budget due to moving reserves to future projects fund.

Total revenues for the nine-month period ended September 30, 2023, were \$3,600,944 over the YTD budget while expenses were \$2,154,049 over the YTD Budget. Therefore, the General Fund experienced operating results of \$1,446,895 more favorable than the YTD Budget.

I have reviewed the **Water Fund** Income Statement for the nine-month period ended September 30, 2023. The significant budget variations have been explained below.

Revenue

Sale of Water: \$691,974 over YTD budget.

Expense

Maintenance & Repair: \$1,196,141 over YTD budget

Equipment - \$276,304 higher

Main to Meter - \$151,131 higher

Water Main - \$632,184 higher

Streets - \$168,452 higher

Pumping equipment - \$27,031 lower

Commodities: \$237,273 over YTD budget

Chemicals - \$225,616 higher

Capital Outlay: \$630,000 lower than YTD budget due to not purchasing items yet.

Total revenues for the nine-month period ended September 30, 2023, were \$785,248 over the YTD budget while expenses were \$1,194,128 higher than the YTD Budget. Therefore, the Water Fund experienced operating results of \$408,880 less favorable than the YTD Budget.

I have reviewed the **Wastewater Fund** Income Statement for the nine-month period ended September 30, 2023. The significant budget variations have been explained below.

Revenue:

Sewer Charges: \$194,018 higher than YTD budget

Grant money: \$1,225,409

Received \$1,135,409 for S Arundel Sewer main FEMA project

Non Operating revenue: \$559,065

CDBG money for Lift Station #2

Expenses

Maintenance & Repair: \$261,245 higher than YTD Budget

Equipment - \$137,725 higher

Sewer Mains - \$127,957 higher

Buildings & Structures - \$20,821 higher

Commodities: \$217,617 higher than YTD Budget

Chemicals \$175,064 higher

Total revenues for the nine-month period ended September 30, 2023, were \$2,093,030 higher the YTD budget while expenses were \$2,388,063 higher the YTD Budget. Therefore, the Wastewater Fund experienced operating results of \$295,034 less favorable than the YTD Budget.

I have reviewed the **Solid Waste Fund** Income Statement for the nine-month period ended September 30, 2023. The significant budget variations have been explained below.

Revenue

Collection fees: \$28,440 higher than YTD budget

Interest on Investments: \$99,422 higher than YTD budget

Rolloff: \$42,852 higher than YTD budget

Landfill fees: \$101,491 higher than YTD budget

Expenses

Capital Outlay \$681,030 lower than YTD budget due to items not purchased yet.

Total revenues for the nine-month period ended September 30, 2023, were \$202,161 higher than YTD budget while expenses were \$607,454 lower than the YTD Budget. Therefore, the Solid Waste Fund experienced operating results of \$809,616 more favorable than the YTD Budget.

GENERAL FUND

as of September 30, 2023

GENERAL FUND

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	4,535,363	4,519,095	4,515,233	5,932,373	5,932,373
REVENUE					
Ad Valorem Property Tax	5,112,898	5,636,204	5,680,000	5,718,739	(38,739)
Sales Tax	9,382,028	8,992,800	6,744,600	7,320,150	(575,550)
Franchise Tax	3,041,958	2,814,536	2,110,896	2,251,575	(140,679)
Other Taxes	615,651	731,188	522,487	554,263	(31,776)
Intergovernmental Taxes	313,974	333,006	235,747	226,942	8,805
Licenses & Permits	385,058	267,950	179,001	207,867	(28,866)
Charges for Services	2,123,416	2,105,903	1,662,018	1,830,701	(168,683)
Fines & Fees	434,395	542,300	406,008	352,418	53,590
Use of Property and Money	207,861	161,996	113,841	363,474	(249,633)
Reimbursements	145,156	155,756	116,757	220,831	(104,074)
Misc. Rev. - Administrative Transfers	2,772,472	2,591,938	1,943,910	2,133,730	(189,820)
Transfer from Solid Waste Fund	0	0	0	0	0
Transfer from Health Insurance Fund		0			0
Operating Revenues	190	200	144	140	4
Nonoperating Revenues	51,743	0		2,135,523	(2,135,523)
TOTAL RECEIPTS	24,586,800	24,333,777	19,715,409	23,316,353	(3,600,944)
EXPENDITURES					
Personnel Services	13,406,660	14,681,310	10,729,327	11,121,311	(391,984)
Vacancy Rate		(280,252)	0		0
Maintenance & Repair	704,466	1,022,467	768,599	752,110	16,489
Commodities	1,563,093	1,762,750	1,311,005	1,209,036	101,969
Other Charges	355,642	846,818	418,848	212,826	206,022
Capital Outlay	172,847	319,106	319,106	146,613	172,493
Debt Reduction		0			0
Stock	0	0	0	0	0
Transfer to Industrial Development Sales Tax	925,000	925,000	693,747	693,750	(3)
Transfer to Multi Year Fund	3,114,307	3,060,000	2,295,000	2,851,203	(556,203)
Transfer to Project accounts	612,833	40,000	0	1,784,666	(1,784,666)
Transfer to Equipment Reserve	260,000	264,500	304,500	304,500	0
Utilities	522,093	554,250	415,566	419,861	(4,295)
Communications	104,507	129,500	96,930	82,911	14,019
Training and Travel	201,605	214,750	160,992	160,055	937
Jail Expenses	67,520	80,000	59,994	56,800	3,194
Other Contractual	932,311	1,038,950	776,296	708,318	67,978
Excess Carryover		3,165,514	0		0
Outstanding PO's	41,450				
TOTAL EXPENDITURES	22,984,335	27,824,663	18,349,910	20,503,959	(2,154,049)
Revenue less expenses	1,602,465	(3,490,886)	1,365,499	2,812,394	(1,446,895)
Cash Basis Adjustments/Non-appropriated Balance	(205,455)	0	0	(232,526)	
Ending Cash Balance	5,932,373	1,028,209	5,880,732	8,512,240	
Base for Reserve calculation	17,899,348	23,216,057	14,737,557	14,723,227	
15% Reserve	2,684,902	3,482,409	2,210,634	2,208,484	
Amount over 15% Reserve	3,247,470	(2,454,200)	3,670,098	6,303,756	

General Fund
Capital Items

	Budget Amount	Purchase Price	
City Wide	\$30,000	30,000	Communication Equipment
Police	\$25,000	not purchasing	License Plate Reader (LPR)
Police	\$38,000		3 Mobile data terminals & 3 Video Cameras
Police	\$22,000		10 Body Cameras
Police	\$14,000	14,000	8 Tasers
Fire	\$34,000		Water Rescue & Technical rescue Equipment
Fire	\$11,106		Forcible Entry Trng Prop
EMS	\$45,000		Monitor/Defibrillator
EMS	\$38,000		Mechanical CPR Devices
EMS	\$30,000		Replace Power Cots
Shop	\$8,000		Transmission Jack
Shop	\$4,000		Tough laptop for Shop Use (service data softwar
Park	\$20,000	\$9,400	72" zero turn (2000)

Multi Year Fund

as of September 30, 2023

as of September 30, 2023					2023	2023
			Purchase Order	Expenses	Actual	Budget/estimated
Beginning unencumbered balance					3,060,010.61	3,060,010.61
REVENUE		Sales Tax Proceeds from General Fund			2,525,468.66	3,060,000.00
		Interest			119,196.63	5,000.00
		Outstanding PO's			300,000.00	-
		KDOT reimbursement - CCLIP			324,358.00	300,000.00
		Accounts Receivable			(1,000.00)	
Total Revenue					3,268,023.29	3,365,000.00
SK2302	102-0101-400.0505	2020, 21 & 22 Private/Public partnership		0.00	-	400,000.00
	102-0101-400.0505	Land Bank Transfer		50,000.00	50,000.00	50,000.00
	102-0101-400.0505	ADA Sidewalks	0.00	0.00	-	50,000.00
SW1903	102-0101-400.0505	PW Bldg Remodel Old bathroom for a women's locker room			-	100,000.00
	102-0101-400.0265	Miscellaneous storm water repairs		100,000.00	100,000.00	100,000.00
	102-0101-400.0265	Lakeridge Rd to Bayfront Dr	0.00	0.00	-	14,388.05
FS2201	102 0101 400 0505	Holiday Drive Storm Water		0.00	-	0.00
	102-0201-400.0502	Firing Range House Split with county			-	30,000.00
	102-0301-400.0502	Kitchen Remodel at Fire Station 2			-	0.00
PK2101	102-0301-400.0502	Overhead Door Replacement Station 2	0.00	0.00	-	12,000.00
	102 0601 400 0257	2022 Hazardous Sidewalk	27,603.15	69,816.25	97,419.40	100,000.00
	102-0601-400.0801	Close out paving projects		137,155.33	137,155.33	11,000.00
SK2201	102-0601-400.1516	Mechanic Parking lots 600-700 Block	807,999.85	(122,925.84)	685,074.01	754,934.60
	102-0601-400.1516	Sidewalk S side 15th Ave Graphic Arts to Hatcher			-	55,000.00
	102-0601-400.1516	Sidewalk S side 15th Industrial to Stanton			-	25,000.00
SK2301	102-0601-400.1516	Sidewalk 12th & Burlingame & 24th Prairie to Lincoln	0.00	(92,094.90)	(92,094.90)	145,241.61
	102-0601-400.1516	Sidewalk 24th Ave Graphic Arts to Westridge Dr		1,710.72	1,710.72	100,000.00
	102-0601-400.1516	Sidewalk Imp N side 24th Westridge to Industrial	0.00	0.00	-	70,000.00
PV2201	102-0601-400.1516	Sidewalk Improv. (12th Ave. from Graphic Arts to Industrial Rd.)			-	100,000.00
	102-0601-400.1516	CCLIP 6th Ave Prairie to Neosho	0.00	107.20	107.20	0.00
	102-0601-400.1516	CCLIP US 50 Mechanic to East limits	718,647.13	54,917.64	773,564.77	460,000.00
PV2302	102-0601-400.1516	2023 Street Rehab	324,614.12	659,679.62	984,293.74	1,000,000.00
	102-0601-400.1516	6th & Prairie intersection Improvmnts		0.00	-	0.00
	102-0601-400.1516	Misc Street Repairs		100,000.00	100,000.00	100,000.00
TS2302	102-0601-400.1516	Replace School flashing lights - 13 lights 50% match with USD 25	84,273.50		84,273.50	80,000.00
PV2206	102-0601-400.0505	Street Preservation	0.00	26,312.70	26,312.70	26,347.70
PV2303	102-0601-400.0505	Street Preservation	192,000.00	991.67	192,991.67	95,000.00
TS2201	102-0601-400.0505	Camera (loop projectors) 6th & Rural	0.00	18,733.86	18,733.86	20,000.00
GC2301	102-0601-400.1516	Funston street		170,152.76	170,152.76	170,152.76
	102-0701-400.0505	Tee Box limprovements	10,500.00	427,979.00	438,479.00	440,000.00
	102-0801-400.0505	Pickleball viewing area improvement	0.00	8,621.60	8,621.60	9,000.00
PK2103	102-0803-400.0505	JAC replace sand in filters			-	20,000.00
	102-0806-400.0502	Hay Barn 30'40' 5" concrete floor	0.00	0.00	-	3,518.00
	102-0806-400.0502	Parking Lot at Zoo	0.00	130,461.43	130,461.43	131,000.00
ZO2301	102-0806-400.0505	Bus parking at zoo	0.00	76,570.30	76,570.30	75,000.00
	102-0806-400.0502	Hoof Stock Sheds			-	50,000.00
	102-0806-400.0502	Trumpeter Swan Exhibit - repairs			-	54,000.00
ZO2201	102-0806-400.0505	Fire Alarm & Smoke Detection at Zoo	18,803.60	6,825.50	25,629.10	26,000.00
	102-0806-400.0505	Eagle pond renovation			-	120,000.00
	102-0806-400.0505	Off-exhibit privacy fence & holding area pond repair			-	78,000.00
CV2207	102-0901-400.0505	Downtown concrete - trip hazard correction	0.00	10,316.00	10,316.00	11,000.00
	102-0901-400.0502	618 Mechanic Roof			-	60,000.00
	102-0901-400.0502	Convert 618 Mechanic to indoor storage for City Dept			-	0.00
CV2206	102-0901-400.0502	Civic Roof areas K,M & N (Cover asphalt roof with TPO Rubber Material)			-	81,000.00
	102-0901-400.0502	Replace Steam Lines & update HVAC	0.00	0.00	0.00	25,000.00
	102-0901-400.0502	Remodel East Foyer & Vestibule door ways			-	50,000.00
CV2302	102-0901-400.0502	Sewer Lift Station - Police dept basement			-	110,000.00
	102-0901-400.0502	2022 Replace Steam Lines	0.00	0.00	-	85,000.00
	102-0901-400.0502	2nd floor restoom ceiling repairs			-	30,000.00
CV2205	102-0901-400.0502	Police department Lobby Remodel ADA			-	400,000.00
CV2204	102-0901-400.0502	Replace Irrigation system	0.00	10,280.13	10,280.13	11,000.00
CV2202	102-0901-400.0502	Walk-in Cooler in Room 222			-	25,000.00
	102-0901-400.0502	Replace Windows in Auditorium			-	26,000.00
	102-0901-400.0502	Elevator Controls	53,050.00	0.00	53,050.00	121,950.00
LB2201	102-0902-400.0502	Electrical update - install panel and light switches			-	60,000.00
	102-0902-400.0505	ADA improvements Library doors & ADA openers	0.00		-	120,000.00
	102-0902-400.0505	Replace Irrigation system	(0.00)	4,884.88	4,884.88	5,000.00
AR2301	102-0902-400.0502	HVAC updates			-	30,000.00
	102-1401-400.0502	Remodel Terminal Bathroom		31,408.00	31,408.00	32,000.00
					-	
EXPENDITURES			2,237,491.35	1,881,903.85	4,119,395.20	6,358,532.72
Ending Unencumbered Cash balance					2,208,638.70	66,477.89
2023 budgeted projects					2,208,638.70	

Insurance Reserve

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Original Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$0	\$0	\$500,000	\$500,000	\$0
REVENUE					
Transfer from General	\$500,000	\$0	\$0	\$0	\$0
Insurance payment				\$10,850	(\$10,850)
Interest		\$0		\$13,652	(\$13,652)
TOTAL RECEIPTS	\$500,000	\$0	\$0	\$24,502	(\$24,502)
EXPENDITURES					
Maintenance & Repair		\$0			\$0
Misc Projects		\$0			
TOTAL EXPENDITURES	\$0	\$0	\$0	\$0	\$0
Ending Cash Balance	\$500,000	\$0	\$500,000	\$524,502	(\$24,502)

Vacant Property Program

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Original Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$0	\$0	\$200,000	\$200,000	\$0
REVENUE					
Transfer from ARPA funds	\$200,000	\$0	\$0	\$0	\$0
Interest		\$0		\$4,601	(\$4,601)
TOTAL RECEIPTS	\$200,000	\$0	\$0	\$4,601	(\$4,601)
EXPENDITURES					
Maintenance & Repair		\$0			\$0
Other Contractual Services		\$0		\$66,066	
TOTAL EXPENDITURES	\$0	\$0	\$0	\$66,066	\$0
Ending Cash Balance	\$200,000	\$0	\$200,000	\$138,535	(\$4,601)

City of Emporia, Kansas

Library Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Original Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$0	\$0	\$0	\$0	\$0
REVENUE					
Ad Valorem Property Tax	\$896,105	\$977,639	\$968,500	\$968,957	(\$457)
Back Tax Collection	\$21,052	\$15,000	\$15,000	\$24,055	(\$9,055)
Motor Vehicle Tax	\$90,694	\$98,842	\$76,000	\$82,314	(\$6,314)
Recreational Vehicle Tax	\$1,113	\$1,073	\$800	\$871	(\$71)
AdValorem Tax Reduction	(\$9,766)	(\$9,500)	(\$9,500)	(\$10,541)	\$1,041
General Fund Contribution		\$0			\$0
TOTAL RECEIPTS	\$999,198	\$1,083,054	\$1,050,800	\$1,065,655	(\$14,855)
EXPENDITURES					
Insurance Refund		\$0			\$0
Misc Projects		\$0			
Appropriation	\$999,198	\$1,083,054	\$1,050,800	\$1,065,655	(\$14,855)
TOTAL EXPENDITURES	\$999,198	\$1,083,054	\$1,050,800	\$1,065,655	(\$14,855)
Ending Cash Balance	\$0	\$0	\$0	\$0	(\$0)

Convention & Tourism Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$649,121	\$787,753	\$787,753	\$810,801	\$0
REVENUE					
Transient Guest Tax	\$771,864	\$700,000	\$530,000	\$621,356	(\$91,356)
Interest on Investment	\$4,093	\$310	\$558	\$18,684	(\$18,126)
Fence rental	\$7,999	\$6,000	\$6,000	\$7,431	(\$1,431)
Return of amount over allowed reserve	\$50,630				\$0
Repayment of extra funds - Chamber				\$0	\$0
Accounts Receivable - fence rental	\$12,368			(\$2,981)	\$2,981
TOTAL RECEIPTS	\$846,954	\$706,310	\$536,558	\$644,490	(\$107,932)
EXPENDITURES					
CVB Appropriation	\$365,000	\$385,000	\$385,000	\$385,000	\$0
Trusler Sports Complex		\$0			\$0
City cost associated with events	\$30,000	\$30,000	\$0		\$0
Civic Auditorium improvements	\$50,000	\$50,000	\$50,000	\$50,000	\$0
Red Rock's Appropriation	\$7,500	\$7,500	\$7,500	\$7,500	\$0
Main Street Historical District		\$0			\$0
Emporia Main Street	\$56,250	\$100,000	\$100,000	\$100,000	\$0
Breckinridge Hotel		\$0			\$0
Emporia Arts Council Support	\$10,000	\$10,000	\$10,000	\$10,000	\$0
Emporia Granda	\$20,000	\$30,000	\$30,000	\$30,000	\$0
Symphony in the Flint Hills		\$0			\$0
Unbound Bike Event	\$15,000	\$15,000	\$15,000	\$15,000	\$0
DDO	\$25,000	\$25,000	\$25,000	\$25,000	\$0
Junior World Event		\$0			\$0
PDGA Professional Disc Golf World	\$20,000	\$0	\$0		\$0
Municipal Band Appropriation		\$0			\$0
ESU Foundation - Welch Stadium Imp		\$0			\$0
Free for Kansas - Music event	\$20,000	\$20,000	\$20,000	\$20,000	\$0
Dynamic Discs - Jones course improvement	\$55,529				\$0
Hammond Park Crossings				\$21,528	(\$21,528)
Miscellaneous	\$10,995	\$0		\$421	(\$421)
Special Projects		\$821,563	\$0		\$0
Outstanding PO's	\$0			\$0	
TOTAL EXPENDITURES	\$685,274	\$1,494,063	\$642,500	\$664,449	(\$21,949)
Ending Cash Balance	\$810,801	\$0	\$681,811	\$790,842	(\$85,983)
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	\$232,566.63
4TH QUARTER-OCTOBER	\$207,822.11	\$151,949.08	\$200,102.99	\$219,288.14	\$0.00
TOTAL	\$713,538.10	\$558,700.30	\$634,077.46	\$771,864.27	\$621,356.10

City of Emporia, Kansas

Industrial Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	19,924	19,882	19,899	21,252	0
REVENUE					
Ad Valorem Property Tax	1,077	1,000	1,000	1,147	(147)
Back Tax Collections	26	21	21	30	(9)
Motor Vehicle Tax	111	110	110	100	10
Ad Valorem Tax Reduction	(12)	(16)	(16)	(13)	(3)
Interest on Investment	126	25	18	603	(585)
Miscellaneous					
TOTAL RECEIPTS	1,328	1,140	1,133	1,867	(734)
EXPENDITURES					
Travel Expense & Miscellaneous	0	1,185	1,089		1,089
Other charges	0				0
Contractual Services	0	0			0
Special Projects and Reserve Fund	0	19,837			0
TOTAL EXPENDITURES	0	21,022	1,089	0	1,089
Ending Cash Balance	21,252	0	19,943	23,119	(1,823)

Industrial Development Sales Tax

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$247,080	\$447,328	\$253,102	\$1,423,879	\$0
Revenue:					
Sales Tax Receipts	\$925,000	\$925,000	\$693,747	\$693,750	(\$3)
Interest Income	\$5,240	\$250	\$180	\$31,563	(\$31,383)
Money for Land Purchases	\$100,000	\$0		\$0	\$0
Bond Proceeds	\$1,000,000	\$0	\$0	\$0	\$0
Kansas Gas Rebate - REG		\$0			\$0
RDA returned money					
Total Revenue	\$2,030,240	\$925,250	\$693,927	\$725,313	(\$31,386)
Expense:					
Appropriation to the RDA	\$350,000	\$350,000	\$297,500	\$297,500	\$0
Emporia Enterprises	\$32,500	\$35,000	\$0	\$0	\$0
Miscellaneous	\$0	\$0		\$0	\$0
Land Purchase for Industr	\$0	\$0	\$0	\$0	\$0
Land Purchase	\$0	\$0	\$0	\$0	\$0
Gas Line Bond Pmt		\$0			\$0
Land Purchase Bond Pmt		\$0		\$85,963	(\$85,963)
Transfer to B&I water proj	\$350,000	\$350,000	\$350,000	\$350,000	\$0
Soden Rd water main ext	\$0	\$0	\$0	\$60,000	(\$60,000)
Water Valves					\$0
Special Projects	\$120,941	\$637,578	\$0	\$0	\$0
Total Expenses	\$853,441	\$1,372,578	\$647,500	\$793,463	(\$145,963)
Ending Cash Balance	\$1,423,879	\$0	\$299,529	\$1,355,729	\$114,577

Special Alcohol Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	89,340	82,664	77,967	103,198	0
REVENUE					
Private Club Liquor Tax	100,043	90,000	67,500	82,712	(15,212)
Interest on Investment	565	75	54	2,760	(2,706)
TOTAL RECEIPTS	100,608	90,075	67,554	85,472	(17,918)
EXPENDITURES					
Appropriations	86,750	97,200	74,700	74,700	0
Special Projects		75,539	0		0
TOTAL EXPENDITURES	86,750	172,739	74,700	74,700	0
Ending Cash Balance	103,198	0	70,821	113,970	(17,918)

	Receive in 2019	Receive in 2020	Receive in 2021	Receive in 2022	Receive in 2023
Appropriations					
Cross Winds	\$20,000.00	\$20,000.00	\$15,000.00	\$15,000.00	\$15,000.00
Corner House	\$55,000.00	\$65,000.00	\$48,750.00	\$65,000.00	\$75,000.00
Emporia State University	\$5,400.00	\$9,000.00	\$6,750.00	\$6,750.00	\$7,200.00
Emporia State University USD #253	\$6,500.00	\$0.00	\$0.00		
Total	\$86,900.00	\$94,000.00	\$70,500.00	\$86,750.00	\$97,200.00

	2019	2020	2021	2022	2023
Receipts					
1ST QUARTER - MARCH	\$26,806.24	\$22,675.47	\$17,214.78	\$23,976.09	\$25,545.76
2ND QUARTER - JUNE	\$22,937.76	\$21,611.91	\$18,634.04	\$22,129.19	\$26,129.12
3RD QUARTER - SEPTEMBER	\$26,000.31	\$7,881.01	\$25,844.73	\$28,544.72	\$31,037.27
4TH QUARTER - DECEMBER	\$26,705.52	\$14,069.40	\$24,664.21	\$25,393.46	\$0.00
TOTAL	\$102,449.83	\$66,237.79	\$86,357.76	\$100,043.46	\$82,712.15

City of Emporia, Kansas

Special Park Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$188,630	\$168,979	\$132,234	\$83,362	\$0
REVENUE					
Private Club Liquor Tax	\$100,043	\$90,000	\$67,500	\$82,712	(\$15,212)
Donations& Grants		\$0	\$0	\$0	\$0
Lake Kahola Proceeds		\$0			\$0
Trf of funds from project account	\$0	\$0		\$0	\$0
Interest on Investment	\$598	\$150	\$108	\$3,071	(\$2,963)
TOTAL RECEIPTS	\$100,641	\$90,150	\$67,608	\$85,783	(\$18,175)
EXPENDITURES					
Capital Outlay	\$84,868	\$70,000	\$70,000	\$67,859	\$2,141
Municipal Band Allocation	\$10,000	\$15,000	\$15,000	\$15,000	\$0
Miscellaneous					\$0
Commodities	\$14,330	\$0		\$0	\$0
Contractual Services	\$0	\$0		\$0	\$0
Other Charges					\$0
Transfer to Project Account	\$96,711			\$0	\$0
Outstanding PO's	\$0			\$0	
Special Projects	\$0	\$174,129	\$0		\$0
TOTAL EXPENDITURES	\$205,909	\$259,129	\$85,000	\$82,859	\$2,141
Ending Cash Balance	\$83,362	\$0	\$114,842	\$86,286	(\$20,316)

Receipts	2019	2020	2021	2022	2023
1ST QUARTER - MARCH	\$26,806.24	\$22,675.47	\$17,214.77	\$23,976.10	\$25,545.75
2ND QUARTER - JUNE	\$22,937.76	\$22,611.90	\$18,634.04	\$22,129.19	\$26,129.11
3RD QUARTER - SEPTEMBER	\$26,000.31	\$7,881.00	\$25,844.73	\$28,544.72	\$31,037.26
4TH QUARTER - DECEMBER	\$26,705.53	\$14,069.39	\$24,664.03	\$25,393.46	\$0.00
TOTAL	\$102,449.84	\$67,237.76	\$86,357.57	\$100,043.47	\$82,712.12

Capital Items	Budget Amount	Purchase Price
Park	\$70,000.00	\$67,859.00
	70,000.00	67,859.00

11 Foot Rotary Mower (2012)

Special Street Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	517,460	345,323	496,206	289,140	
REVENUE					
Gasoline Tax	655,837	670,000	502,500	483,448	19,052
Special City-County Tax	77,404	74,826	56,118	60,229	(4,111)
Damages	23,089	5,000	3,744	20,777	(17,033)
Interest on Investment	2,490	500	369	7,787	(7,418)
Transfer of Funds		0		100,000	(100,000)
Sale of Salvage	33			0	0
Miscellaneous	4,497	0		41,580	(41,580)
TOTAL RECEIPTS	763,350	750,326	562,731	713,822	(151,091)
EXPENDITURES					
Personnel Services	636,340	595,926	435,554	487,870	(52,316)
Vacancy		(11,477)			0
Maintenance & Repair	103,127	89,240	66,888	145,899	(79,011)
Commodities	109,968	145,450	109,044	89,072	19,972
Other Charges	38,629	47,100	39,658	15,585	24,073
Capital Outlay	14,875	0		0	0
Transfer of Funds	0	0		5,000	(5,000)
Utilities	27,951	30,550	22,905	17,569	5,336
Communications	1,464	2,350	1,746	1,314	432
Training & Travel	8,784	7,500	5,616	11,720	(6,104)
Contractual Services	43,212	42,300	26,307	13,458	12,849
Special Projects	0	146,709	0	0	0
Audit Adjustments	(80)			(3,405)	3,405
Outstanding PO's	7,400			0	0
TOTAL EXPENDITURES	991,670	1,095,648	707,718	784,081	(76,363)
Net Change in Cash	(228,320)	(345,322)	(144,987)	(70,259)	
Ending Cash Balance	289,140	1	351,219	218,881	
Receipts	2019	2020	2021	2022	2023
1st Quarter - Jan Payment	\$168,525.42	\$173,837.48	\$161,594.64	\$167,557.74	\$167,412.68
2nd Quarter - April Payment	\$161,370.99	\$163,486.85	\$149,245.64	\$157,106.42	\$149,529.56
Extra Payment- June			\$54,671.53		
3rd Quarter - July Payment	\$170,138.12	\$140,178.69	\$172,643.49	\$166,060.14	\$166,505.96
4th Quarter - Oct Payment	\$177,741.69	\$164,712.37	\$174,419.30	\$165,112.70	
Total	\$677,776.22	\$642,215.39	\$712,574.60	\$655,837.00	\$483,448.20

Capital Item	Budget Amount	Purchase Price
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City of Emporia, Kansas

Drug Forfeiture Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$69,301	\$34,819	\$72,327	\$83,820	
REVENUE					
Receipts from Drug Forfeitures	\$52,650	\$5,000	\$3,744	\$4,970	(1,226)
Interest on Investment	\$487	\$50	\$36	\$1,970	(1,934)
Miscellaneous					
TOTAL RECEIPTS	\$53,137	\$5,050	\$3,780	\$6,941	(3,161)
EXPENDITURES					
Commodities	\$23,264	\$5,000	\$2,912	\$3,180	(268)
Capital Outlay		\$0			-
Communications	\$0	\$0		\$101	(101)
Other Charges				\$27,615	(27,615)
Transfer of funds					
Other Contractual	\$3,459	\$0		\$0	-
Travel & Training					-
Maintenance & Repair	\$11,895	\$0	\$0	\$0	-
Outstanding PO's	\$0			\$0	
Special Projects		\$34,869	\$0		
TOTAL EXPENDITURES	\$38,618	\$39,869	\$2,912	\$30,897	(27,985)
Ending Cash Balance	\$83,820	\$0	\$73,195	\$59,864	

City of Emporia, Kansas

Storm Water

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$0	\$0	\$0	\$259,179	
REVENUE					
Transfer from Multi Year	\$258,276	\$0	\$100,000	\$100,000	-
Interest on Investment	\$903	\$0	\$0	\$7,373	(7,373)
Miscellaneous					
TOTAL RECEIPTS	\$259,179	\$0	\$100,000	\$107,373	(7,373)
EXPENDITURES					
Commodities	\$0	\$0	\$0	\$0	-
Capital Outlay		\$0			-
Communications	\$0	\$0		\$0	-
Other Charges				\$165	(165)
Transfer of funds				\$125,734	(125,734)
Other Contractual		\$0		\$0	-
Travel & Training					-
Maintenance & Repair	\$0	\$0	\$0	\$0	-
Outstanding PO's	\$0			\$0	
Special Projects		\$0	\$0		
TOTAL EXPENDITURES	\$0	\$0	\$0	\$125,899	(125,899)
Ending Cash Balance	\$259,179	\$0	\$100,000	\$240,653	

City of Emporia, Kansas

Land Bank

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$16,888	\$0	\$0	\$59,845	
REVENUE					
Transfer from Multi Year	\$50,000	\$50,000	\$50,000	\$50,000	-
Interest on Investment	\$385	\$20	\$9	\$2,379	(2,370)
Sale of Property	\$9,830			\$13,571	
TOTAL RECEIPTS	\$60,215	\$50,020	\$50,009	\$65,950	(2,370)
EXPENDITURES					
Commodities	\$0	\$0	\$0	\$0	-
Capital Outlay		\$0			-
Communications	\$0	\$0		\$0	-
Other Charges	\$9,103	\$500	\$205		205
Purchase of Property	\$8,117	\$20,000	\$8,330		
Communications	\$38	\$1,000	\$415	\$11	404
Other Contractual Services		\$96,094	\$21,870		21,870
Maintenance & Repair	\$0	\$0	\$0	\$0	-
Outstanding PO's	\$0			\$0	
Special Projects		\$0	\$0		
TOTAL EXPENDITURES	\$17,258	\$117,594	\$30,820	\$11	22,479
Ending Cash Balance	\$59,845	-\$67,574	\$19,189	\$125,784	

City of Emporia, Kansas

Bond & Interest Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$1,340,014	\$1,859,420	\$1,328,355	\$1,986,995	\$0
REVENUE					
Ad Valorem Property Tax	\$1,794,007	\$1,957,078	\$1,940,000	\$1,954,063	(14,063)
Back Tax Collection	\$42,618	\$40,000	\$40,000	\$48,698	(8,698)
Special Assessments	\$82,354	\$78,252	\$78,252	\$68,913	9,339
Motor Vehicle Tax	\$184,027	\$200,054	\$132,000	\$152,110	(20,110)
Ad Valorem Tax Reduction	-\$19,552	-\$20,000	-\$20,000	-\$21,102	1,102
Interest on Investment	\$11,808	\$951	\$711	\$82,582	(81,871)
Recreation Center - Pool renovation		\$0			0
Recreation Center - Office/Locker Remodel		\$0			0
Recreation Center - Ball Diamond Improvem	\$47,700	\$46,350	\$46,350	\$46,350	0
Recreation Center - Fitness Room	\$50,960	\$51,200	\$51,200	\$51,200	0
Industrial Land Payment - Ind Sales Tax		\$0		\$85,963	(85,963)
Sale of Bonds	\$3,540,000	\$0	\$0	\$0	0
Gas Line Payment - Ind Sales Tax		\$0			0
Hanger Payment - General Fund		\$0			0
Miscellaneous	\$126,975	\$0		\$0	0
Transfer of Funds from Project Accounts	\$97,528	\$0	\$0	\$0	0
TOTAL RECEIPTS	\$5,958,424	\$2,353,885	\$2,268,513	\$2,468,777	
EXPENDITURES					
Principal	\$1,440,000	\$1,891,000	\$1,891,000	\$1,895,000	(4,000)
Interest Coupons	\$204,500	\$154,050	\$154,050	\$279,917	(125,867)
Transfer of funds	\$3,666,943			\$0	
Misc projects		\$2,167,553	\$0		
TOTAL EXPENDITURES	\$5,311,443	\$4,212,603	\$2,045,050	\$2,174,917	(129,867)
Ending Cash Balance	\$1,986,995	\$702	\$1,551,818	\$2,280,855	

Equipment Reserve Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
Beginning Cash Balance	\$0	\$334,000	\$334,000	\$335,168	
REVENUE					
Transfer from other funds	\$1,105,795	\$417,000	\$417,000	\$309,500	107,500
Interest on Investment	\$0	\$0	\$0	\$31,186	(31,186)
Sale of Vehicles				\$111,130	
TOTAL RECEIPTS	\$1,105,795	\$417,000	\$417,000	\$451,816	76,314
EXPENDITURES					
Leasing Payment		\$751,000	\$317,529	\$139,827	177,702
Outstanding PO's	\$770,627			\$0	
Special Projects		\$0	\$0		
TOTAL EXPENDITURES	\$770,627	\$751,000	\$317,529	\$139,827	177,702
Ending Cash Balance	\$335,168	\$0	\$433,471	\$647,157	

Water Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
BEGINNING CASH	3,246,908	2,860,168	1,676,012	2,452,274	0
REVENUE					
Sale of Water	6,884,339	6,593,612	5,040,000	5,731,974	(691,974)
Service Charge	103,029	100,000	74,997	74,270	727
Penalties	93,424	95,000	71,244	67,355	3,889
Sale of Salvage		0		0	0
Reimbursed Expense	7,827	2,000	2,052	25,275	(23,223)
Interest on Investment	20,504	6,000	4,500	78,103	(73,603)
Sale of Bonds	1,550,000	0	0	0	0
Trf from Industrial Fund	350,000	350,000	350,000	350,000	0
Trf from Project fund	0	0	0	0	0
Non Operating Revenue	2,530,077	0		0	0
Miscellaneous	7,027	2,100	747	1,812	(1,065)
TOTAL RECEIPTS	11,546,227	7,148,712	5,543,540	6,328,788	(785,248)
EXPENDITURES					
Personnel Services	1,105,419	1,109,627	810,212	827,230	(17,018)
Vacancy		(21,507)	0		0
Maintenance & Repair	1,117,122	765,050	577,988	1,774,129	(1,196,141)
Commodities	1,452,142	1,234,350	925,677	1,162,950	(237,273)
Other Charges	268,470	246,320	184,171	228,210	(44,039)
Capital Outlay	119,123	630,000	630,000	0	630,000
Debt Payment	1,496,757	2,060,289	2,130,038	2,257,963	(127,925)
Stock	49,206	5,000	374	46,375	(46,001)
Transfer to Project Account	4,102,675	45,000	33,750	46,500	(12,750)
Utilities	718,905	578,600	433,926	491,845	(57,919)
Communications	28,025	44,900	33,642	22,715	10,927
Travel & Training	10,383	14,250	10,665	23,554	(12,889)
Contractual Services	828,471	675,800	499,061	511,768	(12,707)
Administrative Fee 16%	1,131,081	1,086,178	814,626	939,776	(125,150)
Excess Carryover		1,000,000			
Change in Liabilities	(86,919)	0		(54,757)	54,757
Outstanding PO's	0				
TOTAL EXPENDITURES	12,340,861	9,473,857	7,084,130	8,278,258	(1,194,128)
NET CHANGE IN CASH	(794,634)	(2,325,145)	(1,540,590)	(1,949,470)	408,880
ENDING CASH BALANCE	2,452,274	535,023	135,422	502,804	
Principal Bond Payments	(1,210,000)	(1,837,900)	(1,837,900)	(1,837,900)	
Depreciation	1,313,352	1,450,000	1,087,488	1,100,442	
Capitalized Assets	(3,516,676)	(630,000)	0	0	
Liabilities					
ADJUSTMENTS	(3,413,324)	(1,017,900)	(750,412)	(737,458)	
Base for reserve calculation	8,119,063	8,843,857	6,420,380	8,231,758	
20% reserve amount	1,623,813	1,768,771	1,284,076	1,646,352	
Amount over 20% reserve	828,461	(1,233,748)	(1,148,654)	(1,143,548)	

Wastewater Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
BEGINNING CASH	2,351,304	2,234,113	2,010,106	2,087,628	
REVENUE					
Sales/Charges	6,126,631	5,900,000	4,424,994	4,619,012	(194,018)
Extra Strength Surcharge	159,751	111,900	83,916	138,339	(54,423)
Interest on Investment	13,582	3,000	2,250	61,506	(59,256)
New System taps	200	1,000	747	3,600	827
Loss on sales of assets	4,475			0	
Grant money	0	0		1,225,409	(1,225,409)
Sale of Bonds	1,430,000	0	0	0	0
Non Operating Revenue	0			561,497	(561,497)
Miscellaneous	248,035	1,000	747	0	747
TOTAL RECEIPTS	7,982,674	6,016,900	4,512,654	6,609,363	(2,093,030)
EXPENDITURES					
Personnel Services	1,175,739	1,106,158	808,417	908,262	(99,845)
Vacancy	0	(19,806)		0	0
Maintenance & Repair	806,160	385,250	295,894	557,139	(261,245)
Commodities	424,402	259,250	174,132	391,749	(217,617)
Other Charges	170,406	185,850	148,808	149,626	(818)
Capital Outlay	20,509	493,000	493,000	550,348	(57,348)
Debt Payment	2,681,379	2,881,585	2,881,585	2,927,125	(45,540)
Transfer to Project fund	1,602,732	0	0	1,784,474	(1,784,474)
Utilities	615,809	522,500	391,851	420,762	(28,911)
Communications	21,505	29,600	22,158	17,917	4,241
Travel & Training	13,845	5,500	4,104	13,864	(9,760)
Contractual Services	385,405	232,550	176,625	174,478	2,147
Administrative Fee flat	610,000	610,000	457,497	457,500	(3)
Excess Carryover		1,000,000	0		
Change in Liabilities	(281,540)	0		(111,112)	111,112
Outstanding PO's	0				
TOTAL EXPENDITURES	8,246,350	7,691,437	5,854,071	8,242,134	(2,388,063)
NET CHANGE IN CASH	(263,676)	(1,674,537)	(1,341,417)	(1,632,771)	295,034
ENDING CASH BALANCE	2,087,628	559,576	668,689	454,857	
Depreciation	1,910,079	2,125,205	1,593,891	1,572,478	
Principal Bond Payments	(2,130,502)	(2,329,592)	(2,329,592)	(2,329,592)	
Capitalized Assets	(1,814,118)	(493,000)	0	(100,555)	
Change in Liabilities		0			
ADJUSTMENTS	(2,034,541)	(697,387)	(735,701)	(857,669)	
Base for reserve calculation	6,623,109	7,198,437	5,361,071	5,907,311	
20% Cash Reserve amount	1,324,622	1,439,687	1,072,214	1,181,462	
Amount over 20% Cash Reserve	763,006	(880,111)	(403,525)	(726,605)	

Solid Waste Fund

as of September 30, 2023

	Preceding Year 2022 (Actual)	2023 Budget	2023 Jan - Sept Budget	2023 YTD Actual	Difference b/w YTD Budget & YTD Actual
BEGINNING CASH	4,002,114	3,479,732	2,441,855	3,549,209	
REVENUE					
Refuse Collection Fees	2,971,094	2,964,876	2,223,657	2,252,097	(28,440)
Loss on Sale of Assets		0			0
Interest on Investments	26,458	4,200	3,150	102,572	(99,422)
Trf from Health Ins - Premiums		0			0
Resale of Recyclables	201,913	175,000	131,247	61,213	70,034
Box Container Fees	2,063,528	1,920,000	1,439,991	1,482,843	(42,852)
Landfill Fees	562,540	508,000	380,988	482,479	(101,491)
Transfers		0			0
Miscellaneous	23,247	4,800	369	358	11
TOTAL RECEIPTS	5,848,780	5,576,876	4,179,402	4,381,563	(202,161)
EXPENDITURES					
Personnel Services	2,093,650	2,109,909	1,542,375	1,595,051	(52,676)
Vacancy		(40,995)			0
Maintenance & Repair	325,946	300,000	229,577	265,113	(35,536)
Commodities	332,164	482,900	363,570	334,582	28,989
Other Charges	137,731	183,930	132,067	180,538	(48,471)
Capital Outlay	72,612	685,000	685,000	3,970	681,030
Transfer to Equipment Reserve	770,627			0	0
Utilities	50,501	54,550	40,887	41,931	(1,044)
Communications	41,954	49,700	37,224	27,468	9,756
Transfer to project	44,000	0			0
Travel & Training	7,606	8,750	6,543	9,855	(3,312)
Contractual Services	1,613,185	1,720,900	1,299,159	1,314,608	(15,449)
Administrative Fee 16%	895,433	862,860	647,145	674,787	(27,642)
Excess Carryover		2,000,000	0		
Change in Liabilities	(83,724)	0		(71,809)	71,809
Outstanding PO's	0				
TOTAL EXPENDITURES	6,301,685	8,417,504	4,983,547	4,376,092	607,454
NET CHANGE IN CASH	(452,905)	(2,840,628)	(804,145)	5,471	(809,616)
ENDING CASH BALANCE	3,549,209	639,104	1,637,710	3,554,680	
Principal Payments	0	0	0	0	
Depreciation	292,242	45,000	333,738	293,487	
Capitalized Assets	(6,433)	(685,000)	0	(459,572)	
Change in Liabilities		0			
ADJUSTMENTS	285,809	(640,000)	333,738	(166,085)	
Base for reserve calculation	6,229,073	7,732,504	4,298,547	4,372,122	
20% cash reserve amount	1,245,815	1,546,501	859,709	874,424	
Amount over 20% Cash Reserv	2,303,395	(907,397)	778,001	2,680,256	

CITY OF EMPORIA
ACTUAL COMPARED TO BUDGET
as of September 30, 2023
EXPENSES FOR GENERAL FUND DEPARTMENTS

	2023 AMENDED BUDGET	2023 W ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED	General Fund Shared Revenue	Shared Budget	Actual Shared Budget	Department Net
						16,422,162	17,682,234	
COMMISSION/MANAGER/CLERK	1,188,803	2,986,733.41	(1,797,930)	251%	5.03%	826,200	889,595	(2,097,139)
FINANCE/HUMAN RESOURCES	433,166	298,838.35	134,328	69%	1.83%	301,044	324,143	25,305
INFORMATION SYSTEMS	352,980	297,105.32	55,875	84%	1.49%	245,316	264,139	(32,966)
POLICE PROTECTION	4,619,803	3,687,156.09	932,647	80%	19.55%	3,210,695	3,457,051	(230,105)
ANIMAL CONTROL	242,734	149,424.78	93,309	62%	1.03%	168,697	181,641	32,216
FIRE PROTECTION	3,067,744	2,205,898.25	861,846	72%	12.98%	2,132,037	2,295,628	89,729
AMBULANCE SERVICE	3,587,447	2,218,451.54	1,368,995	62%	15.18%	2,493,222	2,684,527	466,076
CODE SERVICES	920,456	632,028.98	288,427	69%	3.90%	639,703	688,788	56,759
COURT SERVICES	598,993.00	432,591.27	166,402	72%	2.53%	416,291	448,233	15,642
ENGINEERING	553,513.00	381,319.72	172,193	69%	2.34%	384,683	414,200	32,880
SNOW REMOVAL	60,000.00	12,440.40	47,560	21%	0.25%	41,699	44,899	32,458
GOLF COURSE MAINTENANCE	506,649.00	358,056.89	148,592	71%	2.14%	352,114	379,131	21,074
GOLF SHOP	350,351.00	312,931.07	37,420	89%	1.48%	243,489	262,172	(50,759)
PARK	1,006,350.00	770,599.10	235,751	77%	4.26%	699,398	753,063	(17,536)
AQUATIC CENTER	187,450.00	270,693.71	(83,244)	144%	0.79%	130,275	140,271	(130,423)
ZOO	710,679.00	533,011.98	177,667	75%	3.01%	493,911	531,809	(1,203)
CIVIC BUILDING OPERATIONS	817,788.00	521,705.10	296,083	64%	3.46%	568,351	611,960	90,255
LIBRARY MAINTENANCE	67,329.00	92,864.35	(25,535)	138%	0.28%	46,793	50,383	(42,481)
GROUND MAINTENANCE	104,820.00	42,755.68	62,064	41%	0.44%	0	78,438	35,682
CONCESSION STAND	80,363.00	57,259.20	23,104	71%	0.34%	55,851	60,137	2,877
SHOP MAINTENANCE	136,071.00	-66,359.26	202,430	-49%	0.58%	94,567	101,823	168,183
STREET LIGHTING	377,400.00	227,091.38	150,309	60%		0	0	
MISC APPROPRIATIONS	113,000	106,628.19	6,372	94%		0	0	
AIRPORT	844,711	612,125	232,586	72%	3.57%	587,062	632,107	19,982
PARKING FACILITY	25,800	7,025	18,775	27%	0.11%	17,931	19,306	12,281
TRANSERS	3,985,000	3,219,219	765,781	81%		0	0	
CONTINGENCY	-280,252	0	(280,252)	0%		0	0	0
EXCESS CARRYOVER	3,165,514		3,165,514	0%				
GENERAL FUND	27,824,662	20,367,594	7,457,068	73%	86.60%	14,149,328	15,313,444	
	23,629,514							

CITY OF EMPORIA
 ACTUAL COMPARED TO BUDGET
 as of September 30, 2023
 EXPENSES FOR WATER FUND DEPARTMENTS

	2023 AMENDED BUDGET	2023 ACTUAL WITH ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED
DEBT	2,038,782	420,063	1,618,719	21%
ADMINISTRATION	2,528,813	1,259,260.88	1,269,552	50%
WATER MAINTENANCE	1,575,015	2,220,099.49	(645,084)	141%
WATER PLANT	4,145,248	3,261,723.19	883,525	79%
WATER STOCK	5,000	46,374.74	(41,375)	927%
	<u>10,292,858</u>	<u>7,207,521</u>	<u>3,085,337</u>	<u>12</u>
Capital Outlay				
Water Distribution	\$5,000		Trailer for min-excavator	
Water Plant	\$75,000		Actuators for Rapid Mixer	
Water Plant	\$100,000		Replace one high service pump	
Water Plant	\$100,000		Bulk storage tanks	
Water Plant	<u>\$350,000</u>		S Cottonwood to East St from KS to Potwin	
	630,000	<u>0</u>		

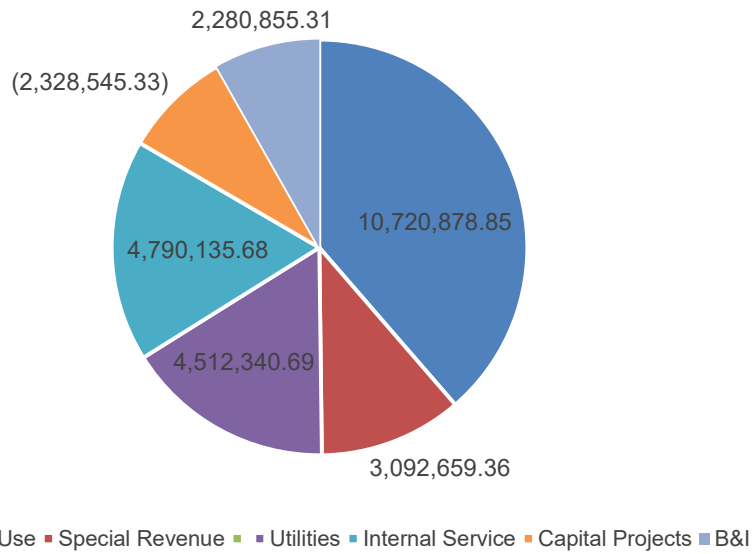
CITY OF EMPORIA
 ACTUAL COMPARED TO BUDGET
 as of September 30, 2023
 EXPENSES FOR WASTEWATER FUND DEPARTMENTS

	2023 AMENDED BUDGET	2023 W ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED
DEBT	2,861,779	597,533	2,264,246	21%
ADMINISTRATION	1,906,048	710,142	1,195,906	37%
SEWER MAINTENANCE	1,470,993	3,239,926	(1,768,933)	220%
SEWER PLANT	3,084,825	2,511,244	573,581	81%
	<u>9,323,645</u>	<u>7,058,845</u>	<u>2,264,800</u>	<u>4</u>
Capital Outlay				
Sewer Maintenance	\$83,000		New Sanitary Sewer camer	
Waste Water Plant	\$60,000		Replace roof on old shop building	
Waste Water Plant	\$350,000		Upgrade plant telemetry	
	<u>493,000</u>	<u>0</u>		

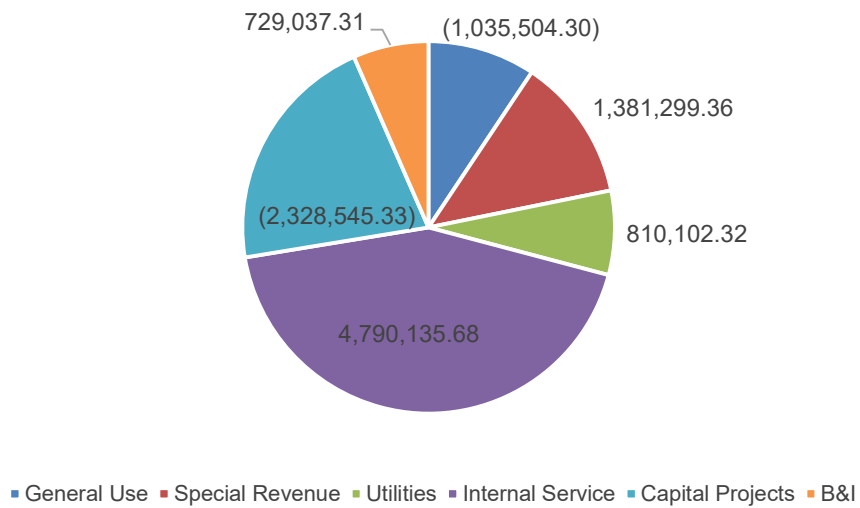
CITY OF EMPORIA
 ACTUAL COMPARED TO BUDGET
 as of September 30, 2023
 EXPENSES FOR SOLID WASTE FUND DEPARTMENTS

	2023 AMENDED BUDGET	2023 W ENCUMBRANCES	DIFFERENCE B/W ACTUAL & BUDGET	PERCENTAGE RECEIVED/ USED
ADMINISTRATION	3,082,732	913,699	2,169,033	30%
COLLECTIONS	2,736,086	1,805,922	930,164	66%
TRANSFER STATION	1,728,919	1,012,196	716,723	59%
RECYCLING CENTER	629,767	450,282	179,485	71%
	<u>8,177,504</u>	<u>4,182,098</u>	<u>3,995,406</u>	<u>2</u>
Capital Outlay				
Collections	\$360,000		Automated Refuse Truck (2010)	
Recycling Center	\$25,000		Side by side truckster	
Transfer Station	\$300,000		Construction to new tipping box area	
	<u>\$685,000</u>	<u>0</u>		

Unencumbered Cash



Available Funds



City of Emporia
Unencumbered Cash Report
as of September 30, 2023

	Amount	YTD Budget	Difference	Unencumbered Cash		
101 General Fund	8,512,240.15	5,880,732.00	2,631,508.15	General Use	10,720,878.85	46.47%
102 Multi Year Fund	2,208,638.70	5,875,651.15	(3,667,012.45)	Special Revenue	3,092,659.36	13.41%
103 Insurance Reserve	524,502.07	500,000.00	24,502.07			
104 Vacant Property Program	138,535.24	-	138,535.24	Utilities	4,512,340.69	19.56%
201 Library Fund	-	-	-	Internal Service	4,790,135.68	20.76%
203 Convention & Tourism Fund	790,841.67	681,811.00	109,030.67	Capital Projects	(2,328,545.33)	-10.09%
204 Industrial Fund	23,118.98	19,943.00	3,175.98	B&I	2,280,855.31	9.89%
205 Industrial Dev Sales Tax Fund	1,355,728.65	299,529.00	1,056,199.65		23,068,324.56	
206 Special Alcohol Fund	113,970.15	70,821.00	43,149.15			
207 Special Park & Recreation Fund	86,286.08	114,842.00	(28,555.92)	Budget		
208 Special Street Fund	218,880.79	351,219.00	(132,338.21)	General Use	(1,035,504.30)	
209 Drug Money Forfeitures Fund	59,864.26	73,195.00	(13,330.74)	Special Revenue	1,381,299.36	
210 Storm Water Fund	240,653.46	100,000.00	140,653.46	Utilities	810,102.32	
218 Emergency Shelter Grant Fund	6,394.00		6,394.00	Internal Service	4,790,135.68	
224 Fire Public Education	8,758.57		8,758.57	Capital Projects	(2,328,545.33)	
225 Police Grants Fund	2,048.14		2,048.14	B&I	729,037.31	
251 Emporia Homeowner Repair	(13,328.63)		(13,328.63)			
252 2014 Housing Rehab	55,192.65		55,192.65			
254 2020 CDBG Rehab Grant	13,794.00		13,794.00			
260 Land Bank	125,783.66		125,783.66			
301 Bond and Interest Fund	2,280,855.31	1,551,818.00	729,037.31			
305 Equipment Reserve Fund	647,157.17	433,471.00	213,686.17			
401 Coronavirus Recovery Grant	335,333.43		335,333.43			
406 Internal Improvement Fund	4,737,685.15		4,737,685.15			
409 Water Treatment Plant Improvement	(3,757,673.58)		(3,757,673.58)			
413 Water Main Improvements	(3,734,228.62)		(3,734,228.62)			
415 Civic Auditorium Project Fund	171,285.43		171,285.43			
423 Airport Improvements Fund	267,591.08		267,591.08			
428 Park Improvements Fund	(120,926.71)		(120,926.71)			
441 Paving Projects Fund	1,208,408.29		1,208,408.29			
442 Construction Projects Fund	(261,660.16)		(261,660.16)			
444 Waste water Improvement	(1,174,359.64)		(1,174,359.64)			
501 Water Utility Fund	502,803.77	135,422.00	(1,143,547.86)			
502 Sewer Fund	454,856.81	668,689.00	(726,605.44)			
503 Solid Waste Fund	3,554,680.11	1,637,710.28	2,680,255.63			
601 Worker's Comp Fund	2,278,467.24		2,278,467.24			
602 Health Care Fund	2,511,668.44		2,511,668.44			
708 Fire Insurance Proceeds	4,672.93		4,672.93			
	24,378,519.04					

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 4, 2023, with Mayor Brinkman presiding and Commissioners Harter, Sauder, and Smith present. Commissioner Giefer was absent. Also present were Assistant City Manager Detter, City Clerk Sull and City Attorney Montgomery. City Manager Cocking was absent.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.

No comments were made at this time.

Connie Cahoone, Executive Director of SOS, Inc., was in attendance to accept a proclamation declaring the month of October 2023, as “Domestic Violence Awareness Month” in Emporia. She stated domestic violence is a serious crime that affects people of all races, ages, genders, and income levels. Domestic Violence is widespread and affects more than four million Americans each year and costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism and non-productivity. She stated domestic violence awareness month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services, and assistance to victims. She urged the citizens of Emporia to work together to eliminate domestic violence from our community.

Mayor Brinkman then presented the proclamation.

**CITY COMMISSION
(Board Appointments)**

Economic Development Structure Advisory Board:

It was moved by Mayor Brinkman seconded by Commissioner Harter that Aaron Larson and Mark Remmert be appointed to the Economic Development Structure Advisory Board. The vote follows: Mayor Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Commissioner Smith, aye.

Community Corrections Advisory Board:

It was moved by Mayor Brinkman seconded by Commissioner Harter that Tayler Wash be appointment to the Community Corrections Advisory Board. The vote follows: Mayor Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Commissioner Smith, aye.

**PLANNING AND DEVELOPMENT
(Annex Property Located at 515 S. West Street into City Limits)
(Ordinance Number 23-29)**

AN ORDINANCE ANNEXING LAND TO THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 23-29, was presented to the Governing Body for their consideration.

Justin Givens, Planning & Zoning Administrator, was recognized and addressed the Governing Body. He stated the owner of the property located at 515 S. West Street has consented to the annexation of a tract of land for the purpose of building a new single-family home. The new home will be on a 8,927 square foot tract of land. The applicant has requested the annexation for access to public utilities for the new home. Sewer and water are available to the property without the extension of any new mains. He stated the intended area of construction is outside of the floodplain. Staff recommends approval of Ordinance Number 23-29 annexing the property located at 515 S. West Street into city limits.

Commissioner Smith made a motion to approve Ordinance Number 23-29, an ordinance annexing property located at 515 S. West Street into the City of Emporia.

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

BONDS
(Authorize the Sale of General Obligation Bonds)
(Series 2023)
(Resolution Number 3708)

Mark Detter, Assistant City Manager, and Greg Vahrenberg, Municipal Financial Advisor of Raymond James, were recognized and addressed the Governing Body. They stated the City of Emporia is working with Greg Vahrenberg, Municipal Financial Advisor of Raymond James, and Dominic Eck, Bond Counsel of Gilmore & Bell on issuing Bank Qualified General Obligation Bonds in the amount of \$9,925,000.00. Staff would like to issue the 2023 Series General Obligation Bonds prior to year-end to use the entire allotment of Bank Qualified bonds allotted to the City for the purposes of banks and other financial institutions bidding on the bonds for tax exemption purposes. He stated this resolution will authorize the sale of bonds set the details of the bond issue including maturity dates, principal amounts, call dates, redemption requirements and the registration requirements for the bonds. The projects included in the Series 2023 General Obligation Bond issue are:

Water Tower rehab	\$ 865,000.00
Replacement of Lift Station #1	\$2,800,000.00
Replacement of Lift Station #15	\$ 500,000.00
Meters	\$5,000,000.00
Replacement of Sewer Main from Logan Avenue to the south of Zoo Education Building	\$1,000,000.00

The total projects listed is \$10,165,000.00, any amount over the issuance of \$9,925,000.00 will be paid from water and sewer funds. Depending on if the City receives a premium on the bonds the Bond issue could be resized below \$10,000,000.00 to keep the bond Bank Qualified allowing certain financial institutions to buy the bonds and receive tax exempt interest earnings. Staff recommends approval of Resolution Number 3708 authorizing the sale of \$9,925,000.00 in General Obligation Bonds.

Commissioner Harter made a motion to approve Resolution Number 3708, a resolution authorizing the sale of \$9,925,000.00 of City of Emporia Series 2023 General Obligation Bonds. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Fairview Hotels, LLC Community Improvement District – CID)
(Petition)
(Resolution Number 3707)**

Tayler Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated the first step in the creation of the CID for Fairview Hotels, LLC is the acceptance of the petition submitted by the owner as required by Kansas statutes. The estimated cost of the Project is \$13,000,000.00 plus the State of Kansas administrative expenses of 2% and the City's administrative fee of 3% and any other associated costs incurred by the City. The method of financing the Project is through the use of CID sales tax revenue imposed pursuant to the Act on a pay as you go basis. She stated the developer is requesting consideration of a 2% add-on CID sales tax. No special assessments are requested to be imposed pursuant to the Act. This action is consistent with state law and requires a Public Hearing included in the Resolution. She stated the next step in the process of the Community Improvement District is to provide notice of a public hearing. The state requires two publications of its hearing notice with additional publication requirements regarding timing between notices and before the hearing itself. The first publication is scheduled for October 17th and the second is scheduled for October 24th. The notice of hearing does not bind the City to any final action regarding the establishment of the district. The resolution shall set a public hearing on the advisability of creating the CID for Fairview Hotels, LLC on November 1, 2023 at 11:00 a.m.

Following further discussion, Commissioner Harter made a motion to accept the Petition for Fairview Hotels, LLC CID and Resolution Number 3707, a resolution establishing a Public Hearing on November 1, 2023, for the creation of Fairview Hotels, LLC, CID. Commissioner Smith seconded the motion. The vote follows: Commissioner

Harter, aye; Commissioner Smith, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

Consent Agenda

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

- a. Minutes of the Regular Meeting Held on September 20, 2023.
- b. Ordinance Number 23-30 Authorizing a Beer Garden for 627 Event Space for Oktoberfest.
AN ORDINANCE EXEMPTING W. 7TH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION OF THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE OKTOBERFEST SPECIAL EVENT OCTOBER 21, 2023, to which the City Clerk assigned Ordinance Number 23-30 was presented to the Governing Body for their consideration.
- c. Acquisition of Industrial Park III Waterline Easements.
- d. 2023 Street Preservation Project Change Order #1.
- e. Seventh Incentive Compliance Agreement with Simmons Foods, Inc.

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

CITY COMMISSION (Assistant City Manager's Report)

This is an opportunity for the Assistant 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.

Assistant City Manager Detter requested the Mayor ask for a Special Meeting to discuss a grant opportunity for a downtown residential development on October 11, 2023 at 11:00 a.m. He stated the deadline to submit the grant is on October 12, 2023.

Mayor Brinkman then called for a Special Meeting for October 11, 2023 at 11:00 a.m. in the City Commission Chamber to discuss a grant opportunity.

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

TENTATIVE AGENDA FOR OCTOBER 18, 2023 MEETING.

- Public Hearing for Establishment of the W. 6th Avenue RHID.
- Ordinance Establishing the W. 6th Avenue RHID.
- Ordinance Annexing Property Located at 1100 S. Hwy 99 into City Limits.
- Ordinance Changing the name of CVAB to Transient Guest Tax Advisory Board.
- Award 24th Avenue & Prairie Street Waterline Construction Project.

Study Session:

- Discuss Common Consumption Areas.
- Governing Body Handbook.
- Code of Conduct for Meetings.
- Discuss Uniform Mechanical Code.
- Discuss Uniform Plumbing Code.

**CITY COMMISSION
(Public Comment)**

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

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

STUDY SESSION:

1. Discuss Purchase of Fire Department Extrication Tools.
2. Discuss Purchase of Fire Department Training Props.
3. Water System Update.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Agreement Authorizing Purchase of Fire Department Training Props

Title: Agreement Authorizing Purchase of Fire Department Training Props

Agenda Date: October 18, 2023

Presented By: Brandon Beck

Background:

Realistic training for firefighters is essential to a firefighter's response efficiency. Having access to training props that are designed to provide the realistic challenges faced on the fire ground is beneficial to the operation of the fire department. The fire department would like to continue expanding the capabilities of our training division by purchasing additional training props.

Discussion:

With updates to building codes and fire codes, the number of structure fires have decreased over the years. With this decrease in frequency, more emphasis is required on the amount and quality of training firefighters receive. Our training division has found a door prop and a window prop that meets our current needs for training. Forcible Entry, Inc is our choice for this purchase. This is a specialized piece of equipment only manufactured by Forcible Entry, Inc and is our sole source for this purchase.

Financial considerations:

In the 2023 approved CIP budget, \$11,106.00 is allocated for this purchase. The total cost of this project is \$11,316.17. The additional \$210.17 will be paid from the line item budget of the fire department.

Recommended action:

Approve allocating \$11,106.00 from the CIP to purchase fire department training props.

Attachments:

Quote
Sole source letter

Forcible Entry, Inc.

11374 Amalgam Way

Rancho Cordova, CA 95670 US

chuck@forcibleentry.com



Estimate

ADDRESS

Trng Ofcr Matt Luder
Emporia Fire Dept. - Emporia,
KS
Emporia, KS 66801
United States

SHIP TO

Trng Ofcr Matt Luder
Emporia Fire Dept. -
Emporia, KS
Emporia, KS 66801
United States

ESTIMATE # 0023-0165**DATE** 02/27/2023

SKU	DESCRIPTION	QTY	RATE	AMOUNT
CFED-DM-36	"Catalyst Force Entry Door with Direct Mount System to mount to Spec RO in wall or Conex. Crush Prop INCLUDED. Door is 36"" wide. Door Come With: 1- Complete Door, 2 -Flex Tech Jambs with HD Hinges, C6 Armor Academy Break System, 4 - AR400 Strike Plates, 1 -Sill Plate. Wall Attachment plates, flashing and hardware included. Standard Side Unless Otherwise Requested: Left side hinge Inward. Right side hinge outward. "	1	7,500.00	7,500.00T
VES-1	1st Floor window with burgular bar. 32"T x 34.5" W. Bolt pattern 36"Tx 39" W. Comes with: AR450 Window Sash - takes 1/2" - 5/8" wood dowels. 8 pieces of Polycarbonate Glass. Pryable and Cuttable Window Bar Prop attaches to window with standard 1"x2" lumber and has predrilled holes with T-bar tighteners for affixing rebar for cutting.	1	2,995.00	2,995.00T

THANK YOU for your business!

Be Safe.
Breach Ours.
Save Theirs.

The Forcible Entry Team

SUBTOTAL	10,495.00
TAX	0.00
SHIPPING	821.17
TOTAL	\$11,316.17

Accepted By

Accepted Date



To Whom It May Concern,

This letter has been written to confirm that Forcible Entry Inc, DBA also as Forcible Entry Equipment serves as the sole designer, fabricator, supplier for products manufactured and sold by Forcible Entry Equipment.

Forcible Entry Inc.'s intellectual property consists of its own in-house proprietary designs, fabrication, and manufacturing to create the following products:

Catalyst Force Entry Door (all variations)
Commercial Cutting Prop
Hinge Pulling/Cutting Prop
RUD (Roll Up Door) Prop
VES Window Bar prop
Force Box
Conex Box Training Center
Forcible Entry Mobile Trailer

There are no agents, distributors, or dealers authorized to represent Forcible Entry, Inc. for the sale of the above listed products and/or services there within.

Specific only to the Catalyst Force Entry Door, the frame design and material utilized creates a "Flex Technology" (verified through CAD testing). Unique as well to the Catalyst Force Entry Door and VES Window Bar Prop, armor plate steel is integrated to create increased durability and versatility for more consistent feedback and training longevity. All product designs are unique in technical drawings and iterations, materials sourcing specific to tensile strength, and production / fabrication process to achieve Forcible Entry, Inc.'s quality control standards.

All props are designed, engineered, manufactured and distributed solely by Forcible Entry, Inc. All designs are proprietary and parts are manufactured to our specifications and no part, drawing or system is used, licensed, or sold to any outside supplier or vendor.

Forcible Entry, Inc. warrants that there is only one price for the above-named products because of our exclusive distribution and sales ownership.

Sincerely,

Chuck Ferry
CEO/Owner

11/23/2021

Forcible Entry, Inc.
4440 Creekside Dr.
Shingle Springs, CA 95682
(916) 337-5705
www.forcibleentry.com



Our Distribution Division is LIVE!! - Check out FE Supply Company for your First Responder Products & Gear ×
- New Brands Arriving Weekly

Catalyst Force Entry Door

Train on the most realistic door, preferred by hundreds of fire and police stations and nearly every fire academy in California alone. Versatile and customizable to stage out the scenarios you experience in your area of operation. Durability and consistency are the key attributes for the Catalyst Force Entry Door that make it worthy for certification testing as much as daily honing of skills and gaining reps needed to maintain real world proficiency.



Learn more

Stand Alone

Mobile. Versatile. Realistic without losing durability. Flex Tech door jambs and marine grade wood reinforced with AR450 strike plates bottom to top to create realistic feedback of both a commercial and residential door. Built in forklift header and detachable wheel system make transport easy from station to station. Additional props bolt on and detach



Learn more

Direct Mount

Utilize and maximize the training infrastructure you already have. Upgrade your current training facility or convert an existing building and stay under budget. Direct Mount doors add to variability needed to customize scenarios and match your area of operation. The realism, and durability create the much needed applicability and consistent

seamlessly to save space and budget. Real commercial MAN doors also mount into the frame (with crush prop) to work camming a door. Lasts over 25,000 evolutions and counting.

training. Installs into any preexisting structure regardless of material used be it wood / stick built, CMU/cinder block/concrete, or Conex/flat plate (Draeger).

Order Your Forcible Entry Training Platform Now

Contact Us

[Vimeo](#) [Instagram](#) [Facebook](#) [YouTube](#)

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Title: Discuss Purchase of Fire Department Training Props
Agenda Date: October 4, 2023
Presented By: Brandon Beck, Fire Chief

Background:

Realistic training for firefighters is essential to a firefighter's response efficiency. Having access to training props that are designed to provide the realistic challenges faced on the fire ground is beneficial to the operation of the fire department. The fire department would like to continue expanding the capabilities of our training division by purchasing additional training props.

Discussion:

With updates to building codes and fire codes, the number of structure fires have decreased over the years. With this decrease in frequency, more emphasis is required on the amount and quality of training firefighters receive. Our training division has found a door prop and a window prop that meets our current needs for training. Forcible Entry, Inc. is our choice for this purchase. This is a specialized piece of equipment only manufactured by Forcible Entry, Inc and is our sole source for this purchase.

Financial considerations:

In the 2023 approved CIP budget, \$11,106.00 is allocated for this purchase. The total cost of this project is \$11,316.17. The additional \$210.17 will be paid from the line item budget of the fire department.

Attachments:

Estimate-Forcible Entry Inc.
Forced Entry Sole source letter
Forcible Entry Catalyst Force Entry Door Info
VES Window Info

VES 3-in-1 Window Bar Prop



The ONLY End-to-End Evolution Prop for VES Window Training

Product Description



Ventilate. Enter. Search. The Forcible Entry 3-in-1 VES Window Bar Prop is the only VES Window Bar that allows for a full VES Window Evolution to be performed from start to finish.

The VES Window is built to train real world evolutions and fully replicate what a first responder will experience when interfacing with a window.

Unlike any competitors' window prop it also includes the ability for security bar frame prying as well as entering and exiting via the window itself, which is load bearing.

Its size and dimensions meet all testing standards and resetting is not only quick and easy but consistent in feedback and difficulty for the trainee to execute and the trainer to certify.

VES Window Bar Prop

<https://www.forcibleentry.com/ves-3in1-window-bar>

The VES 3-in-1 Window Bar Prop



Overview:

- Full VES Window Bar evolution capable
- Made of AR-450
- Sandwich & bolt installation into any tower or our Conex Box Training Center
- Custom sizes available
- Modular setup to focus on specific scenarios and tool skills involving VES Window operations



VES Window Bar Prop

<https://www.forcibleentry.com/ves-3in1-window-bar>

The VES 3-in-1 Window Bar Prop



Window Bar Frame Pryable:
- Four 1x2 blocks set the frame into place for prying.



Safety Chain
- For safety as well as quick single-person resetting, a safety hook and chain is provided.



Blowout Window Panes:
- 8 flexible, shatterproof polycarbonate window panes file, snap, and lock into the sash and frame for raking the glass.

Blowout Sash:
- Pinned with 4 dowels



VES Window Bar Prop

<https://www.forcibleentry.com/ves-3in1-window-bar>

The “3-in-1” of the VES Window Bar



1. Window Pane & Sash Blowout

- The window panes (8) are made of polycarbonate and can handle anything a Halligan or sledge can swing at them
- Shatter proof, the window panes flex to pop out and are reinstalled with minimal effort by manually popping them back in.
- Pin the sash using wooden dowels. Utilize 3/8" to 7/16" to change the tension levels along with different types of wood.

2. Window Bar Prop - Rebar Cutting

- Mounting, rebar gauge choice, and environment of the Window Bar Prop all factor into the main goal: stressing good saw position to allow students to gain confidence in their ability to get window coverings off of any escape route.
- Replicates a window bar with ability to attack from multiple angles and methods
- Utilizes 1/2" - 5/8" rebar
- Quick reset for repetitive training and technique

3. Window Bar Prop - Frame Prying

- Set it with 1x2's to pry window frame off of structure to open space further for ventilation and entrance.
- The sash (cross beam) is set with 3/8" - 7/16" dowels and can be cammed with a Halligan or hit equally with it, a sledge, or axe.

VES Window Bar Prop

<https://www.forcibleentry.com/ves-3in1-window-bar>

Value Adds



End-to-End Evolutions from Start to Finish

Not only modular to customize the scenario, the VES Window can be used from start to finish when training without the need of other props to fill in the gaps in the scenario. Load bearing and providing feedback like a real window, our prop is the most realistic window bar from beginning to end.

Full VES Window Evolution Capable

- Blow out window panes
- Blow out sash
- Cut Security Rebar
- Pry Security Rebar Frame
- Enter
- Search
- Egress
- Reset for Repetition

VES Window Bar Prop

<https://www.forcibleentry.com/ves-3in1-window-bar>



Commission Action Report

Authorize Purchase of Fire Department Extrication Tools

Title: Authorize Purchase of Fire Department Extrication Tools

Agenda Date: October 18, 2023

Presented By: Brandon Beck, Fire Chief

Background:

The Fire Department is looking to upgrade from hydraulic extrication tools to battery powered extrication tools. The department has chosen TNT Rescue Systems as the manufacturer for this tool purchase. The decision was based on the quality of the product and positive previous experiences with TNT Rescue Systems products. This project includes the purchase of three tools (spreader, cutter, and ram) and some accessory items.

Discussion:

Battery powered tools operate independently from each other without compromising on power from a gas powered generator. Crew members can work with multiple tools simultaneously to rescue patients faster. Battery powered tools do not produce carbon emissions and are not as noisy as hydraulic powered tools requiring a generator to operate. Battery powered tools have the same capacity as hydraulic powered tools but require less maintenance and storage space. In addition, battery powered tools are safer for personnel to operate due to the elimination of the trip hazards of hoses between the tools and the generator.

Due to the dealer network utilized by TNT Rescue Systems for their products, Rescue Specialists is the authorized sales and service representative for TNT in Kansas thereby making them our sole source for these tools.

Financial considerations:

In the 2023 approved CIP budget, \$34,000.00 is allocated for this purchase. The cost of the three tools is \$33,480. We have also decided to upgrade to a higher capacity battery and purchase additional accessories to use with the ram tool. The total cost of the project is \$36,345. The additional \$2,345.00 will be paid from the line item budget of the fire department.

Recommended action:

Approve allocating \$34,000 from the CIP to purchase fire department extrication tools.

Attachments:

Quote
Product information
Sole source letter



STORM SURGE

EBFC-320-18V

LENGTH	35.81 IN	909.69 MM
HEIGHT	11.81 IN	299.91 MM
WIDTH	10.50 IN	266.70 MM
WEIGHT		
EXCL. BATTERY	61.55 LBS	27.91 KG
INCL. BATTERY	63.90 LBS	28.98 KG
MAX. BLADE OPENING	8.6 IN	218.44 MM
MAX. CUT REACH	5.55 IN	140.96 MM
POWER SOURCE OPTION	MILWAUKEE M18	
CERTIFIED TO NFPA 1936-2020	YES	
NFPA CUT TEST	A9, B9, C9, D9, E9, F6	
IP RATING	54	



EBFC-320-20V

LENGTH	35.81 IN	909.69 MM
HEIGHT	11.81 IN	299.91 MM
WIDTH	10.50 IN	266.70 MM
WEIGHT		
EXCL. BATTERY	61.55 LBS	27.91 KG
INCL. BATTERY	64.75 LBS	29.37 KG
MAX. BLADE OPENING	8.6 IN	218.44 MM
MAX. CUT REACH	5.55 IN	140.96 MM
POWER SOURCE OPTION	DEWALT 20V	
CERTIFIED TO NFPA 1936-2020	YES	
NFPA CUT TEST	A9, B9, C9, D9, E9, F6	
IP RATING	54	





STORM SURGE

ES100-32-18V

LENGTH	37.17 IN	944.16 MM
HEIGHT	11.15 IN	283.09 MM
WIDTH	13.58 IN	344.93 MM
WEIGHT		
EXCL. BATTERY	49.45 LBS	22.43 KG
INCL. BATTERY	51.80 LBS	23.49 KG
MAX. SPREAD DISTANCE	31.50 IN	700.10 MM
MAX. SPREAD FORCE RANGE	50,592 - 201,420 LBF	225 - 895 KN
MAX. PULL DISTANCE	22.25 IN	565.15 MM
MAX. PULL FORCE	9,339 LBF	41.54 KN
POWER SOURCE OPTION	MILWAUKEE M18	
CERTIFIED TO NFPA 1936-2020	YES	
IP RATING	54	



ES100-32-20V

LENGTH	37.17 IN	944.16 MM
HEIGHT	11.15 IN	283.09 MM
WIDTH	13.58 IN	344.93 MM
WEIGHT		
EXCL. BATTERY	49.45 LBS	22.43 KG
INCL. BATTERY	52.65 LBS	23.88 KG
MAX. SPREAD DISTANCE	31.50 IN	700.10 MM
MAX. SPREAD FORCE RANGE	50,592 - 201,420 LBF	225 - 895 KN
MAX. PULL DISTANCE	22.25 IN	565.15 MM
MAX. PULL FORCE	9,339 LBF	41.54 KN
POWER SOURCE OPTION	DEWALT 20V	
CERTIFIED TO NFPA 1936-2020	YES	
IP RATING	54	



Rescue Specialists

104 S Main St
Salina, KS 67401
620-255-9654
jrogers@rescue-specialists.com
www.rescue-specialists.com



Estimate

ADDRESS	SHIP TO	SHIP VIA	Freight	ESTIMATE	285
Chief Brandon Beck	Chief Brandon Beck			DATE	03/29/2023
Emporia Fire Department	Emporia Fire Department			EXPIRATION	11/30/2023
120 E 5th Ave	120 E 5th Ave			DATE	
Emporia, Kansas 66801 USA	Emporia, Kansas 66801 USA				

SKU	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
SS-100-32-18V	18V Battery Powered 32in Heavy Duty Spreader	18v 100 series 32in spreader with two 8.0Ah 18v batteries and one 110v rapid charger.	1	12,295.00	12,295.00
SBFC-320-18V	18V Battery Powered Heavy Duty Cutter	Milwaukee 18v Brute Force 8 1/2in Cutter with two 8.0Ah 18v batteries and one 110v rapid charger.	1	12,230.00	12,230.00
STLS-40-18V	18V Battery Powered Telescoping 40in Ram	Milwaukee 18v Telescoping 40in Ram with two 8.0Ah 18v batteries and one 110v rapid charger.	1	8,955.00	8,955.00
529028	Push Plate for TLS-40	3 1/2in Push Plate for TLS-40	1	115.00	115.00
STRMRAMBASE-EXT	Ram Base Extension Kit	Ram base extension kit with 6in, 12in, and 18in extensions.	1	1,650.00	1,650.00
48-11-1812	M18 12.0 High Output Battery	Price Difference of Upgrade Charge to 12.0 AH Battery	6	100.00	600.00

SUBTOTAL				35,845.00
TAX				0.00
SHIPPING				500.00
TOTAL				\$36,345.00

Accepted By

Accepted Date



Commission Action Report

Financials and Permits

Title: Financials and Permits
Agenda Date: October 18, 2023
Presented By: Trey Cocking, City Manager

Background:

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

The following is general information for the month of September 2023 for the community:

Monthly Local Retail Sales Tax Receipts Update

	2022	2023	
	\$ 638,249.40	\$ 482,428.13	Decrease of \$145,821.27 for the month, and
YTD	\$4,590,905.38	\$4,794,681.67	Overall increase of 4.44% from year 2022.

City Share from County Tax

	2022	2023	
	\$ 321,214.93	\$ 244,386.83	Decrease of \$76,828.10 for the month, and
YTD	\$2,337,901.92	\$2,525,468.66	Overall increase of 8.02% from year 2022.

Building Permits issued from 9/1/2023 to 9/30/2023 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	70
Total of valuations associated with those building permits:	\$ 3,579,809.00
Total number of dollars collected for Building Permit Fees:	\$ 17,355.50
Construct – Single-family dwellings	2
Demo – Single-family dwellings	0

Flint Hills Mall CID for September 2023	\$ 14,069.27
YTD	\$179,587.83

Pavilions CID for September 2023	\$ 9,634.93
CID #2	\$ 9,634.93
YTD	\$ 146,633.04



TNT RESCUE SYSTEMS INC.

2490 West Oak Street

Ashippun, WI USA

(P) 800.474.4189

(F) 920.474.4477

(W) tntrescue.com

September 29, 2021

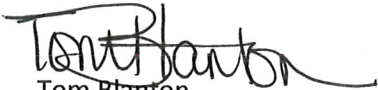
To Whom It May Concern:

Thank you for your interest in TNT Rescue Systems, Inc. TNT sells its products through a dealer network, where each representative is contracted for a specific sales region.

In the state of Kansas, Rescue Specialists is the authorized sales and service representative, thereby making Rescue Specialists your sole source for TNT product sales, service and warranty repairs.

Again, thank you for your interest in our products. We look forward to building a mutually beneficial relationship.

Sincerely,


Tom Blanton
President





Commission Action Report

Removal of Community Housing Board/Emporia Land Bank Member

Title: Removal of a Member of the Community Housing Board/ Emporia Land Bank

Agenda Date: October 18, 2023

Presented By: Jeff Lynch, Community Development Coordinator

Background:

A member of the Community Housing Board/ Emporia Land Bank has stopped appearing at meetings, and has only attended two meetings (June, July) in 2023 without giving notice. Prior to that, the member was absent from October thru December of 2022. The city staff liaison has made attempts to contact him, but has been unsuccessful.

Discussion:

The commission members have voted to remove this member from the board at their September 7th, 2023 meeting, citing the board's attendance policy.

Financial considerations:

No city funds are required.

Recommended action:

Remove Jermy Hinkle from the Community Housing Board/ Emporia Land Bank.

Attachments:

Attendance Policy

ATTENDANCE AND CONDUCT

Attendance

Members are required to attend all regular and special meetings. Those members missing four (4) meetings during the fiscal year, without a valid reason (e.g. illness, job-related causes, death, etc.) and prior notification to the City-appointed liaison (Liaison), Chairperson or Vice Chairperson, or three (3) consecutive meetings with above mentioned valid reason/prior notification, shall be reviewed by the board for dismissal by the governing body. Members may be removed from the board by vote of Community Housing Board members, and with final approval of governing body.

Conduct

Members may also be removed from the board by vote of the Community Housing Board members and with final approval of governing body for neglect of duty, misconduct or malfeasance in office after being given a written statement of charges and after being afforded a hearing if requested.



Commission Action Report

Informational Items

Title: Informational Items

Agenda Date: October 18, 2023

Presented By: Trey Cocking, City Manager

Background:

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

Discussion:

At the time this Agenda was prepared, the following items were in the works for the tentative Agendas of the upcoming meetings on November 1, 2023.

Commission Meeting :

Public Hearing for the Creation of CID for Fairview Hotels, LLC. and Accept the CID Petition.

Ordinance for Uniform Mechanical Code.

Ordinance for Uniform Plumbing Code.

Application Submission for a Moderate-Income Housing Grant.

Approve Crossland Construction Contract for Fire Station Projects.

Study Session :



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: October 18, 2023

Background:

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

Discussion:

N/A

Financial considerations:

No city funds are required.

Recommended action:

Recess into Executive Session to discuss confidential matters of a third party for a potential development project for 30 minutes and to invite Tayler Wash, Special Projects Director; Jim Witt, Special Projects Coordinator; and Chuck Scott, RDA President; and stating at which time the open meeting will resume.

Attachments:

None

Governing Body Handbook



2024

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GETTING STARTED IN MUNICIPAL GOVERNMENT

Welcome to Municipal Government! Public service is one of the highest and most honorable tasks a citizen can undertake. Those who rise to the challenge of leadership, particularly at the local level where government is closest to the people, are the true gatekeepers of democracy. Thank you for your commitment to the City of Emporia.

This handbook is designed to help all commissioners, but it is tailored towards newly elected commissioners to help them get acclimated to their positions. In this book you will find everything from how meetings work to dealing with the media. Our hope is that you find everything you need here, but we've also included a list of supplemental materials that may be helpful.

Being a municipal leader takes work and we are grateful that you've taken on the challenge. Best of luck on this journey!

ABOUT OUR GOVERNMENT

Form of Government The City of Emporia is a Commission-Manager form of government. This means that the City Manager administers the affairs of the city under the direction of the governing body who set the policy for the city.

This is a combination of the strong political leadership of elected officials with strong managerial experience of a professional City Manager. In this form of government, Commissioners are leaders and policy makers elected to represent the City as a whole by concentrating on policy issues that are responsive to citizens' needs and wishes. The City Manager is hired by the Commission to carry out policies, oversee City operations, and ensure that the entire City is being served equitably and efficiently. The City Commission establishes goals and policies which the staff executes under the supervision of the City Manager.

City Classification Cities in Kansas are designated by class and based on the size of their population. In general, there are no advantages or disadvantages to being one classification or another. City classification is more or less a historical legacy of the state legislature. Emporia is a city of the First Class. The official census population estimate for 2022 is 23,941.

Home Rule All cities in Kansas have home rule powers. This means they have the ability to govern themselves without direct involvement from the state. Cities are not required to take any action to obtain home rule powers because they are conferred directly by the Kansas Constitution on all classes of cities. Cities exercise their home rule powers through the passage of a regular ordinance or a charter ordinance.

Home rule power is not absolute. Cities must comply with state laws that apply uniformly to all cities and must conform to applicable federal laws and to the U.S. Constitution and the Kansas Constitution. In exercising home rule powers, cities may legislate on any subject other than those reserved to the exclusive jurisdiction of the legislature by the Home Rule Amendment itself.

Meeting Schedule Our Commission meets every first and third Wednesday at 11:00am in the Municipal Courtroom. Commission Study Sessions take place in Conference Room 1A/B and will start immediately following the adjournment of the regular meeting.

Compensation Commissioners are compensated at a rate of \$500 per month.

Service Areas All Commissioners for the City of Emporia serve at large. This means that all commissioners serve the entire Emporia community as opposed to districts or subsets of the city.

REQUIREMENTS FOR HOLDING OFFICE

In addition to the basic duties of municipal office, state law sets forth some minimum requirements that each elected official is required to observe.

Oath of Office All mayors, councilmembers, and commissioners are required to take and sign an oath prior to taking office, whether elected or appointed to fill a vacant position. The oath may be taken at any time after certification of election results and prior to the time the officer assumes the duties of office.

Surety Bond The mayor and each commissioner shall, before entering upon the duties of their respective offices, each give a good and sufficient corporate surety bond, to be executed by a responsible bonding company authorized to do business in Kansas, payable to and for the use and benefit of the city, in the sum of five thousand dollars (\$5,000), conditioned for the faithful discharge of their respective duties, and that they will hold the city harmless from all loss caused by their neglect of duty or malfeasance.

Term of Office The term of office for city elected officials begins on the second Monday in January following certification of election. This means that the newly constituted governing body should conduct the business of the body beginning with the first regular meeting on or following the second Monday in January. In Emporia, the top two vote getters serve a four-year term, and the third candidate gets a two-year term. Elections occur in November of odd years. There are no term limits.

Vacancy The office of City Commissioner can become vacant upon death, resignation, recall, removal from office, or residence outside of the city limits of Emporia. If a vacancy occurs less than six months prior to an election, the commission can elect to follow the vacancy procedure or leave the position vacant until the next election.

If the vacancy occurs more than six months prior to the next election, the following actions will be taken:

- A notice of vacancy will be announced at the next regular commission meeting.
- Applications will be accepted for 15 days from the vacancy announcement.
- All qualified applicants' names will be certified by the City Clerk and submitted to the governing body.
- The governing body can either accept the list of candidates, reject the list, or call for more nominations.
- The Commission can further evaluate applicants in an open meeting or move straight to voting.
- For the vote, all remaining members must be present, and it must be taken as a written ballot.
- The newly appointed Commissioner will take their oath of office and be seated at the next Commission meeting.

SUGGESTIONS FOR GETTING STARTED

- **Enjoy It** Don't take yourself or the business of government so seriously that you don't enjoy it. This can and should be a fun and rewarding experience.
- **Pace Yourself** Recognize that the growth and development of the City is dependent on a lot of things over which we have little control. Set some priorities, recognize the need to spend time with your family, and don't burn yourself out.
- **Review Key Documents** You will receive a lot of information and documents to review. Develop a system to make sure you have time to thoroughly go through materials and ensure that you understand. Don't be afraid to ask questions.
- **Be Yourself** Your constituents elected you for you—don't try to be someone you're not.
- **Take It Slow** Resist the urge to recommend drastic changes before you know how everything works. Many of the City's policies have evolved over the years through trial and error. While things may appear to need an overhaul, it pays to watch for a while before implementing change.
- **Value and Respect Your Staff** Recognize that the City has an experienced and professional workforce and that these individuals are a valuable resource—treat them with respect and don't take them for granted.
- **Majority Rules** Remember, it takes a majority of members to pass any motion. You will need to work together with other members to get things accomplished.

Note To Self:

- Listen as much as you can. Soak it up and work to get a big picture view of the government.
- Don't be afraid to say "I don't know."
- Don't make promises you can't deliver.
- The job can be very complex. Try to stay focused on the big issues.
- Network with your peers.
- Find an experienced mentor.
- Develop a thick skin—remember that they don't dislike you, they just may not like your ideas.

LEADERSHIP ROLES AND RESPONSIBILITIES

ROLE OF THE MAYOR

The Mayor's Responsibilities as Leader of the Governing

Body Few positions in municipal government require the same level of political leadership as that of mayor. As a frequent spokesperson for the city, the mayor should help communicate the governing body's priorities and vision. As presiding officer at meetings of the governing body, the mayor has a special responsibility to ensure that meetings are well planned and that the business is conducted in an efficient matter. The Mayor's role is to chair the meeting. As the moderator, the Mayor helps facilitate the meeting while encouraging full Commission participation, maintains order and decorum, and sees that all motions are properly handled as they arise.

While the mayor does not have unilateral power to take any binding action on behalf of the city, it is the mayor who typically represents the city at public events. The Mayor is elected on an annual basis by the City Commission and as such is a key political and policy leader.

Traditionally, the Emporia City Commission has chosen the candidate with the most votes after an election to serve as vice-mayor for a one-year term. After that term ends, the top vote-getter typically becomes mayor, and the second-place vote-getter will serve as vice-mayor. After that year, the second-place vote-getter will typically serve as mayor.

ROLE OF THE VICE MAYOR

The Vice Mayor's Responsibilities The Vice Mayor is elected by members of the City Commission to serve in the temporary absence of the mayor. The Vice Mayor presides at all Commission meetings when the Mayor is absent. The person serving in this role performs the ceremonial duties of the Mayor during the Mayor's absence. When occupying the place of Mayor, he/she has the same privileges as other Commissioners.

During Commission meetings, the Vice-Mayor takes the lead role assisting the Mayor with meeting management. The Vice-Mayor exercises leadership by assisting newer Commissioners with parliamentary procedures and Commission norms.

ROLE OF THE COMMISSION

The City Commission is the community's legislative and policymaking body. Power is centralized in the elected Commission, which, for example, approves the budget and determines the tax rate. The Commission also focuses on the community's goals, major projects, and such long-term considerations as community growth, land development, capital improvement & financing, and strategic planning. The commission hires a professional manager to implement the administrative responsibilities related to Commission goals and priorities and supervises the manager's performance.

It is important to note that the governing body must act as a unit. Members of the governing body must assemble at a properly convened meeting in order for an action to become an action of the City. The final authority is in the duly constituted governing body of the City as it meets.

ROLE OF THE CITY MANAGER

The City Manager is hired to serve the community and brings the benefit of education, training, and experience in leading and managing local government organizations, projects, and programs. The City Manager conducts the business of the City in the following ways:

- Supervises all of the City's departments and employees;
- Serves as the Commission's chief advisor and carries out the Commission's policies;
- Recruits, hires, disciplines, and fires employees;
- Prepares a budget for the Commission's consideration;
- Fulfills leadership roles in the community as a means of advancing the interests of the City;
- Works in partnership with elected officials to develop sound approaches to community challenges;
- Helps the Commission develop a long-term vision for the community that provides a framework for policy development and goal setting;
- Promotes ethical government through commitment to a set of ethical standards beyond those required by law; and
- Encourages inclusion and builds consensus among diverse interests (including elected officials, the business community, and citizens).

Commissioners and citizens count on the City Manager to provide complete and objective information, pros and cons of situations and long-term consequences of decisions and policies. Similarly, the City Manager relies on staff to provide professional and well-reasoned information and recommendations, and the highest level of public service possible.

ROLE OF THE CITY ATTORNEY

The Duties of the City Attorney typically include representing the City in all civil cases in which the City is a party, prosecuting violations of city ordinances, providing legal advice to City officials and employees on City matters, preparing or reviewing ordinances, drafting official documents, assisting in the acquisition and sale of City property, and generally assisting the governing body, other City bodies and staff in the legal aspects of the conduct of their official business and public meetings.

The City Attorney is the chief legal advisor for the City. Before taking any action affecting any person's constitutional rights, it is advisable to review the matter with the City Attorney.

CORRELATION OF LEADERSHIP ROLES

In order to alleviate potential conflicts or confusion, it is important to understand the roles of the City Commission and the City Manager in the functions of the City. Both are critical to the effective governance of the City, and it is essential to understand who does what. The following tables describe most areas of possible confusion and lay out the roles and responsibilities for each party.

Policy Making and Implementation

City Manager	City Commission
Keep Commission informed	Listen to residents and keep track of their concerns and wishes
Propose policy and make recommendations	Discuss, develop, and adopt city policies
Implement policy through day-to-day operations	Hold City Manager accountable for policy implementation
Report back regarding policy implementation, effectiveness, and possible improvements	Close the feedback loop and inform residents of policy changes

Personnel Matters

City Manager	City Commission
Hire, supervise, discipline, promote, demote, and fire all city employees	Establish positions, set wage scales and benefits
*NOTE: Staff should not be contacting Commissioners unless they are responding to a simple request for information, providing pertinent information, or have otherwise been directed to do so by the City Manager. If Commissioners are contacted by staff for any other reason, advise them to contact their Department Head or City Manager. Try to avoid getting involved in personnel matters or conversations with staff that may be interpreted as an influence on your decision making.	

Relationships with Other Entities

City Manager	City Commission
Represent the City and speak on its behalf when coordinating and working with other governmental entities	Commissioners may serve as City representatives on certain intergovernmental bodies or speak on behalf of the City when designated or as required

Budget and Strategic Planning

City Manager	City Commission
Work with staff to develop preliminary budget and departmental strategic plans	Adopt city-wide strategic plan which provides framework for budget
Present recommended budget to City Commission and facilitate deliberation process	Discuss and adjust proposed budget to meet established goals and priorities; adopt budget, set mill levy, utility rates, and other fees
Implement budget adopted by City Commission, provide regular financial reports and present alternatives when City is faced with budget issues	Review financial reports and annual audit; make decisions to amend budget when necessary

Meetings of the City Commission

City Manager	City Commission
• Prepare agenda and review highlights with City Commission members in advance of the meeting. • Attend meetings. • Report to City Commission on matters involving City administration. • Propose policy initiatives or changes	• Deliberate on all agenda items. • Act on all agenda items. • Approve policy initiatives and changes.

Land Use and Planning & Code Enforcement

City Manager	City Commission
Supervise planning staff, who make recommendations to the Planning Commission and City Commission on a broad range of planning issues and who implement the plans and regulations approved by the Planning Commission and City Commission	Adopt and amend zoning code, subdivision regulations and comprehensive plan after receiving input from staff, residents, Planning Commission, and others

City Expenditures and Contracts

City Manager	City Commission
• Sign contracts • Ensure supervision and enforcement of contracts. • Recommend a purchasing policy. • Implement purchasing policy once adopted. • Purchase approval: up to \$25,000	• Authorize execution of contracts • Approve a purchasing policy. • Purchase approval: over \$25,000 (excluding maintenance items)

EFFECTIVE MEETINGS

The Commission meeting is the venue in which the critical work of decision-making is accomplished. A smoothly managed and productive Commission meeting does not necessarily guarantee good results, but it certainly helps.

MEETING BASICS

The Meeting Agenda is created by the City Manager and staff. It is disseminated to the Commission and the public before the meeting. The public receives the agenda the Tuesday prior to the meeting at 12 am. The Commission receives the agenda the Friday prior to the meeting.

To Access the Meeting Agenda, you can use Civic Clerk. The agenda is also typically emailed to commissioners as well.

Changes to the Agenda any changes to the agenda will be reflected in Civic Clerk.

Components of the Agenda include the following:

- **Public Input:** The public is invited to provide comments to the commission. They must provide their name and address prior to making comments and they have a two-minute maximum. As the presiding officer over the meetings, the Mayor is responsible for maintaining order and decorum and should not allow the speaker to make personal attacks or inflammatory comments. In many cases, the speaker will be directed to meet with staff to resolve the issue or get questions answered.
- **New Business:** This portion of the meeting is intended to address any items or issues that are new to the Commission and require action or a decision.
- **Communications:** This portion of the meeting includes updates and information regarding the financial standing of the City. This report is updated monthly.
- **Consent Agenda:** This component of the agenda enables the Commission to group routine items and resolutions under one agenda item and approve them with one motion without separate discussion for each item.
- **Informational Items:** This portion of the meeting is an opportunity for the City Manager to share pertinent information regarding the operations of the City.

- **Governing Body Comments:** During this portion of the meeting, Commissioners are encouraged to share relevant information with the governing body, staff, and members of the public in the audience.
- **Executive Sessions** are closed sessions which are authorized by the Kansas Open Meetings Act (KOMA) after a formal motion has been made, seconded, and carried to recess into executive session. No formal action of the City Commission can be taken during an executive session. The motion that establishes the need for an executive session will also detail how long the session will be. The statutory justifications most commonly used in city government include:
 - Matters regarding non-elected personnel.
 - Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.
 - Data relating to financial affairs or trade secrets of second parties.
 - Discussions prior to acquisition (not sale) of real estate
 - Matters relating to the security of public bodies, agencies, facilities, and information systems.

NOTE: The content and discourse of executive sessions are not to be shared with anyone nor discussed outside the session, even with other parties who were present. Any official who knowingly violates KOMA may be liable for the payment of a civil penalty of up to \$500.

- **Study Sessions** take place after regular meetings. Study sessions are typically reserved for topics where there is no action needed or more deliberation is necessary.

Actions of the City Commission are intended to give the City Commission the opportunity to adopt policies for the City and itself to provide for safe, equitable and efficient City operations. It also adopts policies to regulate and administer its own conduct and operations. Policies are adopted by the City Commission in several different forms. These are:

- **Ordinance:** An ordinance is a local law of the City, prescribing rules of conduct. It is used for a variety of purposes, including administrative action, such as establishing an employee compensation plan, or as an action to control the conduct of the public. Ordinances are also used to amend the City's zoning and subdivision regulations, which are also laws of the City. Passage of an ordinance requires three affirmative votes by the City Commission. Even if a position is vacant due to extenuating circumstances, a full majority of the full body is still required. An abstention on an ordinance counts as an abstention and not with the prevailing side as with non-ordinance matters.

- **Charter Ordinance:** Kansas law allows cities to “charter out of” or exempt themselves from some state statutes and establish their own regulations. Passage of a charter ordinance requires four affirmative votes of the City Commission.
- **Resolution:** This is a less formal action than an ordinance and acts more as an expression of the opinion of the Commission. Passage of a resolution requires a simple majority vote of City Commissioners present and voting.
- **City Commission Policies:** A City Commission policy is an internal or administrative action to address issues not covered by a City ordinance, regulation, or the municipal code book and establishes rules and requirements not listed in any of those other publications. Passage of a City Commission policy requires a simple majority vote of City Commission members present and voting.

The basic powers of cities and the actions outlined above are vested in the governing body and cannot be exercised except in an official meeting. An action of a city governing body cannot be taken by individual members acting independently at different times and at different places, even if all members vote in the affirmative. The governing body must act as a unit.

Voting Procedures and Rules are intended to help the Commission work together as a unit to make decisions regarding the approval of commission actions. The table below outlines what kinds of votes are required for different actions.

Charter Ordinances	Ordinary Ordinances	Non-Ordinance Matters
Passage of a charter ordinance requires four affirmative votes of the City Commission.	The passage of ordinances requires a vote be taken by yeas and nays. A majority of the members-elect of the commission is required (3:2) Passage of an ordinance requires three affirmative votes by the City Commission. Even if a position is vacant due to extenuating circumstances, a full majority of the full body is still required. An abstention on an ordinance counts as an abstention and not with the prevailing side as it would with non-ordinance matters.	Passage of a resolution requires a simple majority vote of City Commissioners present and voting. Abstentions on non-ordinance matters count with the prevailing side.

MEETING CONDUCT

The public evaluates the performance of its elected officials to a great extent by what happens at meetings. Many citizens form their total opinions of the City government on the basis of having attended just one Commission meeting. This is the time to show the citizens that the Commission is capable of doing its job.

Meeting Savvy

- Read the material you've been given for the meeting. This will give you a good basic understanding of the issues and allow you to intelligently consider and discuss the issues.
- Don't get caught up in 'we've always done it this way'. Try not to become so enamored with precedent that it keeps the group from moving forward.
- Alert the Mayor and City Manager before the meeting if you intend to bring up an important issue. This simple courtesy will help staff prepare background information and avoid embarrassment for the whole organization.
- If you disagree with a significant statement or proposal made by a colleague or staff member at a meeting, express the disagreement, in a respectful manner. Silence may be interpreted by staff as agreement, and they may act based on that assumption.
- Practice civility and decorum in discussion and debate. Avoid personal comments that could offend other commissioners, the Mayor, staff, or the audience.

Asking the Best Questions: there are no “right” or “wrong” questions technically, but here are a few tips for asking the ‘best’ questions as they are important tools you can use to obtain information, focus the group, and facilitate decision making. Here are some samples:

Asking of Colleagues:

- What do you think about this item?
- What do you think the proposed action will accomplish?
- Would you please elaborate on your position?
- What results are we looking for?
- How does this match up with our commission priorities?

Asking of Staff:

- What other alternatives were considered?
- What results are we looking for?
- What are the benefits and drawbacks?
- Will you please explain the process?

Asking of the Public:

- How will this proposal affect you?
- What are your concerns?
- What other ways can you suggest for solving the problem?

Meeting Guidelines	
	Meetings start on time
	Meetings end at a reasonable hour
	Stick to the agenda
	Stay focused and act efficiently—be respectful of other peoples’ time
	Don’t attempt to engineer ‘how to’ details at the meeting
	Stay on topic, don’t jump to other items or away from the topic at hand
	Commissioners do their homework
	All commissioners participate
	Commissioners do not engage in side conversations during the meeting
	Commissioners actively listen to each other, speakers, and presenters
	Commissioners don’t hog the conversation; let others state their thoughts
	Unnecessary meetings are not called, and items aren’t added to the agenda unless they are pertinent and timely
	Packed audiences do not unduly sway the commission

THE ETHICAL CITY

OFFICIAL

AVOIDING CONFLICTS OF INTEREST

There are laws related to conflicts of interest. More importantly, the public trust relies on the ability of city officials to be astutely aware of instances where conflicts of interest may arise. Here is a cheat sheet for ensuring that you aren't placing yourself in a position of conflicting personal and public interests.

Statement of Substantial Interest	Statements listing an elected official's substantial financial interests must be filed: • within 10 days of the filing deadline for the position under normal circumstances • within 15 days of appointment when filling a vacancy
What is Substantial Interest?	• Applies to the elected official and their spouse. • Ownership of any business interest worth more than \$5,000 or 5% of any business, whichever is less. • Receiving \$2,000 or more from any business or combination of businesses in the preceding calendar year • Being an officer or director of a business, regardless of compensation (exceptions apply for certain tax-exempt organizations) • Accepting certain gifts valued at \$500 or more
Disclosure of Certain Positions	The Conflict-of-Interest Law requires that elected officials disclose any official affiliation with corporations that are tax-exempt. This disclosure does not require abstention from the making of a contract.
Action on Contracts- When Abstention is Required	Abstention from contract matters is required if the elected official or their spouse has substantial interest (outlined above). Exceptions are: • The contract was competitively bid. • The contract is for products/services with a fixed rate by law.
Action on Noncontractual Matters	Elected officials can act on noncontractual matters even if they have a statement of substantial interest on file.
Changes	Statements of substantial interests should be reviewed and updated annually between April 15 and April 30
Penalties	• Failure to file statement of substantial interest: \$1,000 • Making contract in matters which substantial interest is defined: Class B Misdemeanor

KANSAS OPEN MEETINGS ACT

Another potential conflict comes in the form of the Kansas Open Meetings Act (KOMA) which is a set of laws dedicated to maintaining transparency for the sake of public interests. While this may sometimes feel like an inconvenience, it is important to see this as a measure of protection for both elected officials and the public.

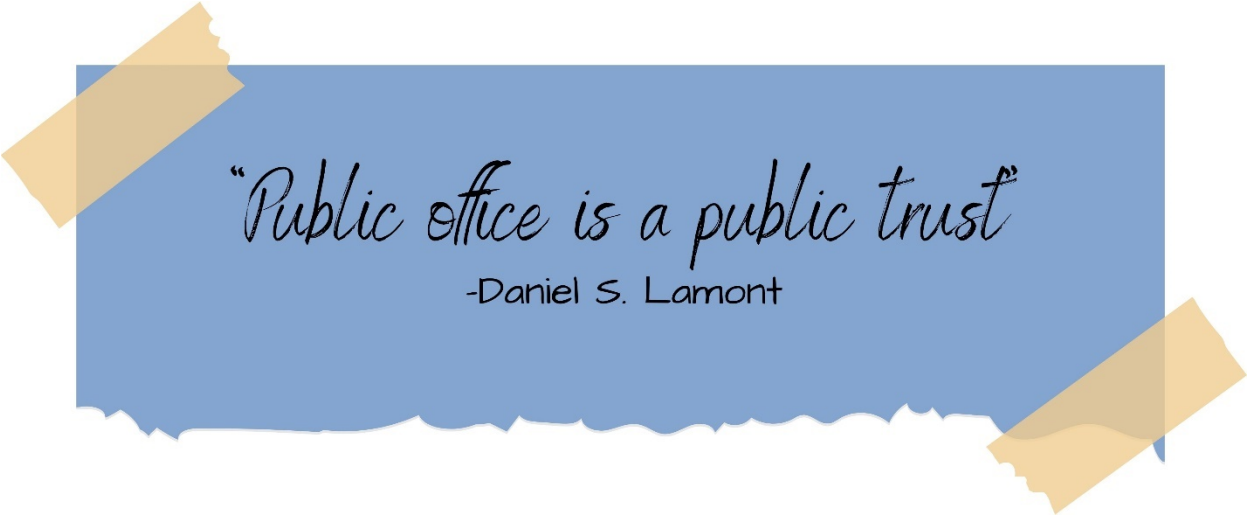
Who does KOMA affect? KOMA applies to meetings of all legislative bodies, agencies of the state and its political and taxing entities. This includes governing bodies of cities along with sub-groups, committees, task forces and the like. Boards with quasi-judicial powers may be an exception (i.e., BOZA)

What constitutes a ‘meeting’ under KOMA?

- A majority of the governing body is present.
- Members are engaging in communication (includes in-person, telephone, teleconference, and discussions over the internet)
- Members are discussing the business or affairs of the governing body.

KOMA Requirements:

- **Open Meetings:** Every part of the meeting (except valid executive sessions) must be open to the public.
- **No Secret Ballots or Action:** Binding action may only take place in public view.
- **Copies of Agendas:** Agendas for any meeting covered under KOMA must be made available to the public in a convenient location prior to the meeting.
- **Recording Devices:** The use of recording devices cannot be prohibited, but reasonable rules regarding the use of said items may be enacted.



"Public office is a public trust"

-Daniel S. Lamont

DEALING WITH CRITICISM/ PUBLIC SCRUTINY

A municipal office is a public trust created in the interest of the people. Care must be taken to not violate this duty of trust, either in appearance or in fact. Part of being a public official is being subject to criticism from the public. Like it or not, the public expects you to behave according to a high level of ethical standards. Here are a few tips for handling criticism from the public:

It is part of the job. Remember that being a public servant opens you up to levels of scrutiny that other members of the community may not face. All of your actions are magnified. We all make mistakes every day, but the higher you rise, the broader the visibility of your mistakes will be. You'll be charged with making thousands of decisions and you won't be able to please everyone. Don't let it go to your head—the good or the bad.

There is no such thing as fairness. The cruel reality of being a leader is that when things go wrong, you will take a disproportionate amount of blame. The further away people are from the actual issue, the less context and understanding they will have. In the absence of these key components, there is a tendency to fill in the blanks with narratives that aren't based in fact. Don't let the noise distract you—stay focused on creating solutions and learning from your experiences.

Rebut with facts, not emotions. Defense is a natural response to criticism, especially if it feels excessive or inaccurate. Defensiveness adds fuel to the fire. If there is inaccurate information being shared, do what you can to replace that information with facts. However, do it carefully and convey the information as facts that people need and not just a defense of your character.

Humility and transparency are your friends. When we feel attacked, shame is a natural reaction that may lead us to want to hide and protect ourselves. As understandable as this feeling is, that instinct can make things worse. It might feel weird, but more transparency is better in these kinds of situations. In the same way, humility is sometimes viewed as guilt and remorse, but it actually shows care and a commitment to progress.

Look for the truth. At some point, you will have to define what can be learned from this kind of experience. Generally, no matter how bad it gets, there are kernels of truth from which you can glean wisdom. Look closely enough and you'll find insights and opportunities to grow.

COMMUNICATIONS AND MEDIA RELATIONS

The media is the conduit through which most City business reaches the public. That said, the media arguably has the greatest influence on how the public perceives representatives of the City and the City as a whole. Elected officials can go a long way with their constituents if they understand the importance of media relations in building public trust and take a proactive approach to communication.

MEDIA RELATIONS

Everyone has a role in media relations. All media inquiries should go through the City's Communications Manager. In most cases, the City Manager will act as the spokesperson for the city. Occasionally, the Mayor or the appropriate department head will participate in interviews. Nonetheless, everyone in a leadership position should be prepared to be approached by the media.

Staff will do the legwork in fielding calls from the media, providing them with information, sending out press releases, and organizing media events. Staff will ensure that commissioners know what communications are coming from the City and when commissioners need to give an interview.

Tips to a great interview:

- Be honest.
- Be courteous.
- Nothing is ever 'off the record.'
- Always assume that the microphone is on.
- There are things that you may not be able to comment on, but 'no comment' may come across as harsh and uncaring.
- Never say anything you wouldn't want published, broadcasted, or posted online.
- Listen carefully to the questions you're being asked.
- Pause, think, and ask for more time if needed.
- Don't volunteer or repeat negative or inaccurate information.
- Don't just accept the narrative the media starts with—reframe the issue accurately and tactfully.
- Respond only to the question you've been asked and try not to ramble.
- Do not guess or speculate.
- Try to avoid (or at least clarify) jargon, acronyms, technical terms, or other potentially confusing language.
- When communicating in times of crisis, citizens need to hear a calm, reassuring and well-prepared message.
- Use the 'Five C's' for interview success:



Speak with **CONVICTION** in a
CONVERSATIONAL manner while retaining your
COMPOSURE.
Be **CONFIDENT** and **COLORFUL**.

SOCIAL MEDIA

Over 70% of adults in the U.S. use some form of social media. Social media has become the most effective and convenient way to directly correspond with community members. Social media use by elected officials implicates new and evolving legal issues, and here are a few suggestions for minimizing liability for yourself and the City:

- Consider the efficacy of your social media presence and whether or not it is worth the hassle.
- If you feel that the use of social media is a service to your constituents, please be mindful of what you post. It may be best to shy away from discussing items that will be on a meeting agenda. Things like public service, photo opportunities and announcements are typically safe ways to engage in social media.
- Try not to comment on pending matters or sensitive information.
- Check to make sure you created your page under the correct category as a 'politician' instead of a government entity.
- Be careful with the use of the City logo so as not to confuse your page with the official city page.
- If you have multiple pages, be sure to delineate whether it is a personal page, a page dedicated to your role as a commissioner, or a campaign page.
- Remember that anything that you post as a commissioner is part of the Kansas Open Records Act and can't be deleted/can be made available to the public.

In some cases, posts by the public may violate the city's standards for content on city-sponsored social media sites. Therefore, the City of Emporia reserves the right to restrict or remove any messages or postings with the following content.

- Content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status about the public assistance, national origin, physical or mental disability or sexual orientation.
- Content that violates the legal ownership interest of any other party, including, but not limited to infringement of a copyright, trademark, or any registered mark.
- Defamatory statements, or any material contained in it, hold up an individual or groups of people to public ridicule, derision, or embarrassment, or libelous.
- Use of vulgar, offensive, threatening, or harassing language.
- Unlawful goods, services, behavior, or activities. The content, or any material contained in it, promotes, or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods, services, and behavior or activities.
- Support or opposition of any ballot issue or candidate for office. The content, or any material contained in it, contains political campaign speech. "Political campaign speech" is speech that: (1) supports or opposes or appears to support or oppose a ballot measure, initiative, or referendum, or (2) refers to any candidate for public office.

- Religion. The content, or any material contained in it, advocates, or opposes a religion or religious belief.
- Violence. The content, or any material contained in it, contains an image or description of graphic violence including the depiction of weapons or other devices associated in the advertisement with an act or acts of violence or harm to a person or animal.
- “Adult”-orientated goods or services. The content, or any material contained in it, promotes, or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans, or other materials which are identifiable with inappropriate adult goods and services.
- Comments unrelated to the topic of the forum; hyperlinks to material that is not directly related to the discussion.
- Spam or commercial promotions; content containing unsolicited or unauthorized advertisement or solicitation.
- Promotion or advertising of any businesses or commercial enterprises unless they are providing support to city services.
- Posts or links that contain malicious software (malware) such as viruses, worms, trojans, rootkits, spyware, adware, or any other unwanted software.
- Information that may tend to compromise the safety or security of the public or public systems.

This policy works in conjunction with and does not override existing or new policies or agreements.

COLLABORATIVE LEADERSHIP

Effective leadership as it relates to the governing body involves working towards a shared vision for the betterment of the community. This includes working together for the shared responsibility of making progress happen.

SUGGESTIONS FOR EFFECTIVE COLLABORATION

What makes collaboration effective?

- A clear, shared vision
- A well-defined and accepted mission
- Clear goals to which every member is committed.
- Enthusiasm and energy
- Commitment to collaboration
- Professionalism and respect for all members
- Commitment to understanding perspectives and compromise.
- Efficient communication
- Ability to disagree openly and productively.
- Distributed participation: everyone has a different and important role.
- Trust, support, and acceptance amongst all members
- Cohesion: a sense of belonging and desire to stick together
- An overall commitment to progress

What are some barriers to effective collaboration?

- Lack of commitment to the cause and to the team
- Lack of knowledge about processes and rules
- Competition
- Poor interpersonal skills
- Poor communication
- Personal conflicts
- External pressures and demands that stretch the team's capacity.
- Political grandstanding
- Unwillingness to see/consider different perspectives or to compromise.
- Representation of only one perspective of the group

COLLABORATIVE LEADERSHIP CHECKLIST

- ☐ Will my decision/statement/action violate the trust, rights, or good will of others?
- ☐ What are the motives and spirit behind my actions?
- ☐ If I have to justify my conduct in public tomorrow, will I do so with pride?
- ☐ How would my conduct be evaluated by people whose integrity and character I respect?
- ☐ Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Is it just and morally right?
- ☐ Does my conduct give others a reason to trust me?
- ☐ Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear where I stand?
- ☐ Can I take legitimate pride in the way I conduct myself and the example I set?
- ☐ Do I listen and try to understand the views of others?
- ☐ Do I question different points of view in a constructive manner?
- ☐ Do I work to resolve differences and come to mutual agreement?
- ☐ Do I support others and show respect for their ideas?
- ☐ Will my conduct cause public embarrassment to someone else?

Practical Advice

"The most important single ingredient in the formula of success is knowing how to get along with people" -Franklin D. Roosevelt

The secret to successful politics is compromise.



Always be courteous to other Commissioners

Especially newer ones who may not have a full grasp of the issues at hand



Keep disagreements from getting personal

Discussions should be about POLICY and not PERSONALITIES



Don't be overly swayed by a few people in the audience

Remember, you were elected to represent everyone in the City, not just the few the show up or speak out. Do what is right for the entire community.



Address conflict head on

Putting an item off to another day does not solve the problem.

BUDGET BASICS

The budget is one of the Commission's strongest policy impacts. Spending guidelines reflect numerous policy decisions. The budget clearly reflects the policy priorities of the City on many issues.

Setting policy through the budget is a continuous, year-long process. It involves setting goals and establishing priorities. Public participation is critical to the budget process, as well as being required by law, because of the many policy decisions involved.

ABOUT OUR BUDGET

The Commission handles three types of budgets within the budget process:

- An **operating budget** for delivering services like police, fire, parks, public works, and administration. The operating budget enables you to set policy. When most people think about a City budget, they're thinking about the operating budget. The operating budget is financed from the City's ongoing general revenue sources.
- Utility services or special proprietary facilities provided by the City are separately funded through user fees. These funds are called **enterprise funds**. Officially, the City of Emporia has three: Wastewater, Solid Waste, and Water.
- A **capital budget** that determines which capital improvements will be bought or built during the budget year and how they will be financed. The full budget also includes a Capital Improvement Plan (CIP) for a 5-year planning period.

Additional Budgetary Responsibilities

The City Commission establishes the mill levy for the following funds:

- General Fund
- Industrial Fund
- Bond and Interest Fund
- Library Fund

The Commission does not control the Library's expenditure budget, it only controls the level of property tax by which it is supported.

The Legal Document

In Kansas, budgets must be balanced meaning anticipated revenues must equal forecasted expenditures. Unexpected revenues can be appropriated by a supplemental budget amendment or can be allocated to reserve funds or to the following year's beginning balance. Expenditures which exceed revenues can be made only by the Commission transferring funds from reserve accounts or by issuing interest-bearing bonds.

Budgeting Method

The City of Emporia uses a line-item or incremental budget. The budget is prepared by adjusting expenses based on current expenditure levels. It shows how much money will be spent on every element of expense, or line item, in every department.

The Budget Calendar

The budget is a living document and can be amended or adjusted throughout the year as needed. The standard timetable the City follows to prepare the budget for the upcoming year generally starts in March/April when the Finance Director reaches out to departments for information about their CIP projects. The calendar below is a rough outline of a typical budget calendar for the city of Emporia. The fiscal year for the City is a normal calendar year meaning each fiscal year begins on January 1 and ends on December 31.

Date	Activity	Person
March/April	- Review CIP lists - Receive budget requests from department heads	Finance Director
May	CIP lists due from department heads	Department Heads
May	Discuss revenue sources, fund balances, personnel, and CIP	Commission
June	- Review CIP items and outside requests - Overview of all funds	Commission
July	Determine Revenue Neutral intent and notify clerk	Commission
August-October	- RNR hearing - Budget hearing - Adoption of Budget	Commission and Staff

Purpose of the Budget

The budget should do the following:

- Express community priorities.
- Work as a plan to identify resources and expenditure flows.
- Operate as an annual work program by guiding program management and evaluating existing expenditures.
- Respond to change. The budget process should be dynamic-it has to be flexible to meet public needs, keep up with technology and adjust to financial circumstances.

However, the budget cannot:

- Be precisely accurate. The budget relies on estimates based on trends.
- Create efficiency. The budget is a resource allocation plan. It cannot overcome obstacles in management or staff structure.
- Establish public policy. Public policy is established through careful discussion before the budget is prepared.
- Make everyone happy. There will be winners and losers.

Budget Do's and Don'ts	
Do	Don't
Evaluate materials and data carefully before you speak	Expect to be an instant expert
Show your appreciation for staff and respect their experience	Drown in the details
Explore creative ways to meet your city's needs	Criticize previous budget until you know all of the facts
Ask lots of questions	Try to immediately change traditional budget practices

SUPPLEMENTARY MATERIALS

The following materials may be of use as you assume your new role as an elected official. The publications noted by an asterisk are ready for check-out in the Emporia Public Library; the rest can be available through inter-library loan.

- *Your Leadership Edge*, by Ed O'Malley, 2015*
- *For the Common Good: Redefining Civic Leadership*, by David D. Chrislip & Ed O'Malley, 2013*
- *Governing Body Handbook: A Reference for Elected Municipal Officials*, by the League of Kansas Municipalities, 2018 (available in the City Manager's Office)
- *Drive: The Surprising Truth About What Motivates Us*, by Daniel Pink, 2009*
- *Good to Great: Why Some Companies Make the Leap and Others Don't* by Jim Collins, 2001*
- *Good to Great and the Social Sectors: Why Business Thinking Is Not the Answer*, by Jim Collins, 2005*
- *The 21 Irrefutable Laws of Leadership: Follow Them and People Will Follow You*, by John C. Maxwell, 2020*
- *Simpler: The Future of Government*, by Cass R. Sunstein, 2014
- *Local Elected Officials: Guardians of Good Governance*, by Douglas Morgan and Mike Gleason, 2020

Title: Code of Procedure for the City of Emporia.

Agenda Date: October 18, 2023

Presented By: Christina Montgomery, City Attorney

Background:

The city does not currently have a formal code of procedure to govern city commission meetings.

Discussion:

City staff has drafted a code of procedure based on guidance from the Kansas League of Municipalities. Adoption of a code of procedure may be done by ordinance.

Financial considerations:

No city funds are required.

Attachments:

Code of Procedure for the City of Emporia

CODE OF PROCEDURE FOR THE CITY OF EMPORIA

Definitions

Section 1. Governing Body. The term governing body shall mean all city commissioners, including the mayor.

Section 2. Quorum. A quorum shall consist of a majority of the members-elect of the city commission.

Section 3. Mayor and Vice-Mayor. The city commission annually selects a mayor and vice-mayor from its membership. The mayor and vice-mayor retain all rights and responsibilities of a city commissioner.

Meetings

Section 4. Regular Meetings. Regular meetings of the city will be held on the first (1st) and third (3rd) Wednesdays of each month commencing at the hour of 11:00 o'clock a.m. pursuant to Ordinance No. 22-35 and in accordance with applicable state law.

Section 5. Special Meetings. A call by the mayor, two (2) members of the governing body, or the city manager shall be sufficient warrant for a special meeting pursuant to Ordinance No. 22-35 and in accordance with applicable state law.

Section 6. Annual Business Meeting. The annual business meeting shall be conducted at the first regular meeting in January of each year.

Section 7. Quorum Required. A quorum is required at all meetings during which binding action will be taken by the city.

Section 8. Public Comment. If public comment is allowed during the meeting, any citizen desiring to comment shall state his or her name and address for the purpose of putting both in the minutes of the meeting. The mayor or meeting chair may limit the time of each citizen based upon the number of people wishing to speak and the amount of time available for the public comment portion of the meeting.

Agenda

Section 9. Agenda. Prior to each regular and special meeting, the city will distribute an agenda to each governing body member. The agenda will be made available to the public prior to the meeting.

Section 10. Setting Agenda. The city manager shall be responsible for setting the agenda.

Section 11. Agenda Items. Any governing body member or staff member of the city may request to have an item placed on the agenda. Members of the public may not place an item on the agenda but may request that a governing body or staff member sponsor such an item.

Section 12. Additions to Agenda. Items may be added to or removed from the agenda at a regular meeting prior to the beginning of the meeting by city staff, or by motion approved by a majority of those governing body members present and voting. No items may be added to the agenda of a special meeting.

Section 13. Order of Business. At the hour appointed for the meeting, the mayor shall call the meeting to order. Upon having a quorum present, the governing body shall proceed to business, which shall be conducted in the order set by the governing body. The mayor shall preside over the meeting. The vice-mayor shall preside over the meeting in the absence of the mayor.

Section 14. Consent Agenda. By majority vote of the governing body, any item may be removed from the consent agenda and considered separately.

Section 15. Order of Business, Suspended or Amended. By a majority vote of the governing body, the order of business may be amended to add or delete sections as appropriate or may be suspended in its entirety to consider other matters.

Section 16. Executive Sessions. Executive sessions may be held at any time in the order of business upon motion.

Motions

Section 17. Motions; Second. All motions require a second before such motion may be considered.

Section 18. Debate. All motions are debatable unless otherwise noted in the section governing that motion.

Section 19. Substantive Motion. Only one main substantive motion may be pending on the floor at any one time. It must be withdrawn or advanced to a vote before another substantive motion is introduced.

Section 20. Substitute Motion. Substitute motions are prohibited. Substantive motions must be withdrawn or advanced before another substantive motion is introduced.

Section 21. Motion to Amend. A motion to amend is in order when the proposal is to change, add, or delete words from the main substantive motion. If the motion is to amend a document before voting on its adoption, it is advisable to reduce the change to writing, but it is not required if all members of the governing body understand the amendment. A vote on an amendment is not a final vote on the underlying substantive motion. To pass the underlying substantive motion requires a vote.

Section 22. Motion to Pass an Ordinance. All ordinances of the city shall be considered at a public meeting of the governing body. After consideration and amendment (if any) of the ordinance, the question shall be: "Shall the ordinance pass?" No ordinance shall contain more than one subject, which shall be clearly expressed in its title, and no section or sections of an ordinance shall be amended unless the amending ordinance contains the entire section or sections as amended and the section or sections amended shall be repealed. [See Sections 33-38 for ordinance voting requirements.]

Section 23. Motion to Refer. If the governing body deems it appropriate, it may refer an ordinance, resolution, contract, or other matter back to staff, committee, board, or other appropriate location for further review and consideration. Such motion may or may not contain a time certain for the item to be returned to the governing body.

Section 24. Motion to Reconsider; Prohibited. Motions to reconsider are prohibited. Any governing body member may make a new substantive motion on a matter previously considered by the city.

Section 25. Motion to Call the Previous Question. This motion is not debatable and, if passed by a majority of the governing body, calls for an immediate vote on the substantive motion. This motion requires a vote.

Section 26. Motion to go into Executive Session. The motion to go into executive session shall be made as follows: "I move that the governing body recess into executive session to discuss _____ (general description of the subjects to be discussed) pursuant to the _____ (statutory justification listed in K.S.A. 75-4318(b)). The open meeting will resume in _____ (location of the meeting) at _____ (time)." While not required, the motion may also state who is to be present in the executive session. This motion must be made, seconded, and carried. The complete motion must be recorded in the minutes of the meeting. The meeting may not reconvene until the time stated in the motion.

Section 27. Motion to Adjourn to a Later Date and Time. If the governing body is unable to complete its agenda during the time allotted for the meeting, the meeting may be adjourned to a time and date certain to continue the regular or special meeting. The motion shall state the time, place, and date for the meeting to reconvene. If the motion is adopted, the meeting is adjourned to the specified time, place, and date.

Section 28. Motion to Adjourn. At the conclusion of the agenda, a motion to adjourn is in order and requires a majority vote.

Voting

Section 29. Form of Vote. All votes shall be by voice vote or, in the alternative; the mayor may request that a vote be by "show of hands." No vote shall be by secret ballot.

Section 30. Division. The mayor or any member may request a formal division of vote. At the discretion of the mayor, division may be by either a poll of each member or a show of hands.

Section 31. Duty to Vote. Members of the governing body have a duty to vote unless such member choosing to abstain has a conflict of interest or other conflict that appears to make voting on an issue improper. Any member who abstains must state, for the purpose of its inclusion in the minutes, the reason for the abstention.

Section 32. Vote by Mayor. The mayor has a vote on all matters. The mayor does not have a “second vote” to break a tie.

Section 33. Recording. Upon final passage of a matter, the vote shall be recorded in the minutes.

Section 34. Votes; Non-Ordinance Matters. Unless otherwise specifically required by law, the adoption or rejection of resolutions and other motions shall be by a majority of those present. An abstention shall be counted with the prevailing side.

Section 35. Votes; Ordinary Ordinance. The adoption of an ordinary ordinance requires an affirmative vote by a majority of the members-elect of the governing body.

Section 36. Votes; Charter Ordinance. The adoption of a charter ordinance requires a two-thirds vote of the members-elect of the governing body.

Section 37. Appointments to Non-Elected Positions. Appointments to boards and other non-elected positions are by motion, second, and a vote.

Application & Amendment

Section 38. Rules. The mayor shall rule on procedural matters during meetings. For those matters not covered by these rules, the procedure shall be as decided by a majority vote of the governing body. These rules may be amended after adoption by a subsequent ordinance amending specific rules as identified in the ordinance. Such ordinance amends the adopting ordinance. The rules may not be suspended by the governing body during any meeting.



Commission Action Report

Common Consumption Area Discussion

Title: Common Consumption Area Discussion

Agenda Date: October 18, 2023

Presented By: Christina Montgomery, City Attorney

Background:

The City of Emporia has authorized several successful common consumption areas over the past two years. Commission has requested an update on common consumption areas and new laws.

Discussion:

City staff and Matt Fischer from Kansas ABC will be present to provide an overview on common consumption areas and answer questions.

Commissioners,

The major changes that occurred through the three (3) code cycles mainly pertain to codes that have wording and sectional number changes. Many code sections have been reworded to better define the procedure or installation of the particular chapter and/or section. Changes also include installation standards for new products that have been introduced to the construction field in the last 10 years. These codes are the minimum standards to protect both individuals and contractors from failures or emergency situations.

The following six (6) items listed below are the major items that have been changed to the 2021 Uniform Plumbing Code. Highlighted wording is the changes made to that numbered section.

603.4.3 Access and Clearance. Access and clearance shall be provided for the required testing, maintenance, and repair. Access and clearance shall be in accordance with the manufacturer's instructions, and not less than 12 inches (305 mm) between the lowest portion of the assembly and grade, floor, or platform. Installations elevated that exceed 5 feet (1524 mm) above the floor or grade shall be provided with a permanent platform capable of supporting a tester or maintenance person.

608.5 Discharge Piping. (3) Discharge pipe shall discharge independently by gravity through an air gap into the drainage system or outside of the building with the end of the pipe not exceeding 2 feet (610 mm) and not less than 6 inches (152 mm) above the ground and pointing downwards.

Exception: Under specified conditions the authority having jurisdiction (AHJ), or their authorized personnel shall approve an alternate method of installation of discharge piping.

911.3.1 Connection and Installation. The relief vent shall connect to the horizontal branch between the stack and the most downstream trap arm of the circuit vent. The relief vent shall be installed on the vertical to the horizontal branch. There shall be no double-wye fittings allowed, only double combination wyes shall be allowed.

717.1 General. The minimum size of a building sewer shall be determined on the basis of the total number of fixture units drained by such sewer, in accordance with Table 717.1. In no case shall the building sewer line be less than 4 inches in diameter.

1203.3.2 Final Piping Inspection. Addition of "For CSST piping carrying gas at pressures in excess of fourteen (14) water column (3.5 kPa) pressure, the test pressure shall not be less than thirty (30) pounds per square inch (207 kPa) and shall be continued for a length of time satisfactory to the administrative authority, but in no case for less than thirty (30) minutes".

1213.3 Deleted "the water service line from the city meter to the structure shall have a minimum of 3 feet of cooper attached to the city water meter".

The following items listed below are the major items that have been changed to the 2021 Uniform Mechanical Code. Highlighted wording are the changes made to that particular numbered section.

304.2 Sloped Roof. Where equipment or appliances that require service are installed on a roof having a slope of 4 units vertical in 12 units horizontal (33 percent slope) or more, a level platform of not less than 30 inches by 30 inches (762 mm by 762 mm) shall be provided **where practical** at the service side of the equipment or appliance.

603.4 Flexible Air Ducts. (8) Fittings for attaching non-metallic ducts shall be beaded and have a collar length of not less than 2 inches (51 mm) for attaching the duct. **Metal worm-gear clamps shall not be used.**

c. Deletions.

The **2021** Uniform Mechanical Code is hereby amended by **omitting and deleting** in entirety the following provisions:

Chapter 6, Section 603.4.2 Flexible Air Connectors.

Chapter 6, Section 603.13.3 Supply Air Ducts to Unlisted Furnaces.

Chapter 8, Section 802.2.3 Adjacent Room or Space.

Title: Discuss the Adoption of 2021 Uniform Plumbing & Mechanical Code

Agenda Date: October 18, 2023

Presented By: Kory Krause, Director of Building & Neighborhood Development

Background:

At the end of last year, the building trades board decided to move forward with adopting a set of current edition codes to replace our currently adopted codes. This decision would move all our code cycles to the same year, 2021 edition codes. Our two building inspectors and I, with seven (7) master plumbers and mechanical contractors met weekly this year to go through each code edition to discuss and approve all of the changes in the code cycle for the plumbing and mechanical codes. These discussions were over the current adopted 2012 to the 2015 cycle, the 2018 cycle, and the 2021 cycle editions.

The adoption of the 2021 Uniform Plumbing and Mechanical Codes will replace the currently adopted 2012 codes. Emporia's Building Trades Board unanimously voted to move forward with presenting these two codes for approval by the city commission.

Discussion:

Discuss with the commission the major changes that occurred with the plumbing and mechanical codes, which mainly consisted of sectional and number changes. Request to move forward with the adoption of 2021 Uniform Plumbing and Mechanical codes.

Attachments

Uniform Plumbing and Uniform Mechanical Code Changes