



**MEETING OF THE CITY COMMISSION - AGENDA
WEDNESDAY, NOVEMBER 1, 2023 AT 11:00 AM
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER Mayor Susan Brinkman

MEMBERS PRESENT

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

PROCLAMATIONS

Proclamation Naming Small Business Saturday.

Accepted by: Casey Wood, Emporia Main Street Director

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) Public Hearing for Establishment of the Fairview Hotels, LLC. Community Improvement District.

Presented by: Tayler Wash, Director of Special Projects

Recommended Action: Conduct Public Hearing for Establishment of the Fairview Hotels, LLC. Community Improvement District.

2) Ordinance 23-33 Establishing the Fairview Hotels, LLC. Community Improvement District.

Presented by: Tayler Wash, Director of Special Projects

Recommended Action: Approve Ordinance 23-33 Establishing the Fairview Hotels, LLC. Community Improvement District.

3) Resolution No. 3711 Adopting Governing Body Handbook.

Presented by: Tayler Wash, Director of Special Projects

Recommended Action: Approve Resolution No. 3711 Adopting Governing Body Handbook.

4) Resolution No. 3710 Authorizing the City of Emporia to Apply for a \$505,000 Moderate Income Housing Grant.

Presented by: Jeffrey Lynch, Community Development Coordinator

Recommended Action: Approve Resolution No. 3710 Authorizing the City of Emporia to Apply

for a \$505,000 Moderate Income Housing Grant.

5) **Award CCLIP Resurfacing FY2025 KDOT Form 1302.**

Presented by: Jim Ubert, City Engineer

Recommended Action: Approve the KDOT Awarded CCLIP-SP Project and authorize the Mayor to sign Form 1302.

6) **Award CCLIP Resurfacing FY2026 KDOT Form 1302.**

Presented by: Jim Ubert, City Engineer

Recommended Action: Approve the KDOT Awarded CCLIP-GI Project and authorize the Mayor to sign Form 1302

7) **Ordinance 23-34 Adopting the Building and Construction Regulations, the International Residential Code, the International Building Code, the National Electrical Code, and the Uniform Mechanical Code.**

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

Recommended Action: Approve Ordinance 23-34 Adopting the Building and Construction Regulations, the International Residential Code, the International Building Code, the National Electrical Code, and the Uniform Mechanical Code.

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

- 1) Community Housing & Emporia Land Bank Meeting Minutes September 7, 2023.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Special Commission Meeting Minutes October 11, 2023.
- 2) Commission Meeting Minutes for October 18, 2023.
- 3) 2023 Emergency Solutions Grant Agreement.
- 4) Change Order No. 2 for CCLIP Resurfacing FY2024.

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 THE PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY. K.S.A. 75-4319(B)(6) IS THE AUTHORITY FOR THIS RECESS INTO THE EXECUTIVE SESSION.

Recess into Executive Session for the preliminary discussion of the acquisition of real property for 15 minutes and to invite Tayler Wash, Special Projects Director; Jim Witt, Special Projects Coordinator; and Jim Ubert, City Engineer; and stating at which time the open meeting will

resume.

RECESS

Recess to Conference Room 1AB for Study Session

STUDY SESSION AGENDA ITEMS

- 1) Discuss Emporia Enterprises & RDA Appointments.
- 2) Discuss Boards & Commissions Procedures.
- 3) Water Update
- 4) Discuss Extension of Neighborhood Revitalization Area.

ADJOURNMENT



PROCLAMATION

WHEREAS, the small locally owned businesses of Emporia are vital to our city's Economic health; and

WHEREAS, locally owned businesses contribute to our unique and vibrant community Character; and

WHEREAS, the U.S. Small Business Administration states that small businesses create 65% of net new local jobs; and

WHEREAS, with every \$100 spent at a small local retailer, \$68 will return to the community through taxes, payroll and donations to local schools and charities; and

WHEREAS, public awareness of the contributions made by Emporia local businesses is the key to sustaining a healthy business climate; and

WHEREAS, the people of Emporia are grateful to the small locally owned businesses of Emporia for their generous contribution to the quality of life we all enjoy; and

WHEREAS, we join American Express, Main Street America, Kansas Main Street and Emporia Main Street in supporting America's locally owned Small Businesses.

NOW, THEREFORE, I, Susan Brinkman, Mayor of the City of Emporia, Kansas, do hereby proclaim Saturday, November 25, 2023, as

Small Business Saturday

in the city of Emporia, Kansas, and urge all residents of Emporia to join the rest of America in shopping at small locally owned businesses.

On this 1st Day of November 2023

ATTEST:

Susan Brinkman, Mayor

Kerry Sull, City Clerk



Commission Action Report

Public Hearing for the Establishment of the
Fairview Hotels, LLC. Community Improvement District

Title: Public Hearing for the Establishment of the Fairview Hotels, LLC.
Community Improvement District

Agenda Date: November 1, 2023

Presented By: Tayler Wash, Director of Special Projects

Background:

K.S.A. 12-6a26 through K.S.A. 12-6a36, inclusive, as amended (the "Act"), authorizes the governing body of any municipality to adopt an ordinance establishing a community improvement district ("CID") after receipt of a proper petition and holding a public hearing.

Discussion:

At the October 4, 2023, meeting the City Commission accepted the petition for this project and scheduled the public hearing for November 1, 2023. This hearing will be the final step as provided for in Kansas statutes necessary to enact the 2% sales tax. After the hearing is closed, the Commission can act on an ordinance formalizing the 2% tax.

Financial Considerations:

There are no impacts on city finances, and we do receive a 3% administrative fee to cover internal costs related to the administration and distribution of the tax.

Recommended Action:

Conduct the public hearing for the Fairview Hotels, LLC. CID

Attachments:

Resolution 3707 Setting Public Hearing Date
Fairview Hotels, LLC. CID Petition

RESOLUTION NO. 3707

**A RESOLUTION TO PROVIDE NOTICE OF A PUBLIC HEARING ON THE
ADVISABILITY OF CREATING THE FAIRVIEW HOTELS COMMUNITY
IMPROVEMENT DISTRICT**

WHEREAS, K.S.A. 12-6a26 through K.S.A. 12-6a36, inclusive as amended (the “Act”), authorize the governing body of any municipality to adopt an ordinance establishing a community improvement district (“CID”) after receipt of a proper petition and holding a public hearing thereon; and

WHEREAS, on September 19, 2023, the petition to establish the Fairview Hotels Community Improvement District was filed with the City Clerk (the “City Clerk”) of the City of Emporia, Kansas (the “City”); and

WHEREAS, the petitioners are owners of 100% of the property in the proposed CID and request the formation of a CID for the purpose of financing project costs eligible for reimbursement pursuant to the Act (the “Project”) within the District; and

WHEREAS, the general nature of the Project as described in the petition is the commercial development of approximately 4.3 acres of real property located at 3010 Eaglecrest Drive (EAGLECREST 4TH SUB DIV, LOT 7-9, BLOCK 2) and 2900 Eaglecrest Drive (EAGLECREST 4TH SUB DIV, LOT 11, BLOCK 2 and LOT 2-3, BLOCK 2), located within the City and is expected to include the construction of an approximately 60,000 sq. ft. hotel and convention center and associated public infrastructure and improvements; and

WHEREAS, the cost of the Project is estimated to be \$17,195,000.00, with \$16,395,000.00 financed through CID revenues over the life of the district; and

WHEREAS, the petitioners propose financing the eligible Project through pay-as-you-go financing; and

WHEREAS, the petitioners propose levying a two percent (2.0%) community improvement district sales tax on retail sales within the District; and

WHEREAS, a boundary map of the proposed District is attached hereto as Exhibit A; and

WHEREAS, the legal description of the proposed district is attached hereto as Exhibit B; and

WHEREAS, pursuant to the Act, on November 1, 2023, the Board of Commissioners will hold a public hearing on the advisability of creating or modifying the proposed Fairview Hotels Community Improvement District.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the City of Emporia, Kansas:

1. That the City Commission shall hold a public hearing on the advisability of creating the Fairview Hotels Community Improvement District in Emporia, Kansas and the

levy of the requested Community Improvement District sales tax on the 1st day of November 2023 at 11:00 a.m., in the Municipal Court Room City Commission Room located at 518 Mechanic Street, Emporia, Kansas.

2. That the City Clerk shall cause notice of the public hearing to be published by publication of this resolution, at least once each week for two consecutive weeks, with the second publication occurring at least seven days prior to the hearing, in the City's official newspaper.
3. That the City Clerk shall cause notice of the public hearing to be sent by mailing a copy of this resolution by certified mail to all owners within the proposed district at least ten days prior to the hearing.
4. That this resolution shall be in full force and effect from and after its adoption.

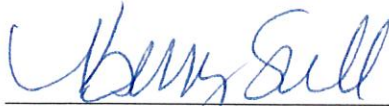
Adopted by the Board of Commissioners and signed by the Mayor this 4th day of October 2023.


Susan Brinkman, Mayor

(SEAL)



ATTEST:


Kerry Sull, City Clerk

RESOLUTION NO. 3707

A RESOLUTION TO PROVIDE NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING THE FAIRVIEW HOTELS COMMUNITY IMPROVEMENT DISTRICT

WHEREAS, K.S.A. 12-6a26 through K.S.A. 12-6a36, inclusive as amended (the "Act"), authorize the governing body of any municipality to adopt an ordinance establishing a community improvement district ("CID") after receipt of a proper petition and holding a public hearing thereon; and

WHEREAS, on September 19, 2023, the petition to establish the Fairview Hotels Community Improvement District was filed with the City Clerk (the "City Clerk") of the City of Emporia, Kansas (the "City"); and

WHEREAS, the petitioners are owners of 100% of the property in the proposed CID and request the formation of a CID for the purpose of financing project costs eligible for reimbursement pursuant to the Act (the "Project") within the District; and

WHEREAS, the general nature of the Project as described in the petition is the commercial development of approximately 4.3 acres of real property located at 3010 Eaglecrest Drive (EAGLECREST 4TH SUB DIV, LOT 7-9, BLOCK 2) and 2900 Eaglecrest Drive (EAGLECREST 4TH SUB DIV, LOT 11, BLOCK 2 and LOT 2-3, BLOCK 2), located within the City and is expected to include the construction of an approximately 60,000 sq. ft. hotel and convention center and associated public infrastructure and improvements; and

WHEREAS, the cost of the Project is estimated to be \$17,195,000.00, with \$16,395,000.00 financed through CID revenues over the life of the district; and

WHEREAS, the petitioners propose financing the eligible Project through pay-as-you-go financing; and

WHEREAS, the petitioners propose levying a two percent (2.0%) community improvement district sales tax on retail sales within the District; and

WHEREAS, a boundary map of the proposed District is attached hereto as Exhibit A; and

WHEREAS, the legal description of the proposed district is attached hereto as Exhibit B; and

WHEREAS, pursuant to the Act, on November 1, 2023, the Board of Commissioners will hold a public hearing on the advisability of creating or modifying the proposed Fairview Hotels Community Improvement District.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the City of Emporia, Kansas:

1. That the City Commission shall hold a public hearing on the advisability of creating the Fairview Hotels Community Improvement District in Emporia, Kansas and the levy of the requested Community Improvement District sales tax on the 1st day of November 2023 at 11:00 a.m., in the Municipal Court Room/City Commission Room located at 518 Mechanic Street, Emporia, Kansas.

2. That the City Clerk shall cause notice of the public hearing to be published by publication of this resolution, at least once each week for two consecutive weeks, with the second publication occurring at least seven days prior to the hearing, in the City's official newspaper.

3. That the City Clerk shall cause notice of the public hearing to be sent by mailing a copy of this resolution by certified mail to all owners within the proposed district at least ten days prior to the hearing.

4. That this resolution shall be in full force and effect from and after its adoption.

Adopted by the Board of Commissioners and signed by the Mayor this 4th day of October 2023.

Susan Brinkman, Mayor

(SEAL)

ATTEST:

Kerry Sull, City Clerk

**PETITION FOR THE CREATION OF A
COMMUNITY IMPROVEMENT DISTRICT**

TO: The Governing Body,
City of Emporia, Kansas

The undersigned, being the owners of record of all land and all of the assessed value within the hereinafter described community improvement district, hereby petition the City of Emporia, Kansas (the “City”) to create a community improvement district and authorize the proposed project hereinafter set forth, all in the manner provided by K.S.A § 12-6a26, *et seq.* (the “Act”). In furtherance of such request, the petitioners state as follows:

1. GENERAL NATURE

The general nature of the project consists of the acquisition of certain real property, and the development and redevelopment thereof and the surrounding property to consist of a hotel and conference center facility (the “Project”). The Project includes the cost of parking facilities, site work, infrastructure improvements, landscaping, lighting, utilities, interest accrued on borrowed money during the period of construction of the project, the City’s administrative fee and associated costs incurred by the City, and other items eligible for reimbursement under the Act.

2. PUBLIC PURPOSE

The public purpose of the Project is to provide for the construction of improvements to contribute to the revitalization, growth and economic development of the City and property that is currently economically underutilized, and thereby furthering economic development purposes of the City.

3. ESTIMATED COST

The estimated cost of the Project is \$17,195,000. plus the State of Kansas administrative expenses (2%), the City’s administrative fee (3%) and associated costs incurred by the City,

4. PROPOSED METHOD OF FINANCING

The Project is proposed to be financed, in part, through the use of CID sales tax revenue to be expended on the Project on a pay-as-you-go basis.

5. PROPOSED AMOUNT OF SALES TAX

It is being proposed that the Project be financed, in part, through the levying and collection of a 2.00% add-on CID sales tax as authorized by the Act for a period of 22 years.

6. PROPOSED METHOD AND AMOUNT OF ASSESSMENT

It is not proposed that any special assessments be levied upon property within the proposed community improvement district pursuant to the Act.

7. MAP AND LEGAL DESCRIPTION OF THE PROPOSED DISTRICT

A map of the proposed community improvement district (the “**District**”) is attached hereto as **EXHIBIT A.**

A legal description of the District is attached hereto as **EXHIBIT B.**

8. NOTICE TO PETITION SIGNERS

Names may not be withdrawn from this Petition by the signers hereof after the City commences consideration of this Petition, or later than seven (7) days after the filing hereof with the City Clerk, whichever occurs first.

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IN WITNESS WHEREOF, the undersigned petitioners have executed the above foregoing petition to create the District at the dates set forth opposite their signatures below:

Parcel B Owner:

FAIRVIEW HOTELS LLC
a Kansas limited liability company

By: [Signature]

Name: Sanjay Koshiya

Title: M. Member

Date: 9-19-2023

ACKNOWLEDGMENT

STATE OF Missouri)
COUNTY OF Clay) ss.

BE IT REMEMBERED, that on this 19 day of September 2023 before me, the undersigned, a Notary Public in and for said County and State, came Sanjay Koshiya who is known to me to be the same person who executed the within instrument, and such person duly acknowledged the execution of the same.

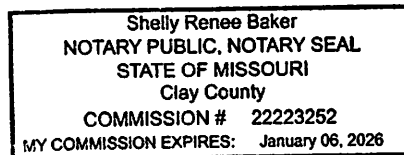
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

(Seal)

[Signature: Shelly Renee Baker]
Notary Public in and for said
County and State

My Commission Expires:

January 06, 2026



Parcel A Owner:

EMPORIA HOTELS, LLC

a Kansas limited liability company

By: Shashiya

Name: Sanjay Koshiya

Title: M. Member

Date: 9-19-23

ACKNOWLEDGMENT

STATE OF Missouri)
COUNTY OF Clay) ss.

BE IT REMEMBERED, that on this 19 day of September, 2023, before me, the undersigned, a Notary Public in and for said County and State, came Sanjay Koshiya, who is known to me to be the same person who executed the within instrument, and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

(Seal)

Shelly Renee Baker
Notary Public in and for said
County and State

My Commission Expires:

January 06, 2026

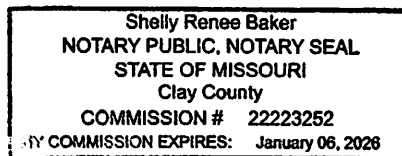


EXHIBIT A
Map of Proposed District Boundaries



Property within the District:



EXHIBIT B

Legal Description of Proposed District

The following described property located in the City of Emporia, Lyon County, Kansas:

Parcel A (commonly known as 2900 Eaglecrest Drive):

Lot 11, Block 2 in Eaglecrest Fourth Subdivision to the City of Emporia, Lyon County, Kansas, EXCEPT the following tract:

Beginning at the Southeast Corner of said Lot 11; thence North 71 degrees 01 minutes 40 seconds West on the Southerly line of said Lot 11 for a distance of 249.88 feet to the Southwest Corner of said Lot 11; thence North 35 degrees 41 minutes 10 seconds East on the Westerly line of said Lot 11 for a distance of 83.75 feet; thence South 81 degrees 58 minutes 30 seconds East for a distance of 217.29 feet to the Easterly line of said Lot 11; thence along the Westerly line of 18th Avenue on a curve to the right with a chord that bears South 13 degrees 07 minutes 03 seconds West of an arc distance of 122.20 feet and to the point of beginning.

and

Lots 2 and 3, Block 2, Eaglecrest Fourth Subdivision to the City of Emporia, Lyon County, Kansas, EXCEPT the following tract:

Commencing at the West Corner of Lot 3; thence along the Northwest line of Lot 3 North 43 degrees 09 minutes 57 seconds East, 50 feet; thence Southeast to a point on the South line of said Lot 3, said point being North 62 degrees 30 minutes 00 seconds West, 32.94 feet from the Southerly Corner of said Lot 3; thence along the Southwest line of said Lot 3, being the Northeast line of Lot 4, Block 2, Eaglecrest Fourth Subdivision, North 62 degrees 30 minutes 00 seconds West, 184.18 feet to the point of beginning.

Parcel B (commonly known as 3010 Eaglecrest Drive):

Lots 7, 8 and 9, in Block 2, in Eaglecrest Fourth Subdivision to the City of Emporia, Lyon County, Kansas, according to the recorded plat thereof.



Commission Action Report

Ordinance 23-33 Establishing the Fairview Hotels, LLC.
Community Improvement District

Title: Ordinance 23-33 Establishing the Fairview Hotels, LLC. Community Improvement District

Agenda Date: November 1, 2023

Presented By: Tayler Wash, Director of Special Projects

Background:

K.S.A. 12-6a26 through K.S.A. 12-6a36, inclusive, as amended (the "Act"), authorizes the governing body of any municipality to adopt an ordinance establishing a community improvement district ("CID") after receipt of a proper petition and holding a public hearing.

Discussion:

The petition to establish this Community Improvement District was submitted by the property owner, Fairview Hotels, LLC. on October 4, 2023. The Commission established a public hearing that was held prior to the consideration of this ordinance. If adopted, the entire site will have a 2% CID sales tax at the request of the owner.

This is a pay-as-you-go project that by statute shall expire 22 years from the date that the State Director of Taxation begins collecting such tax. The tax is implemented on a quarterly basis and the Kansas Department of Revenue requires that all paperwork be submitted 90 days prior to the quarter in which collections begin. The applicant/owner of the property may choose to delay implementation and that decision must be made prior to January 1, 2024.

Financial Considerations:

There are no impacts on city finances, and we do receive a 3% administrative fee to cover internal costs related to the administration and distribution of the tax. The City Finance will administer and distribute the sales tax receipts to the owners in accordance with City policies after receiving the monthly allocation from the Kansas Department of Revenue.

The only cost to the City is ordinance publication in the official city newspaper.

Recommended Action:

Consider Ordinance 23-33 for approval.

Attachments:

Ordinance 23-33

**EXCERPT OF MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF EMPORIA, KANSAS
HELD ON NOVEMBER 1, 2023**

The City Commission (the “Governing Body”) of the City of Emporia, Kansas (the “City”) met in regular session at the usual meeting place in the City, at 11:00 a.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * *

(Other Proceedings)

A City representative outlined certain information regarding the creation of a proposed community improvement district in accordance with K.S.A. 12-6a26 *et seq.*, as amended (the “CID Act”). Thereafter, pursuant to notice published and mailed in accordance with the requirements of the CID Act, the Mayor opened the public hearing regarding the creation of the proposed community improvement district. After hearing the comments of persons desiring to speak with respect to the above matter, the Mayor closed the public hearing.

There was presented to the Governing Body an Ordinance entitled:

**AN ORDINANCE OF THE CITY OF EMPORIA ESTABLISHING THE
FAIRVIEW HOTELS COMMUNITY IMPROVEMENT DISTRICT;
AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS
RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH
PROJECT IMPROVEMENTS; AND LEVYING A 2.0% CID SALES TAX;
PROVIDING FOR THE METHOD OF FINANCING THE SAME.**

Commissioner _____ moved that the Ordinance be passed. The motion was seconded
by Commissioner _____ and was carried by the following vote of the Governing Body:

Aye: _____.

Nay: _____.

The Ordinance was then duly numbered Ordinance No. _____, was signed by the Mayor and attested by the Clerk, and the Ordinance was directed to be published one time in the official newspaper of the City and recorded with the Lyon County Register of Deeds.

* * * * *

(Other Proceedings)

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the City Commission of the City of Emporia, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

City Clerk

(Published in the official City newspaper on _____, 2023)

ORDINANCE NO. 23-33

AN ORDINANCE OF THE CITY OF EMPORIA ESTABLISHING THE FAIRVIEW HOTELS COMMUNITY IMPROVEMENT DISTRICT; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; AND LEVYING A 2.0% CID SALES TAX; PROVIDING FOR THE METHOD OF FINANCING THE SAME.

WHEREAS, the City of Emporia, Kansas (the “City”) is a municipal corporation duly organized and validly existing under the laws of the State of Kansas (the “State”); and

WHEREAS, the provisions of K.S.A. 12-6a26 *et seq.*, as amended, (the “CID Act”) set forth the procedure for the establishment of a community improvement district (“CID”); and

WHEREAS, a petition (the “Petition”) was filed with the City Clerk of the City proposing the creation of a community improvement district pursuant to the CID Act to be known as the Fairview Hotels Community Improvement District (the “District”), the completion of a project relating thereto as more particularly described herein (the “Project”) and the imposition of a CID Sales Tax in the amount of 2.0% (the “CID Sales Tax”) in order to pay a portion of the costs of the Project; and

WHEREAS, the Petition was signed by the owners of one hundred percent (100%) of all land and all of the assessed value within the proposed District; and

WHEREAS, the CID Act provides that prior to creating any CID, the Governing Body shall, by resolution, direct and order a public hearing on the advisability of creation of such CID and the construction and expenditure of costs of community improvement district projects relating thereto, and give notice of the hearing by publication once each week for two consecutive weeks in the official City newspaper, the second publication to be at least seven days prior to the hearing, and by the mailing of notice to the owners of property within the proposed CID; and

WHEREAS, the City Commission of the City (the “Governing Body”) adopted Resolution No. 3707 (the “Resolution”) on October 4, 2023, directing that a public hearing on the proposed District be held November 1, 2023, and requiring that the City Clerk provide for notice of such public hearing as set forth in the CID Act; and

WHEREAS; the Resolution was published once each week for two consecutive weeks in the official City newspaper and mailed by United States certified mail, return receipt requested, to each owner or owners of record, whether resident or not, of real property within the proposed District; and

WHEREAS, the CID Act further authorizes the City, in order to pay the costs of such projects, to impose a community improvement district sales tax on the selling of tangible personal property at retail or rendering or furnishing of taxable services within a CID in any increment of .10% or .25% not to exceed 2.0% and to reimburse the costs of community improvement district projects from community improvement district sales tax; and

WHEREAS, on November 1, 2023, the Governing Body conducted a public hearing on the proposed District, the proposed Project related thereto, the method of financing the same and the imposition of the CID Sales Tax; and

WHEREAS, the Governing Body hereby finds and determines it to be advisable to create the District and set forth the boundaries thereof, authorize the Project relating thereto, approve the estimated costs of such community improvement district projects, approve the method of financing the same and impose the CID Sales Tax, all in accordance with the provisions of the CID Act.

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

Section 1. Creation of the District. The Governing Body hereby finds and determines that the Petition is sufficient and that all notices required to be given under the CID Act were given in accordance with the CID Act. The Governing Body hereby creates the Fairview Hotels Community Improvement District within the City and approve the boundaries thereof (the “District”). A legal description of the property within the District is set forth in *Exhibit A* attached hereto and incorporated by reference. A map generally outlining the boundaries of the District is attached hereto as *Exhibit B* and incorporated herein by reference.

Section 2. Authorization of Project. The Project described in the Petition consists of the acquisition, design, engineering, construction, furnishing and equipping of a hotel and conference center facility, including but not limited to: land acquisition, infrastructure related improvements, sidewalks, parking lots, drainage improvements, buildings, utilities, landscaping, lighting, signage, financing costs, soft costs, the City’s administrative costs in establishing and maintaining the District, and any other items permitted to be financed within the District under the Act. The Governing Body hereby approves the Project.

Section 3. Estimated Cost. The estimated cost of the Project is \$17,195,000, of which \$16,395,000 is expected to be eligible for reimbursement under the CID Act.

Section 4. Method of Financing. The Project will be financed on a pay-as-you-go basis from revenues received from the imposition the CID Sales Tax on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the provisions of the Kansas retailers’ sales tax act within the District. There will be no special assessments levied pursuant to the CID Act and there will be no bonds issued pursuant to the CID Act.

Section 5. Imposition of the Community Improvement District Sales Tax. In order to provide for the payment of a portion of the costs of the Project on a pay-as-you-go basis, the Governing Body hereby imposes the CID Sales Tax within the District in an amount of 2.0% on the selling of tangible personal property at retail or rendering or furnishing services taxable pursuant to the Kansas retailers’ sales tax act within the District. The City Clerk shall cause all notices required by the CID Act to be given, specifically including the submittal by the City of required documentation to the Kansas Department of Revenue (“KDOR”). Such CID Sales Tax shall commence on the first day of the calendar quarter next following the 90th day after receipt by the KDOR of the required documentation sent by the City, and remain in effect for 22 years, or such lesser period as may be required for payment from CID Sales Tax revenues of the costs approved for the Project, whichever is the lesser period.

Section 6. Collection of the Sales Tax. The collection of the CID Sales Tax shall be made in the manner presented in the CID Act

Section 7. Segregation of the Sales Tax Revenues. All revenues derived from the collection of the CID Sales Tax shall be deposited into a special fund of the City to be designated as the Fairview Hotels CID Sales Tax Revenue Fund. Such revenues shall be used to pay the costs of the Project on a pay-as-you-go basis and related expenses.

Section 8. Further Authority. The City shall, and the officers, employees and agents of the City, including Gilmore & Bell, P.C., the City's bond counsel, are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments, as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect thereto.

Section 9. Effective Date. This Ordinance shall take effect from and after its passage by the Governing Body, and its publication once in the official newspaper of the City. This Ordinance shall be recorded with the Lyon County Register of Deeds.

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PASSED by the City Commission of the City of Emporia, Kansas on November 1, 2023 and
SIGNED by the Mayor.

(SEAL)

Mayor

ATTEST:

City Clerk

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CERTIFICATE

I, the undersigned, hereby certify that the above and foregoing is a true and correct copy of the original Ordinance No. ____ (the “Ordinance”) of the City of Emporia, Kansas (the “City”); that said Ordinance was passed by the City Commission on November 1, 2023, that the record of the final vote on its passage is found on page ____ of journal ____; that the Ordinance was published in the official newspaper of the City on _____, 202_; and that the Ordinance has not been modified, amended or repealed and is in full force and effect as of this date.

DATED: November ___, 2023.

City Clerk

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EXHIBIT A

LEGAL DESCRIPTION OF DISTRICT

The following described property located in the City of Emporia, Lyon County, Kansas:

Parcel A (commonly known as 2900 Eaglecrest Drive):

Lot 11, Block 2 in Eaglecrest Fourth Subdivision to the City of Emporia, Lyon County, Kansas, EXCEPT the following tract:

Beginning at the Southeast Corner of said Lot 11; thence North 71 degrees 01 minutes 40 seconds West on the Southerly line of said Lot 11 for a distance of 249.88 feet to the Southwest Corner of said Lot 11; thence North 35 degrees 41 minutes 10 seconds East on the Westerly line of said Lot 11 for a distance of 83.75 feet; thence South 81 degrees 58 minutes 30 seconds East for a distance of 217.29 feet to the Easterly line of said Lot 11; thence along the Westerly line of 18th Avenue on a curve to the right with a chord that bears South 13 degrees 07 minutes 03 seconds West of an arc distance of 122.20 feet and to the point of beginning.

and

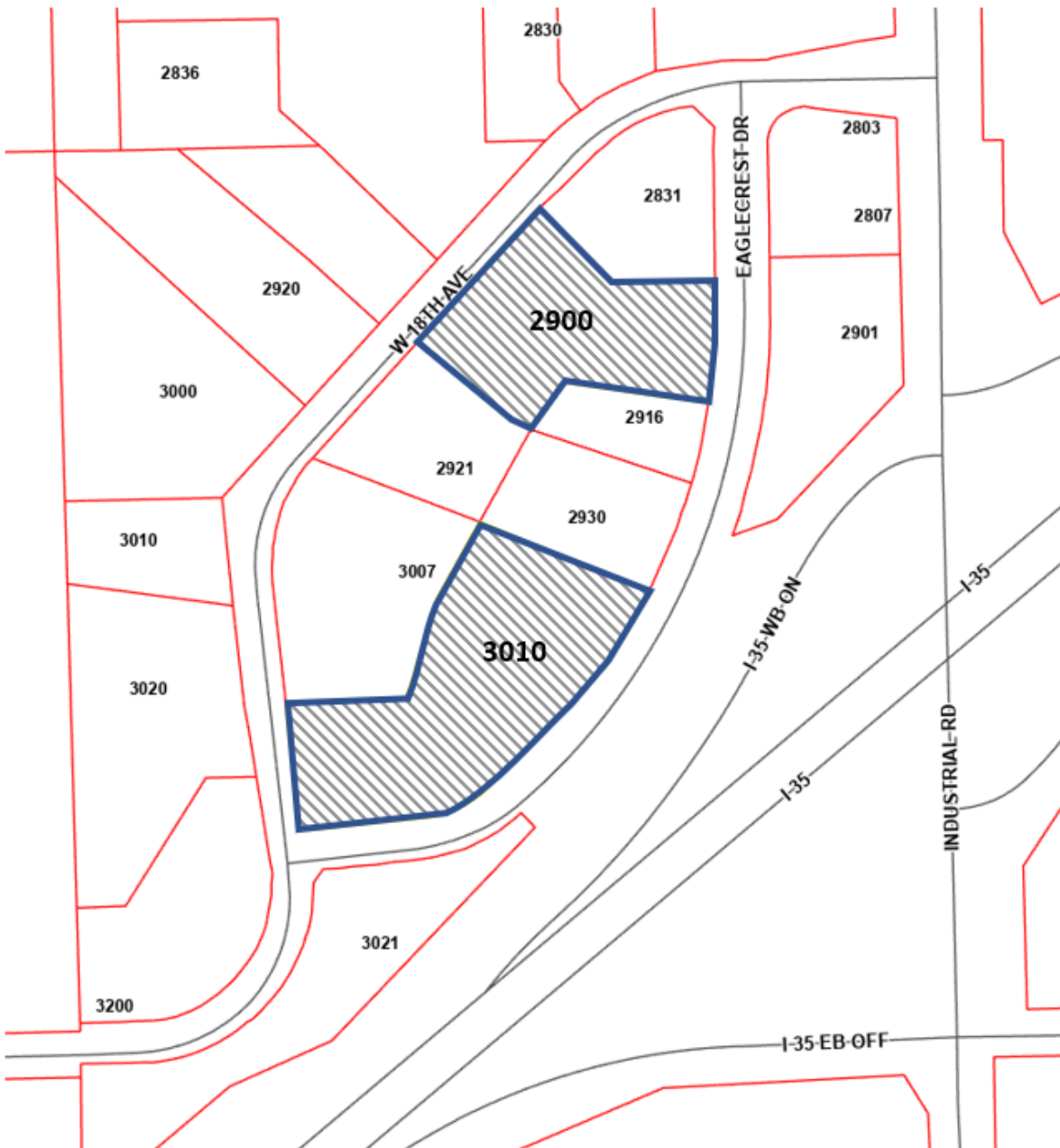
Lots 2 and 3, Block 2, Eaglecrest Fourth Subdivision to the City of Emporia, Lyon County, Kansas, EXCEPT the following tract:

Commencing at the West Corner of Lot 3; thence along the Northwest line of Lot 3 North 43 degrees 09 minutes 57 seconds East, 50 feet; thence Southeast to a point on the South line of said Lot 3, said point being North 62 degrees 30 minutes 00 seconds West, 32.94 feet from the Southerly Corner of said Lot 3; thence along the Southwest line of said Lot 3, being the Northeast line of Lot 4, Block 2, Eaglecrest Fourth Subdivision, North 62 degrees 30 minutes 00 seconds West, 184.18 feet to the point of beginning.

Parcel B (commonly known as 3010 Eaglecrest Drive):

Lots 7, 8 and 9, in Block 2, in Eaglecrest Fourth Subdivision to the City of Emporia, Lyon County, Kansas, according to the recorded plat thereof.

EXHIBIT B
MAP OF DISTRICT



Property within the District:





Commission Action Report

Resolution No. 3711 Adopting Governing Body Handbook

Title: Resolution No. 3711 Adopting Governing Body Handbook

Agenda Date: November 1, 2023

Presented By: Tayler Wash, Director of Special Projects

Background:

The effective and efficient operation of the City of Emporia Government requires clear guidance and procedures for the members of the governing body. *The Governing Body Handbook for the City of Emporia, Kansas, 2024 Edition* has been developed to provide such guidelines and procedures.

Discussion:

The Governing Body Handbook for the City of Emporia, Kansas, 2024 Edition covers the following topics:

- Getting Started In Municipal Government
- Leadership Roles and Responsibilities
- Effective Meetings
- Ethical City Officials
- Communications and Media Relations
- Collaborative Leadership
- Budget Basics

By adopting this resolution, *The Governing Body Handbook for the City of Emporia, Kansas, 2024 Edition* will become an official City document.

Financial Considerations:

N/A

Recommended Action:

Approve Resolution No. 3711 Adopting Governing Body Handbook.

Attachments:

Resolution 3711 Adopting the *Governing Body Handbook for the City of Emporia, Kansas, 2024 Edition*
Governing Body Handbook for the City of Emporia, Kansas, 2024 Edition

RESOLUTION NO. 3711

A RESOLUTION ADOPTING THE GOVERNING BODY HANDBOOK FOR THE CITY OF EMPORIA, KANSAS, 2024 EDITION.

WHEREAS, the effective and efficient operation of the City of Emporia government requires clear guidance and procedures for the members of the governing body; and

WHEREAS, the *Governing Body Handbook* for the City of Emporia, Kansas, 2024 edition, has been developed to provide such guidelines and procedures, and to serve as a reference document for members of the governing body in the performance of their duties.

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

SECTION 1: The *Governing Body Handbook*, of the City of Emporia, Kansas, 2024 edition, a copy of which is attached to this ordinance, is hereby adopted and incorporated by reference as an official document of the City of Emporia.

SECTION 2: All members of the governing body shall familiarize themselves with the contents of the *Governing Body Handbook*.

SECTION 3: Any future amendments or revisions to the *Governing Body Handbook* shall be subject to approval by the governing body.

SECTION 4: Effective Date. This ordinance shall take effect immediately upon its passage and adoption.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 1st day of November 2023.

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk

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 of each month at 11:00 am 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)

CITY BOARDS AND COMMISSIONS

There are a total of fifteen boards and commissions for the City of Emporia. Each board and commission has its own set of bylaws and they all interact with the City Commission in slightly different ways.

We have recently enacted a uniform procedure for board applications and appointments. The Board Application Procedure details the structured process for City staff, Commissioners, and Liaisons to select and appoint individuals to serve on City boards and commissions. By having a formal application procedure, the selection process becomes more transparent for the community. Please see the Board Application Procedure outlined in Appendix A.

The table below should serve as a cheat sheet to better understand what each board does and what responsibility they have in relation to the commission.

Board/Commission	Purpose	Terms	Commissioners	Staff Liaison
Building Trades Board (A)	This board advises the commission on matters related to keeping building trades codes updated and examines qualifications of people seeking certification within building trades. They also act as an appeals board for grievances related to decisions of the Chief Building Official.	3 Years - Expires: December 31st	Interviewing: Danny Giefer Erren Harter	Kory Krause
Community Corrections Board (S)	This board works to prevent incarceration in state institutions of certain adult and juvenile offenders by providing courts with alternative sentencing options.	No Term Limits	Interviewing: Erren Harter Susan Brinkman	Erin Rodriguez
Community Housing Board/Land Bank	This board decides outcomes on appeals of property code enforcement cases. They also provide oversight for housing grants/programs and community improvement efforts.	3 Years - Expiration dates are staggered.	Interviewing: Becky Smith Susan Brinkman	Jeff Lynch

Emporia Public Library Board	This board oversees operations and expenditures of the Emporia Public Library and submits annual budget recommendations to the Commission.	• 4 Years (2 Term Max) • Expires: April 30th	Liaison: Susan Brinkman Interviewing: Becky Smith Jamie Sauder	Pauline Stacchini
Golf Advisory Board (A)	This board advises the commission on matters relating to the development, maintenance, improvement, and operation of the municipal golf course	• 3 Years (2 Term Max) • Expiration dates are staggered	Interviewing: Erren Harter Jamie Sauder	Marcus Erkel
Homelessness Advisory Board (A)	This board provides advice, recommendations, and subject matter expertise to the Commission on matters related to Emporia's homeless population.	• 3 Years	Interviewing: Susan Brinkman Erren Harter	Taylor Wash
Multi Use Path Planning Board	This board supports the city in planning and integrating path/trail systems throughout Emporia to provide citizens safe walking options that promote physical activity and preservation of the environment.	• 4 Years (2 Term Max) • Expiration dates vary	Interviewing: Danny Giefer Susan Brinkman	John Proehl
Natural Resources Advisory Board	This board provides public information about preserving our natural resources.	• 3 Years (Two Term Max) • Expires: December 31st	Interviewing: Erren Harter Jamie Sauder	Brandi Galbreath
Transient Guest Tax Advisory Board (A)	This board makes recommendations to the City Commission concerning expenditures for the promotion of conventions and tourism, specifically related to the use of Transient Guest Tax funds.	• 3 Years (Two Term Max) • Expires: December 31st	Liaison: Becky Smith Interviewing: Erren Harter Jamie Sauder	Christine Torrens
Emporia-Lyon County Joint BZA/ Planning Commission	This board decides outcomes on appeals where a variance or special use permit may be allowed (independent of the City Commission)	• 3 Years (Two Term Max) • Expires: December 31st	Interviewing: Erren Harter Jamie Sauder	Justin Givens

Economic Development Structure Advisory Task Force	This board will review how the Emporia community handles economic development. They will review current operations, compare best practices from other communities, and ensure that the city is meeting overall economic development goals.	Not yet determined	Interviewing: Susan Brinkman Erren Harter	Trey Cocking
Emporia Human Relations Commission	This commission investigates alleged unfair practices among diverse groups of citizens in regard to discrimination or segregation based on protected class designations, specifically as it relates to securing employment, public accommodations, and housing.	3 Years (Two Term Max) - Expires: June 1st	Interviewing: Becky Smith Jamie Sauder	Brandi Galbreath
Emporia Recreation Commission	This commission oversees community recreation programs and facilities.	4 Year Terms	Liaison: Erren Harter Interviewing: Erren Harter Danny Giefer	Tom McEvoy
Emporia Enterprises	Emporia Enterprises is partnered with the RDA for land acquisition to help develop industrial parks from green field sites for development projects.	3 Years (Two Term Max)	Interviewing: Becky Smith Susan Brinkman	Trey Cocking
Regional Development Association	This board determines the direction the community will take in terms of economic development activities including policy recommendations, marketing, and land development.	3 Years (Two Term Max)	Liaison: Becky Smith Interviewing: Jamie Sauder Danny Giefer	Trey Cocking

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:



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

APPENDIX

Appendix A

CITY OF EMPORIA BOARD APPLICATION PROCEDURE

Sue Bryson
(620) 343-4251
sbryson@emporiaks.gov



July 20, 2023

The following Board Application Procedure details the structured process for City staff, Commissioners, and Liaisons to select and appoint individuals to serve on City boards and commissions. By having a formal application procedure, the selection process becomes more transparent for the community.

Board Application Procedure

Liaisons play a crucial role on City boards and will be responsible for identifying and reporting City board and commission openings.

1. Liaisons will notify the City Manager's Executive Assistant by email when there is a board opening.
 - a. Email will include name of the board member vacating/leaving the term, expiration of term, or other circumstances.
 - i. If the board member is vacating/leaving term, indicate the length of term remaining.
 - ii. If the board member's term expired, indicate if eligible for reappointment.
2. The Executive Assistant will then notify the Communications Manager of the board opening.
3. The Communications Manager will create advertising for the board opening and post to City's social media platforms, and the City's website, and notify local media. Advertising will include:
 - a. Deadline of 21 calendar business days from the date of publishing.
 - b. Application form link.
4. The Communications Manager will Inform the Executive Assistant of the beginning, and end date of 21 calendar business days, so they may inform the board liaison.
5. The Executive Assistant will collect board applications through the City website application form process. Applications will be uploaded to the corresponding Boards and Commissions document folder in the Document Center.

6. The Executive Assistant will notify Commissioners and Liaisons when they can view applications through the Boards and Commissions folder in the Document Center.
 7. After the deadline has passed, Liaisons will contact applicants and Commissioners to schedule interviews.
 - a. The Liaison may provide suggested interview questions or request skills that will enhance the board. However, it will be up to the Commissioners to make the final decision to appoint board members.
 8. The Executive Assistant will be responsible for scheduling the interview for the Emporia Recreation Commission Board, Emporia Public Library, Regional Development Association, and Emporia Enterprises.
 9. Liaisons will sit in for interviews, However, executive directors from the Emporia Recreation Commission Board, Emporia Public Library, Regional Development Association, and Emporia Enterprises will not.
 10. After the selection of an appointee has been made, Liaisons will contact the Executive Assistant by email to request the appointment placed on the City Commission meeting agenda. In turn, the Executive Assistant will advise the liaison of the date of that City Commission Meeting.
 11. Liaisons will be responsible for the following:
 - a. Prepare Commission Action Report for the Commission Meeting Agenda to include the attachment of all the applicants' applications. *(All CARs are due the Thursday at noon prior to the City Commission Meeting.)*
 - b. After the City Commission Meeting inform the appointee they are a new board member. Then inform all the other applicants not chosen, their applications will remain open in our system for (1) year.
 12. The Executive Assistant will be responsible for preparing the Commission Action Report for the Commission Meeting agenda for all the non-city employee Liaisons. *(Emporia Recreation Commission Board, Emporia Public Library, Regional Development Association, and Emporia Enterprises)*
- Questions should be directed to the Executive Assistant at 620-343-4251 or by email



Commission Action Report

2023 Emergency Solutions Grant

Title: Resolution No. 3710 Authorizing the City of Emporia to Apply for a \$505,000 Moderate Income Housing Grant

Agenda Date: November 1, 2023

Presented By: Jeff Lynch, Community Development Coordinator

Background:

This grant is offered by the Kansas Housing Resources Corporation for the development of housing for moderate-income occupants. Moderate income is defined by the State as 60% to 150% of HUD's FY 2023 income ranges. The city has utilized the program in the past with the construction of six new homes from 2017-2020, and 24 new apartment units with a current MIH grant awarded in 2022.

Discussion:

The proposal for this application includes the demolition of three dilapidated houses and replacement with three new homes. Additionally, the project will include the rehabilitation of nine vacant houses to transform them into standard or better condition. All units are to be occupied by eligible owners or tenants. One project site will be owned by the Emporia Land Bank, with the opportunity to sell and utilize project proceeds to be reinvested into future projects.

The city will include providing appropriate staff for grant administration, construction management, and inspections.

Financial considerations:

The city will pledge to waive building permit and inspection fees for program projects.

Recommended action:

Approve and authorize the Mayor to execute all related documents.

Attachments:

Resolution; Cover Letter

RESOLUTION NO. 3710

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, CERTIFYING LEGAL AUTHORITY TO APPLY FOR THE KANSAS MODERATE INCOME HOUSING PROGRAM REQUEST FOR PROPOSAL.

WHEREAS, an eligible applicant may be any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 60,000; and

WHEREAS, the City of Emporia, Kansas (the “City”) has an estimated population of approximately 24,139 and therefore constitutes a city as said term is defined in this Request For Proposal; and

WHEREAS, the Governing Body of the City has agreed to the following commitments for the purpose of carrying out the proposed project:

1. Providing staff for grant administration, construction management, and inspections;
2. Waiving of all city building permits and inspection fees

WHEREAS, the City of Emporia intends to submit an application for \$505,000 in assistance from the Kansas Housing Resources Corporation, Moderate Income Housing Program.

THE APPLICANT hereby authorizes the MAYOR of EMPORIA, Kansas, to act as the applicant’s official representative in signing and submitting an application for the assistance to the KANSAS MODERATE INCOME HOUSING PROGRAM.

APPROVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, this 1st day of November 2023.

(SEAL)

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk



November 1, 2023

Mr. Barry McMurphy
MIH Program Manager
Kansas Housing Resources Corporation
611 S. Kansas Ave., Suite 300
Topeka, KS 66603

RE: Moderate Income Housing Grant Application

Dear Mr. McMurphy,

The City of Emporia is submitting this application for \$505,000 of funding to provide for the rehabilitation of nine existing unoccupied homes to make them livable once again, and to construct three new homes, all for moderate income residents. Providing additional housing units is one of the top goals of the City Commission as our city is in definite need of more housing.

The city is committed to this project as it will provide a grant administrator, a construction manager, waive all building permit fees, and provide all necessary building inspections. The participants will also benefit from the city's neighborhood revitalization program which will offer property tax rebates on the properties improved. Along with other incentives offered by the city, the proposed project will greatly improve our city's housing stock for years to come.

We appreciate your consideration of our proposal to improve our community.

Sincerely,

Susan Brinkman
Mayor, City of Emporia



Instructions for 2023 Round 3 ALL Applications: To better facilitate evaluation, KHRC requires this application to be submitted via electronic upload via the online platform Procorem. Information regarding Procorem is located in the MIH FAQs.

Please complete this application in Excel and save as "23-03-NameofApplicant-Application.xlsx" Example: Anytown, KS would name the application "23-03-Anytown-Application.xlsx". Accompanying documents must be uploaded electronically as PDF documents. If the applicant has difficulty or cannot upload the application electronically, please email MIH@kshousingcorp.org.

I. Application Overview:

Type of Request (please select all that apply)

MIH: ☒ X

KHITC: ☐

Application Type

Updated Date:

New Application: ☒ X

Resubmission: ☐

Updated Application: ☐

Closeout: ☐

Site Information

Project Name (should match Notice of Application):

Rebuild Emporia

Address: 104 E. 5th Ave.

City: Emporia

State: KS

County: Lyon

Zip: 66801

Census Tract: 1,3,4,5

Federal Congressional District: 1st

State House: 60th

State Senate: 17th

City Population: 24,139

County Population: 32,179

Primary Contact

Name: Jeff Lynch

Email: jlynch@emporiaks.gov

Telephone: 620-343-4285

Address: 104 E. 5th Ave.

City: Emporia

State: KS

Zip: 66801

Title:

Main Contacts

Name: Kory Krause

Title: Building & Neighborhood Development Director

Email: kkrause@emporiaks.gov

Phone: 620-343-4271

Name: _____ Title: _____
 Email: _____ Phone: _____
 Name: _____ Title: _____
 Email: _____ Phone: _____

II. Type of Development:

How many total units are in your development? 12 Total MIH units? 12
 Total KHITC units? 0

What is the type of the development? Please indicate the # of units of each.

Single Family Homeownership 12 Infrastructure _____
 Multi-Family Rental _____ Single Family Rental _____
 Duplexes _____ Other (specify) _____

What is the anticipated start date of the development? 1-Feb-24
 What is the anticipated completion date of the development? 6/30/2025

III. Funding Information:

How will the resources be used? Please select all that apply using an X, but ONLY select the items that KHRC's resources will be applied towards.

Infrastructure/Site Work: _____ New Construction: X
 Down Payment Assistance: _____ Acquisition & Rehab.: X
 Historic Rehabilitation: _____ Rehabilitation: X

If other, please describe: Demolition of 2 houses to prepare sites for new construction

Has the applicant applied or been approved for a Rural Housing Incentive District (RHID)? yes
 If yes, at what stage of the approval process is the applicant? completed 2020

IV. Partnership Information

Name: not applicable Federal EIN Number: _____

General Partner/Managing Member/or Principal(s) Involved:

Identify the ownership structure, as applicable, for both homeownership and rental projects.

Name: _____	Phone: _____	Ownership Percentage: _____
Name: _____	Phone: _____	Ownership Percentage: _____
Name: _____	Phone: _____	Ownership Percentage: _____

V. Development Team Information

Provide the following information if applicable and attach a resume for each team member listed.

Developer:	Jeff Lynch	
Email:	jlynch@emporiaks.gov	Phone: 620-343-4285
Principal/Owner:		
Email:		Phone:
Builder/Contractor:		
Email:		Phone:
Mgmt. Company:		
Email:		Phone:
Consultant:		
Email:		Phone:
Architect:		
Email:		Phone:

Have any members of the development team previously received MIH funding? none
If yes, please list the name of member, year, and community funded. _____

Disclosure of Relationship: Applicants must disclose any current or former (within 2 years of this application) KHRC employees acting as a consultant or interested party. Current KHRC employees cannot receive a financial gain from the funding of a project received through KHRC for a period of two years after his/her employment ends.

Are any of the above parties or additional interested parties a current or former employee of KHRC? no
If yes, who? _____
If yes, please describe their involvement in the project:

By completing this application, the applicant is agreeing to KHRC's Disclosure of Relationship clause and must comply by verifying the project does not create financial gain for the current KHRC employee. The applicant should submit the proper information when requesting disbursement of funds to show compliance.

VI. Additional Development Information:

Project Type:	Please select all that apply and indicate # of units where appropriate.		
Detached Single Family:	12	Detached Multi-Family:	
Rowhouse/Townhouse:		Partial Basement:	
Slab on Grade:		Crawl Space:	
Full Basement:		If other, please describe:	
Apartment:		Stories:	
		Elevator:	

Total MIH Development Costs: \$ 1,245,000.00 Prefilled from Section V of MIH Application tab.

VII. Annual Rental Operating Income:

If you do not plan to incorporate rental units in your project, please skip this section.

Unit Type:	# Units	Monthly Rent Per	Total Tenant Paid	Square Feet Per Unit:
BR	0	\$ -	\$ -	
BR	0	\$ -	\$ -	
BR	0	\$ -	\$ -	
BR	0	\$ -	\$ -	
Total:	0	\$ -	\$ -	

Total # of Units:		Total Monthly Rental Income:	\$ -
Other Income Type:		Plus Other Monthly Income Amount:	\$ -
Vacancy Allowance:	0.00%	Less Monthly Vacancy Allowance:	-
		Total Monthly Operating Income:	\$ -

Total Annualized Operating Income: \$ -

VIII. Annual Rental Operating Expense:

If you do not plan to incorporate rental units in your project, please skip this section.

Administrative		Operating		Maintenance	
Advertising	\$ -	Elevator	\$ -	Decorating	\$ -
Management	\$ -	Fuel (Heating & Water)	\$ -	Repairs	\$ -
Legal/Partnership	\$ -	Lighting & Misc. Power	\$ -	Exterminating	\$ -
Accounting/Audit	\$ -	Gas	\$ -	Ground Expense	\$ -
Other	\$ -	Trash Removal	\$ -	Other	\$ -
Other	\$ -	Payroll, include. taxes	\$ -	Other	\$ -
Other	\$ -	Insurance	\$ -	Other	\$ -

Total Administrative Cost: \$ - **Total Operating Cost:** \$ - **Total Maintenance Cost:** \$ -

Total Real Estate Taxes:	\$ -
Annual Replacement Reserve for Units:	\$ -
Total Annual Operating Expense:	\$ -

IX. Homeownership:

If you do not plan to incorporate homeownership units in your project, please skip this section.

Down Payment Cost:	\$ -
Estimated Sale Price:	\$ -

Mortgage Principal & Interest:	\$ -
Estimated Taxes & Insurance:	\$ -
Total Monthly Housing Cost:	\$ -

X. Job Creation and Economic Development

Please provide a narrative explaining job creation and economic development in your community, including major employers with the number of their employees, open positions, and unemployment rate. This narrative should include relevant job and economic development numbers from the applicant's housing study. Submit documentation to support each answer (i.e. letters

Who are the major employers in the area?

Employer Name:	USD 253	# of employees:	1,050	# of open positions:	90
Employer Name:	Simmons Pet Food	# of employees:	1,400	# of open positions:	56
Employer Name:	Emporia State University	# of employees:	745	# of open positions:	34
Employer Name:	Newman Regional Health	# of employees:	377	# of open positions:	29
Employer Name:	City of Emporia	# of employees:	312	# of open positions:	24
Employer Name:	Hostess Brands	# of employees:	630	# of open positions:	5
Employer Name:	Tyson Fresh Meats	# of employees:	795	# of open positions:	7

Please provide a brief narrative on open positions and projected employment opportunities.

Employment opportunities are still plentiful, and expect to be for the foreseeable future. With an unemployment rate of 3.2%, there remains 1,170 advertised open positions in Lyon County. We know of many employers wanting to expand, but do not have the workforce to fill positions.

Current Unemployment Rate: 3% Date collected and community definition: 7/23, Lyon County

Please provide a brief narrative on how the proposal provides a solution to the immediate workforce needs in the community.

More housing helps bring more workforce to Emporia as feedback from employers indicates inadequate supply of quality housing deters potential workers from moving to Emporia.

XI. Application Next Steps

THIS APPLICATION IS NOT COMPLETE. Completing only the ALL APPLICATIONS tab of this application DOES NOT qualify as a complete application for the MIH or KHITC Programs. Completing only this tab of the spreadsheet may result in an application being evaluated as substantially incomplete. After completing the ALL APPLICATIONS tab, please complete the corresponding tabs for each program for which the applicant intends to apply. **Each program has a separate application tab in this spreadsheet.** If the applicant intends to apply for each program, they will need to complete the corresponding application for each program.



Instructions for the Moderate Income Housing (MIH) 2023 Round 3 Application: To better facilitate evaluation, KHRC requires this application to be submitted via electronic upload via the online platform Procorem. Information regarding Procorem is located in the MIH FAQs.

Please complete this application in Excel and save as "23-03-NameofApplicant-Application.xlsx" Example: Anytown, KS would name the application "23-03-Anytown-Application.xlsx". Accompanying documents must be uploaded electronically as PDF documents. If the applicant has difficulty or cannot upload the application electronically, please email MIH@kshousingcorp.org.

This application includes a request for the Moderate Income Housing (MIH) **Grant** Program.

Yes: ☒ X No: ☐

This application includes a request for the Moderate Income Housing (MIH) **Loan** Program.

Yes: ☐ No: ☒ X

I. Applicant Information:

Applicant Information

City or County Name: City of Emporia Project Name: Rebuild Emporia
Address: 104 E. 5th Ave. City: Emporia State: KS
County: Lyon Zip: 66801 Population: 24,139
Telephone: _____
Kansas Senate District: 17th Kansas House District: 60th US Congressional District: 1st
Sam.gov Unique Entity ID (Required): EBG1VMGJFDJ3

Funding History

Have you previously applied for MIH funding? yes If no, skip to Primary Contact section.
What years did you apply? 2016, 2021, 2022
Did you receive funding? yes If yes, please list amount of funding allocated: 179k ('16)/650k('22)

Primary Contact

Name: Jeff Lynch Email: jlynch@emporiaks.gov
Telephone: 620-343-4285 Address: 104 E. 5th Ave.
City: Emporia State: KS Zip: 66801
Title: Community Development Coordinator

Elected Official - This individual will be addressed in official MIH announcements from KHRC.

Name: Susan Brinkman Email: sbrinkman@emporiaks.gov
Telephone: 620-343-4251 Address: 104 E. 5th Ave.
City: Emporia State: KS Zip: 66801
Title: Mayor Term: Jan, 2022- Dec, 2026

II. MIH Grant Information (if applicable):

What is the MIH grant amount being requested? \$ 505,000.00

How will the resources be used? Please select all that apply and indicate the \$ amount of each, but ONLY select the items that the MIH grant resources will be applied towards. Infrastructure (as defined in the RFP) is **not** an eligible expense for an MIH grant.

Eligible Building-Specific Site Costs: \$	-	New Construction: \$	135,000.00
Down Payment Assistance: \$	-	Acquisition & Rehab.: \$	100,000.00
Historic Rehabilitation: \$	-	Rehabilitation: \$	240,000.00

If other, please describe: _____ Demolition \$30,000 _____

Has the applicant applied or been approved for a Rural Housing Incentive District (RHID)? _____ no _____

If yes, at what stage of the approval process is the applicant? _____

III. MIH Loan Information (if applicable):

What is the MIH loan amount being requested? _____ Not Applicable _____

How will the resources be used? Please select all that apply and indicate the \$ amount of each, but ONLY select the items that the MIH loan resources will be applied towards.

Infrastructure (as defined by RFP): \$ _____ - New Construction: \$ _____ -

Down Payment Assistance: \$ _____ - Acquisition & Rehab.: \$ _____ -

Historic Rehabilitation: \$ _____ - Rehabilitation: \$ _____ -

If other, please describe: _____

IV. Source of Funds (Construction & Permanent Financing):

Construction: List individually the source of construction financing.

Please attach proof of funding source with the application.

Source of Funds: Moderate Income Housing Grant	Amount of Funds: \$	505,000.00
Contact Name: Kansas Housing Resources Corporation	Prefilled from Section II.	
Email: MIH@kshousingcorp.org	Phone: 785-217-2001	
Source of Funds: Moderate Income Housing Loan	Amount of Funds: \$	-
Contact Name: Kansas Housing Resources Corporation	Prefilled from Section III.	
Email: MIH@kshousingcorp.org	Phone: 785-217-2001	
Source of Funds: Kansas Housing Investor Tax Credit	Tax Credit Equity: \$	-
Contact Name: Kansas Housing Resources Corporation	Prefilled from KHITC tab.	
Email: MIH@kshousingcorp.org	Phone: 785-217-2001	
Source of Funds: _____	Amount of Funds: \$	-
Contact Name: _____	Phone: _____	
Email: _____		
Source of Funds: _____	Amount of Funds: \$	-
Contact Name: _____	Phone: _____	
Email: _____		
Source of Funds: _____	Amount of Funds: \$	-
Contact Name: _____	Phone: _____	
Email: _____		
Source of Funds: _____	Amount of Funds: \$	-
Contact Name: _____	Phone: _____	
Email: _____		

Total Construction Financing: \$ 505,000.00 Prefilled from above.

In the box below, detail other items used to leverage the proposal. This could include sources such as in-kind labor and services, reduced fees and taxes, and city contributed work. KHRC recognizes that calculating leveraged funds is complicated and nuanced. KHRC will consider the sources listed below, but outside of the leveraged funds calculation.

Waived Building Permit Fees: Building and Demolition Permit Fees will be waived, estimated to be \$7,189.00.
Real Estate Tax Rebates : All 12 units will be eligible to enroll in the City' Neighborhood Revitalization Program, estimated to be \$101,849.

Permanent Financing: List total source of funds for the development at closing. Do not include construction finance.

Please attach proof of funding source with the application.

Name of Lender or Source of Funds:	Amount of Funds:	Annual Debt Service:	Interest Rate of Loan Period:	Amortization Period:	Term of Loan:
MIH Grant	\$ 505,000.00				
MIH Loan	\$ -				
KHITC Equity	\$ -				
Property Owners	\$ 690,000.00				
Emporia Land Bank	\$ 50,000.00				
	\$ -				
	\$ -				

Total Permanent Funds:	\$ 1,245,000.00	<i>Permanent Funds Must Equal Total Development Costs (below).</i>
Total Development Costs:	\$ 1,245,000.00	<i>Prefilled from Section V.</i>
Total Annual Debt Service:	\$ -	<i>Prefilled from above.</i>

V. Development Budget:

List Total Development Costs.

Itemized Cost	Development Cost
To Purchase Land and Buildings:	
Land	\$ -
Existing Structures	\$ 90,000.00
Demolition	\$ 30,000.00
Other	\$ -
Subtotal	\$ 120,000.00
For Site Work:	
Eligible Building-Specific Site Costs	\$ -
Offsite Infrastructure	\$ -
Onsite Infrastructure	\$ -
Other	\$ -
Subtotal	\$ -
For Rehabilitation & New Construction:	
New Building	\$ 585,000.00
Rehabilitation	\$ 540,000.00
Accessory Building	\$ -
General Requirements	\$ -
Contractor Overhead	\$ -
Contractor Profit	\$ -
Building Permit Fee	\$ -
Other	\$ -
Subtotal	\$ 1,125,000.00
For Contingency:	
Construction Contingency	\$ -
Other	\$ -
Subtotal	\$ -
For Architectural & Engineering Fees:	
Architect Fee - Design	\$ -
Architect Fee - Supervision	\$ -
Real Estate Attorney	\$ -

Itemized Cost	Development Cost
Consultant or Processing Agent	\$ -
Property/Survey Fee	\$ -
Engineering Fees	\$ -
Other	\$ -
Subtotal	\$ -
For Interim Costs:	
Construction Insurance	\$ -
Construction Interest	\$ -
Construction Loan Origination Fee	\$ -
Construction Loan Credit Enhancement	\$ -
Taxes	\$ -
Other	\$ -
Subtotal	\$ -
For Financing Fees and Expenses:	
Bond Premium	\$ -
Credit Report	\$ -
Permanent Loan Origination Fee	\$ -
Permanent Loan Credit Enhancement	\$ -
Cost of Issuance/Underwriter Discount	\$ -
Title and Recording	\$ -
Counsel's Fee	\$ -
Cost Certification Fee	\$ -
Other	\$ -
Subtotal	\$ -
For Soft Costs:	
Property Appraisal (Feasibility) Market Study	\$ -
Environmental Report	\$ -
Rent-Up Consultants Other	\$ -
Other	\$ -
Subtotal	\$ -
For Developer's Fees:	
Developer's Overhead	\$ -
Developer's Fees	\$ -
Other	\$ -
Subtotal	\$ -
For Development Reserves:	
Rent-Up Reserve Operating Reserve Other	\$ -
Other	\$ -
Subtotal	\$ -
Total	\$ 1,245,000.00

VI. Applicant Agreement

The Applicant (City/County) hereby makes application to Kansas Housing Resources Corporation for the Moderate Income Housing Program in the amount of:

\$ 505,000.00

Prefilled from Sections II and III.

The Applicant agrees that KHRC shall not be held responsible or liable for representations made to the undersigned, or its investors, relating to the KHRC MIH. Therefore, the undersigned Applicant assumes all the risk of damages, losses, costs, and expenses related thereto, and further agrees to indemnify and hold harmless KHRC against any and all claims, suits, losses, damages, costs, and expenses of any kind and of any nature, that KHRC may hereinafter suffer, incur or pay arising out of the use of the information concerning the MIH on the above referenced development.

Susan Brinkman
Applicant Representative Name

Applicant Representative Signature

11/1/2023
Date

Mayor
Title

City of Emporia
Organization



Instructions for the Kansas Housing Investor Tax Credit (KHITC) 2023 Round 3 Application: To better facilitate evaluation, KHRC requires this application to be submitted via electronic upload via the online platform Procorem. Information regarding Procorem is located in the MIH FAQs.

Please complete this application in Excel and save as "23-03-NameofApplicant-Application.xlsx" Example: Anytown, KS would name the application "23-03-Anytown-Application.xlsx". Accompanying documents must be uploaded electronically as PDF documents. If the applicant has difficulty or cannot upload the application electronically, please email MIH@kshousingcorp.org.

This application includes a request for the Kansas Housing Investor Tax Credit (KHITC) Program.

Yes: _____ No: _____

I. Applicant Information:

Builder/Developer Name(s): _____ Address: _____ City: _____
County: _____ Zip: _____ State: KS
Primary Contact: _____ Phone: _____ Email: _____

II. Project Information:

Project Name: _____ Address: _____ City: _____
County: _____ Zip: _____ State: KS

III. Type of Development:

How many total units are in your development? 12 Total KHITC units? 0 Prefilled from Total Units in Section II of ALL APPLICATIONS.

What is the type of the development? Please select all that apply and indicate the number of units of each.

Multi-Family Rental: _____ Infrastructure: _____ Single Family Homeownership: _____

Single Family Rental: _____ Duplexes: _____ Other (specify): _____

What is the anticipated start date of the development? _____
What is the anticipated completion date of the development? _____
What is the address or geographic location of the development? _____

IV. Source of Funds (Construction & Permanent Financing):

Construction: List individually the source of construction financing.

Please attach proof of funding source with the application.

Source of Funds: Moderate Income Housing Grant	Amount of Funds: \$	505,000.00
Contact Name: Kansas Housing Resources Corporation	Prefilled from MIH tab.	
Email: MIH@kshousingcorp.org	Phone: 785-217-2001	
Source of Funds: Moderate Income Housing Loan	Amount of Funds: \$	-
Contact Name: Kansas Housing Resources Corporation	Prefilled from MIH tab.	
Email: MIH@kshousingcorp.org	Phone: 785-217-2001	
Source of Funds: Kansas Housing Investor Tax Credit	Tax Credit Equity: \$	-
Contact Name: Kansas Housing Resources Corporation	Prefilled from Section VI.	
Email: MIH@kshousingcorp.org	Phone: 785-217-2001	
Source of Funds: _____	Amount of Funds: \$	-
Contact Name: _____	Phone: _____	
Email: _____		
Source of Funds: _____	Amount of Funds: \$	-
Contact Name: _____	Phone: _____	
Email: _____		
Source of Funds: _____	Amount of Funds: \$	-
Contact Name: _____	Phone: _____	
Email: _____		
Source of Funds: _____	Amount of Funds: \$	-
Contact Name: _____	Phone: _____	
Email: _____		

Total Project Financing: \$ 505,000.00 Prefilled from above.

Permanent Financing: List total source of funds for the development at closing. Do not include construction finance.

Please attach proof of funding source with the application.

Name of Lender or Source of Funds:	Amount of Funds:	Annual Debt Service:	Interest Rate of Loan Period:	Amortization Period:	Term of Loan:
MIH Grant	\$ 505,000.00				
MIH Loan	\$ -				
KHITC Equity	\$ -				
	\$ -				
	\$ -				
	\$ -				
	\$ -				

Total Permanent Funds:	\$ 505,000.00	<i>Permanent Funds Must Equal Total Development Costs (below).</i>			
Total Development Costs:	\$ -	<i>Prefilled from Section V.</i>			
Total Annual Debt Service:	\$ -	<i>Prefilled from above.</i>			

V. Development Budget:

List Total Development Costs. Not applicable for Down Payment only proposals.

Itemized Cost	Development Cost
To Purchase Land and Buildings:	
Land	\$ -
Existing Structures	\$ -
Demolition	\$ -
Other	\$ -
Subtotal	\$ -
For Site Work:	
Site Work	\$ -
Off-Site Improvement	\$ -
Infrastructure	\$ -
Other	\$ -
Subtotal	\$ -
For Rehabilitation & New Construction:	
New Building	\$ -
Rehabilitation	\$ -
Accessory Building	\$ -
General Requirements	\$ -
Contractor Overhead	\$ -
Contractor Profit	\$ -
Building Permit Fee	\$ -
Other	\$ -
Subtotal	\$ -
For Contingency:	
Construction Contingency	\$ -
Other	\$ -
Subtotal	\$ -

For Architectural & Engineering Fees:	
Architect Fee - Design	\$ -
Architect Fee - Supervision	\$ -
Real Estate Attorney	\$ -
Consultant or Processing Agent	\$ -
Property/Survey Fee	\$ -
Engineering Fees	\$ -
Other	\$ -
Subtotal	\$ -
For Interim Costs:	
Construction Insurance	\$ -
Construction Interest	\$ -
Construction Loan Origination Fee	\$ -
Construction Loan Credit Enhancement	\$ -
Taxes	\$ -
Other	\$ -
Subtotal	\$ -
For Financing Fees and Expenses:	
Bond Premium	\$ -
Credit Report	\$ -
Permanent Loan Origination Fee	\$ -
Permanent Loan Credit Enhancement	\$ -
Cost of Issuance/Underwriter Discount	\$ -
Title and Recording	\$ -
Counsel's Fee	\$ -
Cost Certification Fee	\$ -
Other	\$ -
Subtotal	\$ -
For Soft Costs:	
Property Appraisal (Feasibility) Market Study	\$ -
Environmental Report	\$ -
Rent-Up Consultants Other	\$ -
Other	\$ -
Subtotal	\$ -
Itemized Cost	Development Cost
For Developer's Fees:	
Developer's Overhead	\$ -
Developer's Fees	\$ -
Other	\$ -
Subtotal	\$ -
For Development Reserves:	
Rent-Up Reserve Operating Reserve Other	\$ -
Other	\$ -
Subtotal	\$ -
Total	\$ -

VI. Request

Requested Information	Tax Credits	Equity Generated
Amount of Annual Kansas Housing Investor Tax Credit Requested:		\$ -
Equity Price per Kansas Housing Investor Tax Credit:		\$ -
Net Tax Credit Equity Available to the Development as a funding source:		\$ -

Please describe the pay-in schedule:

VII. Identified Investors

KHRC will issue tax credits to qualified investors, including a builder or developer, for cash investments in a qualified housing project. KHRC may allocate and issue tax credits based on the amount of the cash investment made by the qualified investor; however, the tax credit may be claimed in its entirety in the taxable year the cash investment is made.

Applicants should list the known Qualified Investors at application. This list may change through the construction period.

Also note that HB2237 says that credits for a Qualified Housing Project can only transfer one time, and the transfer has to be for the whole allocated amount to a Qualified Housing Project (Section 10(d)). If a project has multiple investors at different periods of time, a transfer can only happen one time, for the whole amount of credit to the whole project, and each investor can have no tax liability.

Do you intend to transfer the awarded credits for the Qualified Housing Project? If yes, please see the note above.

Yes _____ No _____

Investors

Please provide the following information on identified investors. Each identified investor should have a Letter of Intent to invest included with the application.

Name of Investor: _____

Is the investor one of the following (House Bill 2237 Section 8k)? Please select all that apply.

A Natural Person: _____

A Business: _____

A Bank: _____

Other Financial Institution or Association: _____

The project builder or developer: _____

Location of Investor: _____

EIN: _____

Committed Cash Investment: _____

Is the investment a Qualified Security?: _____

If not located in Kansas, provide confirmation entity conducts business in Kansas: _____

Name of Investor: _____

Is the investor one of the following (House Bill 2237 Section 8k)? Please select all that apply.

A Natural Person: _____

A Business: _____

A Bank: _____

Other Financial Institution or Association: _____

The project builder or developer: _____

Location of Investor: _____

EIN: _____

Committed Cash Investment: _____

Is the investment a Qualified Security?: _____

If not located in Kansas, provide confirmation entity conducts business in Kansas: _____

Name of Investor: _____

Is the investor one of the following (House Bill 2237 Section 8k)? Please select all that apply.

A Natural Person: _____

A Business: _____

A Bank: _____

Other Financial Institution or Association: _____

The project builder or developer: _____

Location of Investor: _____

EIN: _____

Committed Cash Investment: _____

Is the investment a Qualified Security?: _____

If not located in Kansas, provide confirmation entity conducts business in Kansas: _____

Name of Investor: _____

Is the investor one of the following (House Bill 2237 Section 8k)? Please select all that apply.

A Natural Person: _____

A Business: _____

A Bank: _____

Other Financial Institution or Association: _____

The project builder or developer: _____

Location of Investor: _____

EIN: _____

Committed Cash Investment: _____

Is the investment a Qualified Security?: _____

If not located in Kansas, provide confirmation entity conducts business in Kansas: _____

VIII. Projected Timeline

Development Schedule

Activity	Scheduled Date
A. SITE	
Option/Contract	
Environmental Clearance	
Site Acquisition	
Zoning Approval	
Site Engineering	
B. FINANCING	
1. Construction Loan	
Closing	
2. Permanent Loan	
Closing	
3. Tax Credit Equity	
Preliminary Commitment	
4. Other Loans & Grants	
Specify: _____	
Type & Source	
Application	
Award	
5. Other Loans & Grants	
Specify: _____	
Type & Source	
Application	
Award	
C. ACQUISITION DATE	
D. PLANS AND SPECIFICATIONS	
E. BUILDING PERMITS RECEIVED	
F. CONSTRUCTION BEGINS	
G. COMPLETION OF CONSTRUCTION *	
H. LEASE-UP OR UNIT SALE	
I. PROJECT COMPLETED	

IX. Applicant Agreement

The Applicant (developer/builder) hereby makes application to Kansas Housing Resources Corporation for the Kansas Housing Investor Tax Credit (KHITC) in the amount of:

0

Prefilled from Section IV.

The Applicant agrees that KHRC shall not be held responsible or liable for representations made to the undersigned, or its investors, relating to the KHRC HITC. Therefore, the undersigned Applicant assumes all the risk of damages, losses, costs, and expenses related thereto, and further agrees to indemnify and hold harmless KHRC against any and all claims, suits, losses, damages, costs, and expenses of any kind and of any nature, that KHRC may hereinafter suffer, incur or pay arising out of the use of the information concerning the HITC on the above referenced development.

Applicant Representative Name

Applicant Representative Signature

Date

Title

Company/Ownership Entity

2023 MIH Grant Application



Emporia
Kansas

Narrative & Attachments

1 Excel Application

The application will be submitted electronically as 23-03-City of Emporia-Application

2 Project Information

2.1 Narrative

2.1.1 Description of Project

Rebuild Emporia is a project that proposes the rehabilitation of eight (8) vacant single-family homes, acquisition and rehabilitation of one (1) or more vacant homes, and the demolition of two (2) and rebuilding of three (3) new single-family homes throughout the neighborhood revitalization area of Emporia, Lyon, Kansas.

2.1.2 Administration of the Project

The grant will be administered by Jeff Lynch, who is the community development coordinator for the City of Emporia.

2.1.3 Capacity of the Applicant

The capacity of the project administrator is evidenced by the results shown in this 27 years of experience working with housing projects. This experience has included working as a grant and program administrator, project coordinator, procuring bids and construction management. The administrator's experience includes working with new construction, rehabilitation, home buying assistance, and in conjunction with numerous funding sources including MIH, CDBG, HOME, CDBG and the Federal Home Loan Bank.

2.1.4 Description/Collaboration with Housing Community

The city's housing programs have been active and established for decades, and community lenders, contractors, etc. are willing to participate to make our projects successful. A key to launching this project will be to attract quality contractors, such as already work with existing programs here at the city.

3. Project Plan

3.1 Timeline of Project

MIH Grant Contract Signed- Start

Month 1- Procure bids for the 2 demolitions, the first two (2) new construction homes, and four (4) rehabilitation projects;

Month 2- Complete Demolitions, Start projects with bids;

Month 3- Footings poured on new construction projects;

Month 4- 1st round of rehab projects completed/ marketing started; start procuring bids on remaining rehabs; 2 new homes- framing completed

Month 5- start next 3 rehabs; new construction homes dried in, mechanical, electrical, plumbing rough-in completed.

Month 6- 9- rehabs 5-7 completed; completion and marketing of first 2 new construction homes, start site prep on 3rd home;

Months 10-12- procure for final 2 rehabs; 3rd new construction home dried in/roughed in for mechanical, electrical, plumbing.

Month 15- all remaining rehab units complete

Month 17- final new construction house (3) completed.

Month 18- market all final completed properties

3.2 Description of Housing Units

At total of at least 12 homes will be improved or replaced.

Rehabilitation- the following vacant, uninhabitable properties will be repaired and brought up to a standard quality condition:

805 Peyton St., 110 S. Merchant St., 425 E. 8th Ave., 15 Merchant St., 301 S. Pine St., 325 East St., 815 W. 9th Ave., 427 Constitution St.

Acquisition and Rehabilitation- at least one vacant, uninhabitable house will be purchased by the Emporia Land Bank, then sold. Any proceeds from the sale will be reinvested into other similar activities to make improvements to the city's housing stock.

Demolition & Rebuild New- the following properties will be demolished: 9 S. West St. and 1113 W. South Ave

and new single-family homes built on the following:

118 S. Pine St., 9 S. West St. and 1113 W. South Ave

The new homes will be 3 bedrooms, 2 bathrooms, and 1,200 to 1,400 square feet in size.

3.3 Scope of Work

REHABILITATION- Basic Project Requirements:

Buildings to be renovated to standard condition with no deficiencies with major systems or structural components.

Interior and exterior surfaces and components to be in or brought to good condition including doors, windows, walls, floors, plumbing and light fixtures, etc. with no noticeable breaks, damages, missing/peeling paint, or defects.

Removal of all property maintenance and nuisance violations. Nuisances include inoperable vehicles, junk, trash, outside storage items, campers, etc.

The project shall include any needed yard maintenance and improvements such as trimming or removal of dead trees/limbs, unsightly foliage, and trees/foliage contacting house surfaces or obstruction public/private roads/sidewalks.

Drainage away from house; guttering optional, but recommended.

NEW CONSTRUCTION

The development of three (3) new homes will consist of single-family detached houses, built on concrete slabs, with 1,200 to 1,400 square feet of living area, 3 bedrooms, 2 bathrooms and attached garages.

3.4 Pro Forma for Rental Projects- Not Applicable

3.5 Intended Market/ Pricing

Rehabilitation Project Houses- final market value after project completion will range from \$70,000 to \$140,000, or \$650 to \$1,200 rent per month, as there a wide variety of sizes and conditions in the rehabilitation projects.

Acquisition, Rehabilitation and Resell Project House- The Emporia Land Bank will target a vacant property with a combined purchase and project cost to be at or below \$150,000. The estimated market price after rehabilitation will be \$100,000 to \$150,000, with a rent possibility of \$800 to \$1,200 per month.

New Construction Houses- The homes will be marketed for sale in the \$220,000 to \$240,000 range.

4. Source of Funds

4.1 Verification of All Funding Sources

See attached

- Statement of Intent documents signed by property owners.
- Lender letter of verification for construction financing

- Verification letter from Emporia Land Bank

4.2 Investment and/or Equity Confirmation

Not Applicable- project includes only single-family, detached houses, owned by individuals

5. Housing Needs Analysis or Community Survey

5.1 Housing Study

See attached Lyon County housing study conducted in 2020

5.2 Executive Summary

In 2020, a county-wide housing study was conducted by RDG Planning and Design, a critical next step as identified in a comprehensive plan that became effective in 2017. The consensus was that many of the county's housing needs, including Emporia, were not being met, and a list of strategic measures should be implemented to meet the housing needs of the current and prospective residents.

The community's housing needs were echoed in the surveys and stakeholder meetings. Over 80% of survey respondents agreed that Emporia needs more affordable 2-3 bedroom houses, and more mid-sized 3-bedroom houses (pg. 18). Stakeholder employers communicated that the lack of housing options loses job candidates, or forces them to live in another county, even as far as Topeka, KS (pg. 28).

A comprehensive strategy was laid out with goals to begin addressing housing issues and meet the needs of current and future residents. Two of these goals are infill development and preservation of the existing housing stock (rehabilitation) (pg. 62), which are featured in the proposed MIH project, **Rebuild Emporia**. Infill development and housing rehabilitation helps sustain the character of neighborhoods and deters a perception of disinvestment.

By utilizing well-planned strategies and utilizing available resources our community can provide good housing for its current and future citizens.

6. Community Support

6.1 Resolution from Governing Body

See attached Resolution signed by Mayor:

7. Accessibility Certification (KHRC) Form: 23-03-Accessibility-Certification

7.1 Compliance with Kansas Accessibility Standards- form signed by Mayor

8. Site Review Checklist

9. RHID- Not Applicable

10. Development Team Information

10.1 Not Applicable- Contractor not selected

10.2 Contractor Not Selected

10.2.1 Contractor Procurement Policy

Work/Bid specifications will be sent to qualified, licensed contractors.

Itemized bids will be accepted in the City Housing Office until specified deadline (approx. 30 days).

Selection criteria will include price, past performance (quality/time), and license status.

Contract will be signed by city, owner and contractor.

10.2.2 Resume of Development Team

JEFF LYNCH

1827 Road E., Emporia, KS 66801
(620) 343-4285

- EDUCATION** Emporia State University, Emporia, KS
Bachelor of Science in Business, December 1988
Major: Management
- EXPERIENCE** **City of Emporia, 07/96- Present**
Community Development Coordinator, 08/15- Present
- ◆ Supervise staff and all functions of community development
 - ◆ Continue to fulfill all Housing Specialist duties
- Housing Specialist, 07/96 – 08/15
- ◆ Developed and administered all housing grants for City of Emporia
 - ◆ Produced written work specifications for all projects
 - ◆ Procured bids for and managed all construction projects
 - ◆ Conducted housing market research and analysis
 - ◆ Responsible for all financial accounting and budgeting of grant programs, and accountable to all grant sources
 - ◆ Administered and enforced nuisance property codes
- Lyon County Appraiser, 10/90- 07/96**
Real Estate Appraiser, 1992 – 1996
- ◆ Collected and analyzed real estate property and sales data
 - ◆ Inspected all types of real estate
 - ◆ Assigned appraised values for residential real property
 - ◆ Conducted valuation hearings with property owners
- Personal Property Supervisor, 1991- 1992
Personal Property Appraiser, 1990- 1991

ACCOMPLISHMENTS

- ◆ obtained over \$5M in total grant funding- 1996 to present
- ◆ Acquired the City's first demolition grant- 1997
- ◆ Initiated the First-Time Homebuyer Program- 2000
- ◆ Assisted and provided grants for 174 families buying their first home- 2000 to 2009
- ◆ ECKAN Board of Directors and Staff Appreciation Award- 2010

- ◆ Designed, implemented and trained staff to initiate the City Minimum Rental Code- 2002
- ◆ Managed over 550 housing rehabilitation projects- 1996 to Present
- ◆ Built 9 new homes; Demolished 31 dilapidated homes- 1997 to Present
- ◆ Served on Christmas in April Board of Directors, and as project manager- 1997 to 2005
- ◆ Implemented the Rural Housing Incentive District- 2016
- ◆ Utilized and administered HUD, MIH, CDBG, ESG, AHP and other funding

SKILLS HIGHLIGHTS

- ◆ Communication
- ◆ Grant writing and management
- ◆ Budgeting
- ◆ Self-motivated
- ◆ Customer-oriented
- ◆ Problem solving
- ◆ Community outreach
- ◆ Project management
- ◆ Supervisory experience

11. Additional Development Information

11.1 Proof of Site Control

Properties:

Vacant Rehabilitation Projects:

110 S. Merchant St.
425 E. 8th Ave.
15 Merchant St.
427 Constitution St.
301 S. Pine St.
325 East St.
815 W. 9th Ave.
805 Peyton St.

Acquisition/Rehab Project- to be determined later by Emporia Land Bank
pending market availability

Demolition:

1113 W. South Ave.
9 S. West Ave.

New Construction

1113 W. South Ave.
9 S. West Ave.
118 S. Pine St.

Deeds: see attached electronic file

11.2 Proof of proper zoning



521 Market St.
Emporia, KS 66801

Ph: 620-343-4268
Fax: 620-341-4337 jgivens@emporiaks.gov

PLANNING AND ZONING DEPARTMENT

November 1, 2023

RE: Rebuild Emporia Proposed Project Properties

To Whom It May Concern:

The following properties are proposed rehabilitation projects on single-family dwellings:

110 S. Merchant St.	301 S. Pine St.
425 E. 8 th Ave.	325 East St.
15 Merchant St.	815 W. 9 th Ave.
427 Constitution St.	805 Peyton St.

The following properties are planned for demolition, and new construction of single-family detached homes:

118 S. Pine St.	9 S. West St.
1113 W. South Ave.	

The current zoning classification of all the above properties allows for the proposed project activities.

If any further information is needed from me please contact me either by phone at 620-343-4268, or email at jgivens@emporiaks.gov.

Sincerely,

Justin Givens
Planning and Zoning Administrator

11.3 Legal Description of Sites

See attached deeds, which include legal descriptions

12. Leveraged Funds

12.1. Letters of Intent

See following pages



STATEMENT OF INTENT OF PROPERTY OWNERS
Moderate Income Housing Program

PROPERTY ADDRESS(ES):

TYPE OF GRANT (Rehab or Demo/Rebuild)

110 S. Merchant
425 E. 8th Ave.

Rehab
Rehab

(You may list more than 1 property for consideration, for either rehab or demolition; Attach additional pages if needed.)

I/We, the owners of the above property(ies), do intend on participating in the proposed program to receive assistance to make repairs to stated property to return it to livable, standard, clean condition based on program standards, OR, demolish and rebuild a new home, if all terms and program details are agreeable to me/us. This is not a formal commitment to participate, just an indication of interest.

Elizabeth De La Luz 8-30-23 Elizabeth De La Luz
Owner Signature Date Printed Name

Owner Signature Date Printed Name

ATTENTION:

By signing and returning this by the due date it will help give you preference when the official applications are reviewed and ranked.

*****Please return this signed document to City of Emporia, ATTN: Jeff Lynch, by September 15, 2023*****



STATEMENT OF INTENT OF PROPERTY OWNERS
Moderate Income Housing Program

PROPERTY ADDRESS(ES):

15 Merchant
427 Constitution
625 Sherman

TYPE OF GRANT (Rehab or Demo/Rebuild)

Rehab
Rehab
Rehab

(You may list more than 1 property for consideration, for either rehab or demolition; Attach additional pages if needed.)

I/We, the owners of the above property(ies), do intend on participating in the proposed program to receive assistance to make repairs to stated property to return it to livable, standard, clean condition based on program standards, OR, demolish and rebuild a new home, if all terms and program details are agreeable to me/us. This is not a formal commitment to participate, just an indication of interest.

Susan Kelley
Owner Signature

8/21/23
Date

Susan Kelley
Printed Name

Tim Esser
Owner Signature

8/21/23
Date

Tim Esser
Printed Name

ATTENTION:

By signing and returning this by the due date it will help give you preference when the official applications are reviewed and ranked.

*****Please return this signed document to City of Emporia, ATTN: Jeff Lynch, by September 15, 2023*****



STATEMENT OF INTENT OF PROPERTY OWNERS Moderate Income Housing Program

PROPERTY ADDRESS(ES):

301 South Pine

TYPE OF GRANT (Rehab or Demo/Rebuild)

Rehab

(You may list more than 1 property for consideration, for either rehab or demolition; Attach additional pages if needed.)

I/We, the owners of the above property(ies), do intend on participating in the proposed program to receive assistance to make repairs to stated property to return it to livable, standard, clean condition based on program standards, OR, demolish and rebuild a new home, if all terms and program details are agreeable to me/us. This is not a formal commitment to participate, just an indication of interest.

Juanita Collins 8-29-23 Juanita Collins
Owner Signature Date Printed Name

Owner Signature Date Printed Name

ATTENTION:

By signing and returning this by the due date it will help give you preference when the official applications are reviewed and ranked.

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STATEMENT OF INTENT OF PROPERTY OWNERS
Moderate Income Housing Program

PROPERTY ADDRESS(ES):

TYPE OF GRANT (Rehab or Demo/Rebuild)

721 East St
Emporia, KS 66801
325 East St

Rehab
Rehab

(You may list more than 1 property for consideration, for either rehab or demolition; Attach additional pages if needed.)

I/We, the owners of the above property(ies), do intend on participating in the proposed program to receive assistance to make repairs to stated property to return it to livable, standard, clean condition based on program standards, OR, demolish and rebuild a new home, if all terms and program details are agreeable to me/us. This is not a formal commitment to participate, just an indication of interest.

Benitez
Owner Signature

8-26-23
Date

Santiago Benitez
Printed Name

Owner Signature

Date

Printed Name

ATTENTION:

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*****Please return this signed document to City of Emporia, ATTN: Jeff Lynch, by September 15, 2023*****



STATEMENT OF INTENT OF PROPERTY OWNERS
Moderate Income Housing Program

PROPERTY ADDRESS(ES):

R15 W 9th

TYPE OF GRANT (Rehab or Demo/Rebuild)

Rehab

(You may list more than 1 property for consideration, for either rehab or demolition; Attach additional pages if needed.)

I/We, the owners of the above property(ies), do intend on participating in the proposed program to receive assistance to make repairs to stated property to return it to livable, standard, clean condition based on program standards, OR, demolish and rebuild a new home, if all terms and program details are agreeable to me/us. This is not a formal commitment to participate, just an indication of interest.

Albert Atchison 9-13-23 Albert Atchison
Owner Signature Date Printed Name

Owner Signature Date Printed Name

ATTENTION:

By signing and returning this by the due date it will help give you preference when the official applications are reviewed and ranked.

*****Please return this signed document to City of Emporia, ATTN: Jeff Lynch, by September 15, 2023*****



**STATEMENT OF INTENT OF PROPERTY OWNERS
Moderate Income Housing Program**

PROPERTY ADDRESS(ES):

TYPE OF GRANT (Rehab or Demo/Rebuild)

805 Peyton Emporia Ks

Rehab

(You may list more than 1 property for consideration, for either rehab or demolition; Attach additional pages if needed.)

I/We, the owners of the above property(ies), do intend on participating in the proposed program to receive assistance to make repairs to stated property to return it to livable, standard, clean condition based on program standards, OR, demolish and rebuild a new home, if all terms and program details are agreeable to me/us. This is not a formal commitment to participate, just an indication of interest. Carter Home Builders, LLC

Darrel D Carter 10-4-23
Owner Signature Date

Darrel D Carter
Printed Name

[Signature] 10-4-23
Owner Signature Date

Danielle Carter
Printed Name

ATTENTION:

By signing and returning this by the due date it will help give you preference when the official applications are reviewed and ranked.



STATEMENT OF INTENT OF PROPERTY OWNERS
Moderate Income Housing Program

PROPERTY ADDRESS(ES):

TYPE OF GRANT (Rehab or Demo/Rebuild)

1113 W South Ave

(You may list more than 1 property for consideration, for either rehab or demolition; Attach additional pages if needed.)

I/We, the owners of the above property(ies), do intend on participating in the proposed program to receive assistance to make repairs to stated property to return it to livable, standard, clean condition based on program standards, OR, demolish and rebuild a new home, if all terms and program details are agreeable to me/us. This is not a formal commitment to participate, just an indication of interest.

[Signature]
Owner Signature

10-17-23
Date

Mason DeGuzman
Printed Name

Owner Signature

Date

Printed Name

ATTENTION:

By signing and returning this by the due date it will help give you preference when the official applications are reviewed and ranked.

*****Please return this signed document to City of Emporia, ATTN: Jeff Lynch, by September 15, 2023*****



STATEMENT OF INTENT OF PROPERTY OWNERS
Moderate Income Housing Program

PROPERTY ADDRESS(ES):

9 S. West St
118 S Pine St

TYPE OF GRANT (Rehab or Demo/Rebuild)

Demo Rebuild
Demo Rebuild

(You may list more than 1 property for consideration, for either rehab or demolition; Attach additional pages if needed.)

I/We, the owners of the above property(ies), do intend on participating in the proposed program to receive assistance to make repairs to stated property to return it to livable, standard, clean condition based on program standards, OR, demolish and rebuild a new home, if all terms and program details are agreeable to me/us. This is not a formal commitment to participate, just an indication of interest.

Amy K Delgado
Owner Signature _____ Date _____

Amy K Delgado
Printed Name _____

Owner Signature _____ Date _____

Printed Name _____

ATTENTION:

By signing and returning this by the due date it will help give you preference when the official applications are reviewed and ranked.

*****Please return this signed document to City of Emporia, ATTN: Jeff Lynch, by September 15, 2023*****

12.2. Loan Proof of Funding- Not Applicable

13. Job Creation and Economic Development

13.1. Narrative

13.1.1 Low Unemployment, Commuter Rates, Commitment to Growing Housing Stock

The effect the low unemployment rate of our community has had is that companies have had to increase wages to recruit people from other companies in our area. This increase in wages has caused the unmet jobs to trickle down to our lower wage jobs where it is hard for employers to increase wages, and to compete for employees. It is fortunate that our commuter distance has increased, due to our larger companies now paying higher wages, as this has helped our talent pool. However, we still have a high number of unfilled positions. When the shortage of housing element is added to all of this (currently we have only 40 houses available for sale) it makes it difficult for a new employee willing to move to our area to find adequate housing for them and their families, let alone be able to compete with people already in our area who can react faster when a house that meets their needs comes on to the market.

13.1.2 Economic Development Through Housing Development

As our recent housing study indicates, growth in our population hinges on capturing new regional and local employees who want to live in Lyon County. An important part of attracting employees to our community is the availability of housing that meets their needs. According to the study the Lyon County market could support adding 46 new housing units per year until the year 2030.

The highest demand for housing for in the coming decade is for owner-occupied units priced under \$125,000. While new homes cannot be built for this price homes at this price point will become available as residents move from existing homes (under \$125,000) to newer homes.

As Table 1 shows, we have many open positions just within Emporia. We will need to increase our housing stock in order to attract needed employees.

Table 1

Major employers and current openings:

Employer Name	Number of Employees	Job Openings	Open Positions
USD 253, Emporia Schools	1,050	Yes	90
Simmons Pet Food	1,400	Yes	56
Emporia State University	745	Yes	34
Newman Regional Health	377	Yes	29
City of Emporia	240	Yes	24
Cargill Animal Nutrition	46	Yes	17
Lyon County, Kansas	275	Yes	14
Hopkins Manufacturing Corp.	182	Yes	11
Evco Wholesale Food Corp.	133	Yes	11
Michelin	262	Yes	8
Tyson Fresh Meats, Inc.	795	Yes	7
Bunge Corporation	51	Yes	7
Better Life Technology	66	Yes	6
Hostess Brands, LLC	630	Yes	5
Hill's Pet Nutrition	157	Yes	4
Norfolk Iron & Metal Co.	124	Yes	3
VekteK, Inc.	102	Yes	2
Flint Hills Technical College	71	Yes	2
Fanestil Meats	100	Yes	2
Glendo	58	Yes	1
Holman Distribution Center	70	Yes	1
Sauder Custom Fabrication	56	Yes	1

Source: Regional Development Association of East Central Kansas

13.1.3 Other Housing Activities

New Construction Planned

Two new major housing developments are planned with an estimated total of 82 new single-family homes at a targeted price range of \$190,000 to \$220,000. There have been new job announcements with proposed wages of \$25 to \$31.25 per hour. These wages could support a house mortgage, with a 20% down

payment, of \$152,000 to \$176,000, which makes the new homes affordable for new job wages.

13.1.4 Supporting Documentation

Mahtropolis Addition (North East Emporia) 27 Single-Family Detached Homes

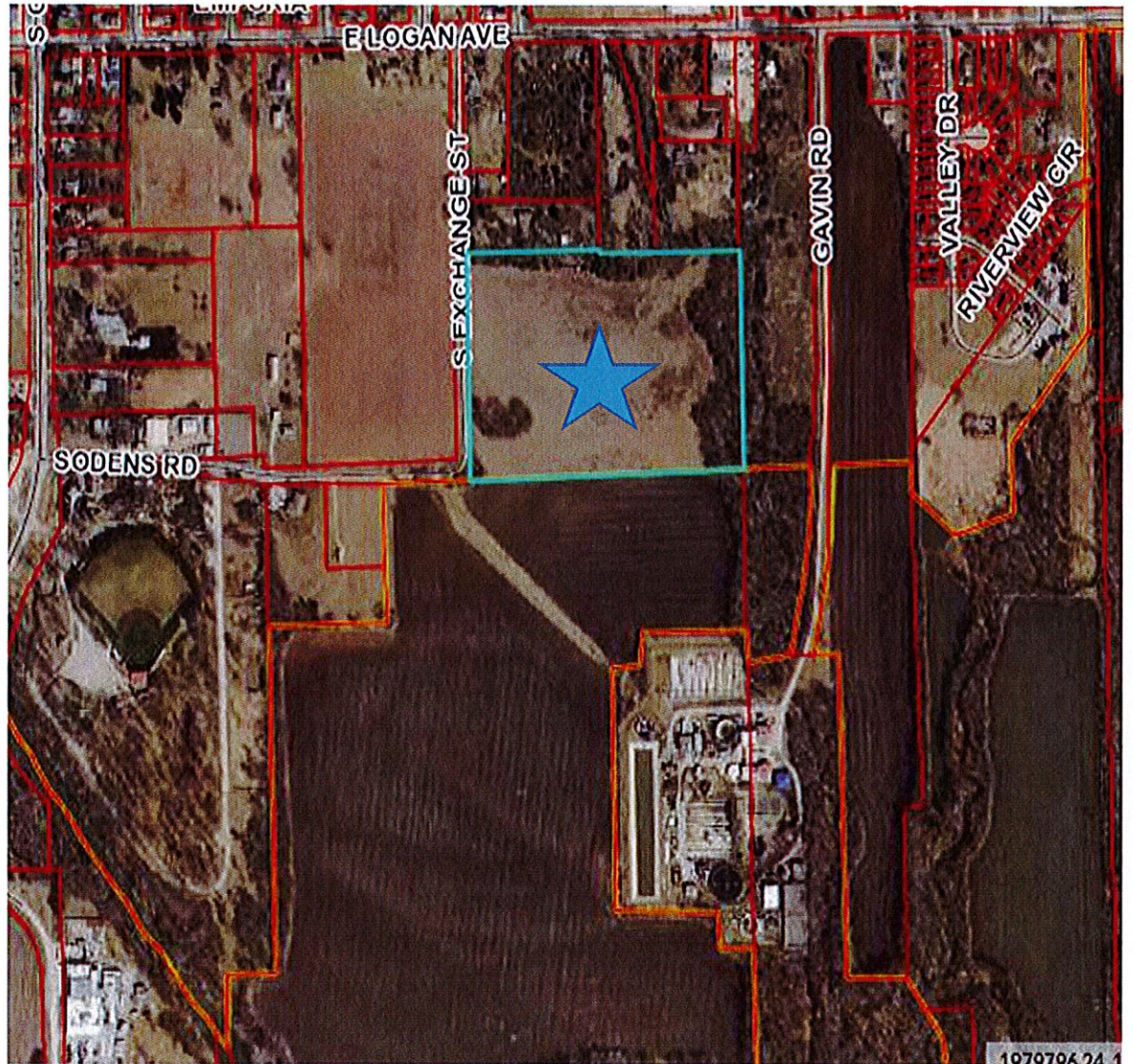
Location indicated by the 



Kretsinger Addition (South East Emporia) 55 Single-Family Detached Homes

Location indicated by the 

Aerial Photo



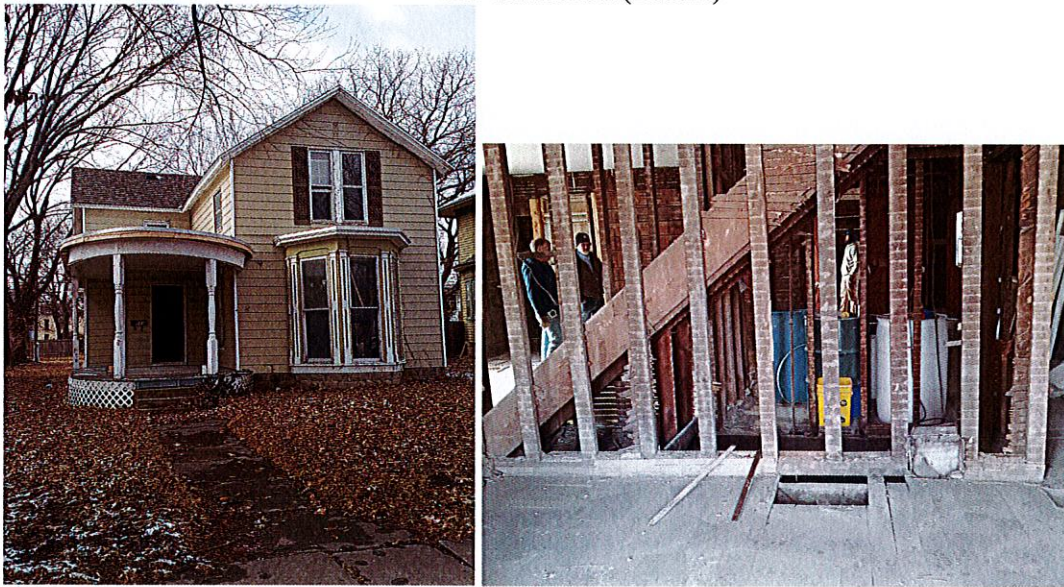
REHABILITATION

The City of Emporia has an ongoing housing rehabilitation program that was established decades ago. Currently, it is operating under an Affordable Housing Program grant from the Federal Home Loan Bank of Topeka. This program addresses 10 to 15 housing units in need of repair annually, and brings them back up to a standard quality condition.

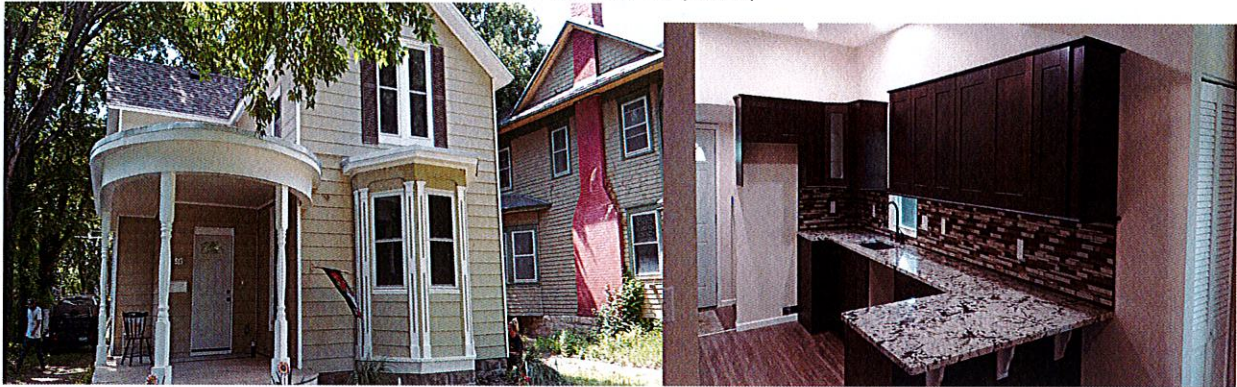
The city has also started a pilot program that offers a cost-share opportunity for owners of vacant, uninhabitable residential property to bring their properties up to a livable standard. This is very similar to what is planned for the proposed MIH project, **Rebuild Emporia**. The program has had success in its first year as it has had seven (7) properties involved with undergoing rehabilitation, with an eighth one pending.

City Vacant House Rehabilitation Program Projects

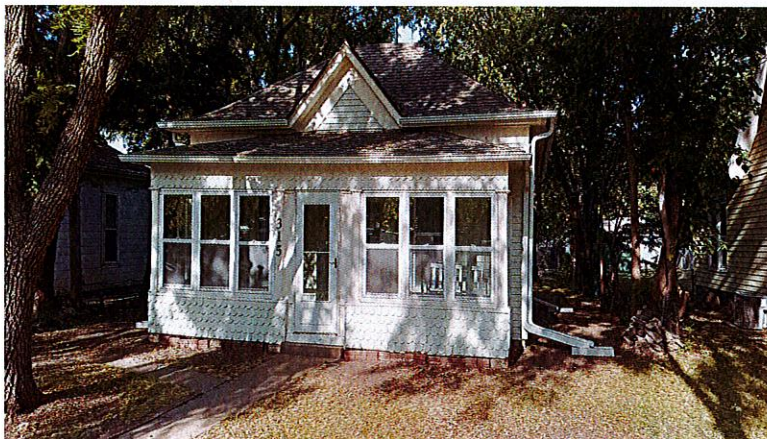
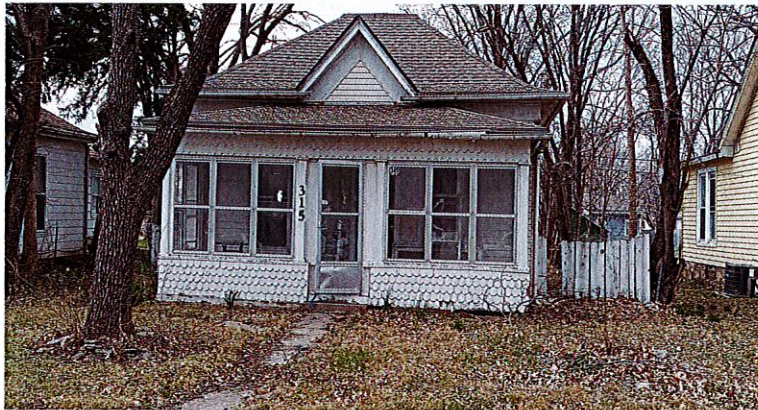
813 Market St. (Before)



813 Market St. (After)



315 Union St. (Before)



315 Union St. (After)



Commission Action Report

KDOT CCLIP-SP FY25 Accept Awarded Project

Title: KDOT CCLIP-SP FY 2025 Mill and Overlay K-99 Hwy (Commercial St) from KS Ave to 3rd Ave AND K-99 Hwy (Merchant) from 12th Ave to I-35 Hwy

Agenda Date: November 1, 2023

Presented By: James Ubert, City Engineer

Background:

The City's Engineering Department submitted an application to KDOT earlier this year for CCLIP-SP funding for these two (2) portions of K-99 Hwy, from Kansas Ave to 3rd Ave and 12th Ave to I-35. They were last resurfaced in KDOT FY 2019 (Calendar Year 2018).

Discussion:

N/A

Financial considerations:

The City will be required to contribute a minimum of 10% plus any amount over KDOT's share (\$400,000) and will be responsible for all Preliminary Engineering, Right-of-Way, & Utility Costs. Based upon the EOPC the City's share is estimated at \$375,000, which shall be paid from the Multi Year Fund and County Wide Sales Tax Revenue.

Recommended action:

Approve the KDOT Awarded CCLIP-SP Project and authorize the Mayor to sign Form 1302.

Attachments:

KDOT Letter and Form 1302.

PROJECT PROGRAMMING REQUEST

☒ New Project		☐ Amend Existing Project		Date:	10/24/2023
Program Year: 2025		Funding Program: CCLIP-SP (Surface Preservation)			
KDOT District		MPO		MPO TIP #	
1					
County	City	Route / Corridor		Functional Classification	
Lyon	Emporia	K99		3 = Other Principal Arterial	
Project Sponsor / Lead Agency					
City of Emporia					
Project Mgr / Contact		Phone		E-mail Address	
Jim Ubert		620-343-4260		jubert@emporiaaks.gov	
Project Title					
K-99 Hwy (Commercial St) from Kansas Ave to 3rd Ave AND K-99 Hwy (Merchant St) from 12th Ave to I-35 Hwy					
Project Length: 0.600 miles		Desired Letting Date: July 2024			
Letting Type: ☐ KDOT ☒ LPA ☐ Force Account					
Location, Project Limits, Description, Scope of Work					
Two (2") inch Average Mill & Overlay and Pavement Markings on K-99 Hwy (Commercial St) from Kansas Ave to 3rd Ave AND K-99 Hwy (Merchant St) from 12th Ave to I-35 Hwy.					
Purpose and Need					
Highway surface preservation and safety are the primary driving factors. This portion of the K-99 Highway was last resurfaced during the CCLIP FY 2019. The surface is in need of maintenance repair along with the pavement markings.					
Project Benefits					
Improved safety and needed maintenance for extending the highway pavement life.					
RR within 1/2 mile?	RR Company Name	No. of Tracks	Existing Crossing Protection		
Yes	BNSF	3	Flashing Lights and Gates		

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP), to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments. Please show your estimate of the cost for all work phases below:

Project Cost Estimate			
	Participating	Non-Participating	Total
PE (Design)	\$ -	\$ -	\$ -
Utilities		\$ -	\$ -
ROW	\$ -	\$ -	\$ -
CE (Inspection)	\$ 70,000.00	\$ -	\$ 70,000.00
Construction Total	\$ 705,000.00	\$ -	\$ 705,000.00
Surfacing (Asphalt)	\$ 705,000.00	\$ -	\$ 705,000.00
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -

PROJECT PROGRAMMING REQUEST

			\$	-
Project Totals	\$	775,000.00	\$	-
			\$	775,000.00

BE IT RESOLVED: That sufficient funds from City of Emporia

are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project. Prior to Federal Authorization, any project expenditures made by the LPA are ineligible for federal funding and remain the responsibility of the LPA. Upon cancellation of the project by the LPA, the LPA shall reimburse the Secretary within thirty (30) days after receipt of statement of cost incurred by the Secretary prior to cancellation.

Please sign below in accordance with your local policy.

Recommended for Approval:



 Jim Ubert, City Engineer

Appropriate Local Officials

 Susan Brinkman, Mayor

ATTEST:

 Kerry Sull, City Clerk

 Title

 Title

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745
Calvin E. Reed, P.E., Secretary
Tod L. Salfrank, Chief



Phone: 785-296-3861
Fax: 785-296-6946
kdot#publicinfo@ks.gov
<http://www.ksdot.gov>
Laura Kelly, Governor

September 13, 2023

Mr. Jim Ubert
City Engineer
522 Mechanic St.
Emporia, KS 66801

Dear Mr. Ubert:

Congratulations! Your application for a Surface Preservation project has been selected for funding as part of the Kansas Department of Transportation (KDOT) State Fiscal Year (SFY) 2025 City Connecting Link Improvement Program. KDOT has allocated \$400,000 for Construction and Construction Engineering for this project:

Mill and overlay and pavement markings on K-99 (Commercial St) from Kansas Ave to 3rd Ave AND K-99 (Merchant St) from 12th Ave to I-35

The City will be required to contribute a minimum of 10% plus anything over the amount shown above and will also be responsible for all Preliminary Engineering, Right-of-Way, and Utility costs.

Due to the current bidding environment, all CCLIP application estimates were thoroughly reviewed and adjusted for inflation. The CCLIP funding awards were modified accordingly, for the applied project limits and scope. These should not be modified during project development without KDOT concurrence.

For KDOT to program your project, KDOT must receive a completed 1302 form from you before October 20, 2023. Please complete the enclosed form and return it as soon as possible to KDOT.LPePlans@ks.gov.

Once KDOT receives your completed 1302 form, KDOT will program the project and send a project schedule as a reference in developing the project in accordance with KDOT's procedures. Project development details may be found in the LPA Project Development Manual at [KDOT: Local Projects](#).

To keep the project on schedule, this letter serves as the commitment from KDOT to fund this project at the amount written above. An agreement between KDOT and the City will be forthcoming that outlines all terms and conditions of KDOT's funding. However, to allow for you to begin preliminary engineering, the following clauses will be included in the agreement between the City and KDOT and shall be included in your contract with a consultant to provide preliminary engineering services:

Conformity with State and Federal Requirements. The City shall be responsible to design the Project or contract to have the Project designed in conformity with the state and federal design criteria appropriate for the Project in accordance with the current Local Projects LPA Project Development Manual, Bureau of Local Project's (BLP's) project memorandums, memos, the KDOT Design Manual, Geotechnical Bridge Foundation Investigation Guidelines, Bureau of Road Design's road memorandums, the latest version, as adopted by the Secretary, of the Manual on Uniform Traffic Control Devices (MUTCD), the current version of the Bureau of Transportation Safety and Technology's Traffic Engineering Guidelines, and the current version of the KDOT Standard Specifications for State Road and Bridge Construction with Special Provisions, and any necessary Project Special Provisions, and with the rules and regulations of the FHWA pertaining to the Project.

Consultant Contract Language. The City shall include language requiring conformity with Article III, paragraph 3 above, in all contracts between the City and any Consultant with whom the City has contracted to perform services for the Project. In addition, any contract between the City and any Consultant retained by them to perform any of the services described or referenced in this paragraph for the Project covered by this Agreement must contain language requiring conformity the paragraph entitled Conformity with State and Federal Requirements. In addition, any contract between the City and any Consultant with whom the City has contracted to prepare and certify Design Plans for the Project must also contain the following provisions:

- (a) Completion of Design. Language requiring completion of all plan development stages no later than the current Project schedule's due dates as issued by KDOT, exclusive of delays beyond the Consultant's control.
- (b) Progress Reports. Language requiring the Consultant to submit to the City (and to the Secretary upon request) progress reports at monthly or at mutually agreed intervals in conformity with the official Project schedule.
- (c) Third Party Beneficiary. Language making the Secretary a third party beneficiary in the agreement between the City and the Consultant. Such language shall read:

“Because of the Secretary of Transportation of the State of Kansas’ (Secretary’s) obligation to administer state funds, federal funds, or both, the Secretary shall be a third party beneficiary to this agreement between the City and the Consultant. This third party beneficiary status is for the limited purpose of seeking payment or reimbursement for damages and costs the Secretary or the City or

both incurred or will incur because the Consultant failed to comply with its contract obligations under this Agreement or because of the Consultant's negligent acts, errors, or omissions. Nothing in this provision precludes the City from seeking recovery or settling any dispute with the Consultant as long as such settlement does not restrict the Secretary's right to payment or reimbursement."

If you have any questions, please do not hesitate to contact us. Questions may be directed to Dawn Hueske at (785) 207-1420 or Dawn.Hueske@ks.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tod L. Salfrank", written in a cursive style.

Tod L. Salfrank, Chief
Bureau of Local Projects

Cc: Scott King, Director of Engineering and Design
Leroy Koehn, KDOT District Engineer



Commission Action Report

KDOT CCLIP-GI FY2026 Accept Awarded Project

Title: KDOT CCLIP-GI FY 2026 Reconstruct Shoulders to Add Two-Way Center Turn Lane, Storm Drainage, Safety Improvements, Entrances, Sidewalk, & Pavement Markings on K-99 Hwy from Soden Bridge to Kansas Ave.

Agenda Date: November 1, 2023

Presented By: James Ubert, City Engineer

Background:

The City's Engineering Department submitted an application to KDOT earlier this year for CCLIP-GI funding for the above portion of K-99 Hwy from Soden Bridge to Kansas Ave.

Discussion:

N/A

Financial considerations:

The City will be required to contribute a minimum of 10% plus any amount over KDOT's share (\$1,200,000) and will be responsible for Right-of-Way & Utility Costs. Based upon the EOPC the City's share is estimated at \$120,000, which shall be paid from the Multi Year Fund and County Wide Sales Tax Revenue.

Recommended action:

Approve the KDOT Awarded CCLIP-GI Project and authorize the Mayor to sign Form 1302.

Attachments:

KDOT Letter and Form 1302.

PROJECT PROGRAMMING REQUEST

☒ New Project		☐ Amend Existing Project		Date: 10/24/2023	
Program Year: 2026		Funding Program: CCLIP-GI (Geometric Improvement)			
KDOT District		MPO		MPO TIP #	
1					
County	City	Route / Corridor		Functional Classification	
Lyon	Emporia	K99		3 = Other Principal Arterial	
Project Sponsor / Lead Agency					
City of Emporia					
Project Mgr / Contact		Phone		E-mail Address	
Jim Ubert		620-343-4260		jubert@emporiaaks.gov	
Project Title					
K-99 Highway (Commercial St) from Soden Bridge to Kansas Avenue					
Project Length: 0.600 miles		Desired Letting Date: January 2026			
Letting Type: ☐ KDOT ☒ LPA ☐ Force Account					
Location, Project Limits, Description, Scope of Work					
Mill and Overlay (2") of Existing Surface from Cottonwood River Bridge to KS Ave. Re-build exist. rock shoulders with 5" AB-3 and 11" HMA. Stormsewer, entrance drives, sidewalk, ADA ramp, and ditch improvements. Pavement markings for 3 lane configuration with center turn lane. (This section of K-99 Hwy last resurfaced KLINK FY 2025).					
Purpose and Need					
Highway safety along with surface preservation are the primary driving factors. The project will improve safety by blunt end culver headwall removals along with the addition of the Center Turn Lane. This portion of the K-99 Highway was last resurfaced during the KLINK FY 2015. The surface is in need of maintenance repair along with the pavement markings.					
Project Benefits					
Safety (geometric) improvements and needed maintenance for extending the highway pavement life.					
RR within 1/2 mile?	RR Company Name	No. of Tracks		Existing Crossing Protection	
Yes	BNSF	3		Flashing Lights and Gates	

In accordance with the Bureau of Local Projects (BLP) Memo 99-11, dated December 16, 1999, we are required, under the Comprehensive Transportation Program (CTP), to collect and record total costs of all work phases of projects. This includes local agency federal-aid and state-aid projects that include any non-participating, pre-construction local agency costs for preliminary engineering (plan design), rights of way and utility adjustments. Please show your estimate of the cost for all work phases below:

Project Cost Estimate			
	Participating	Non-Participating	Total
PE (Design)	\$ 100,000.00	\$ -	\$ 100,000.00
Utilities		\$ -	\$ -
ROW	\$ -	\$ -	\$ -
CE (Inspection)	\$ 120,000.00	\$ -	\$ 120,000.00
Construction Total	\$ 980,000.00	\$ -	\$ 980,000.00
Grading and Surfacing	\$ 980,000.00	\$ -	\$ 980,000.00
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -

PROJECT PROGRAMMING REQUEST

			\$ -
Project Totals	\$ 1,200,000.00	\$ -	\$ 1,200,000.00

BE IT RESOLVED: That sufficient funds from City of Emporia

are now, or will be available and are hereby pledged to the Secretary in the amount and at the time required for the supplementing of federal funds available for the completion of this project. Prior to Federal Authorization, any project expenditures made by the LPA are ineligible for federal funding and remain the responsibility of the LPA. Upon cancellation of the project by the LPA, the LPA shall reimburse the Secretary within thirty (30) days after receipt of statement of cost incurred by the Secretary prior to cancellation.

Please sign below in accordance with your local policy.

Recommended for Approval:



Jim Ubert, City Engineer

Appropriate Local Officials

Susan Brinkman, Mayor

ATTEST:

Title

Kerry Sull, City Clerk

Title

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745
Calvin E. Reed, P.E., Secretary
Tod L. Salfrank, Chief



Phone: 785-296-3861
Fax: 785-296-6946
kdot#publicinfo@ks.gov
<http://www.ksdot.gov>
Laura Kelly, Governor

September 13, 2023

Mr. Jim Ubert
City Engineer
522 Mechanic St.
Emporia, KS 66801

Dear Mr. Ubert:

Congratulations! Your application for a Geometric Improvement project has been selected for funding as part of the Kansas Department of Transportation (KDOT) State Fiscal Year (SFY) 2026 City Connecting Link Improvement Program. KDOT has allocated \$1,200,000 for Preliminary Engineering, Construction, and Construction Engineering for this project:

Reconstruct shoulders to add two-way center turn lane, storm drainage, safety improvements, entrances, sidewalk and pavement markings on K-99 from Soden bridge to Kansas Ave

The City will be required to contribute a minimum of 10% plus anything over the amount shown above and will also be responsible for all Right-of-Way and Utility costs.

Due to the current bidding environment, all CCLIP application estimates were thoroughly reviewed and adjusted for inflation. The CCLIP funding awards were modified accordingly, for the applied project limits and scope. These should not be modified during project development without KDOT concurrence.

For KDOT to program your project, KDOT must receive a completed 1302 form from you before October 20, 2023. Please complete the enclosed form and return it as soon as possible to KDOT.LPePlans@ks.gov.

Once KDOT receives your completed 1302 form, KDOT will program the project and send a project schedule as a reference in developing the project in accordance with KDOT's procedures. Project development details may be found in the LPA Project Development Manual at [KDOT: Local Projects](#).

To keep the project on schedule, this letter serves as the commitment from KDOT to fund this project at the amount written above. An agreement between KDOT and the City will be forthcoming that outlines all terms and conditions of KDOT's funding. Preliminary Engineering utilizing CCLIP funds must follow a Qualification Based Selection (QBS) process, which can be found at [PE Consultant Selection Packet \(QBS\)](#). The City shouldn't issue a Notice to Proceed until funding is obligated.

If you have any questions, please do not hesitate to contact us. Questions may be directed to Dawn Hueske at (785) 207-1420 or Dawn.Hueske@ks.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tod Salfrank", written in a cursive style.

Tod L. Salfrank, Chief
Bureau of Local Projects

Cc: Scott King, Director of Engineering and Design
Leroy Koehn, KDOT District Engineer



Commission Action Report

Ordinance 23-34 Adopting the Building and Construction Regulations, the International Residential Code, the International Building Code, the National Electrical Code, and the Uniform Mechanical Code

Title: Ordinance 23-34 Adopting the Building and Construction Regulations, the International Residential Code, the International Building Code, the National Electrical Code, and the Uniform Mechanical Code

Agenda Date: November 1, 2023

Presented By: Kory Krause/Director of Building and Neighborhood Development

Background:

At the October 18th study session, the City Commission discussed moving forward with adoption of the 2021 Uniform Plumbing Code (UPC) and Uniform Mechanical Code (UMC) which will replace the outdated 2012 UPC and 2012 UMC.

Following that discussion legal staff recommended an overhaul and clean up of the existing city code sections 8-3, 8-4, 8-4.1, and 8-5 to consolidate the adoption of all building codes into section 8-3 for clarity and ease of use.

Discussion:

During a 6-month period, the building department and several master plumbing and mechanical contractors met every week and discussed significant changes that have occurred during code updates from 2012 through 2021. Changes in building and trades codes basically deal with changes in definitions, new products, technologies, and installation that will improve the safety and health of everybody. These code changes are for life and safety concerns which the contractors are already aware of and are using at this current time. I believe the commission should move forward in adopting this 2021 code adoption.

Financial considerations:

Publication in the Emporia Gazette.

Recommended action:

Approve Ordinance 23-34 Adopting the Building and Construction Regulations, the International Residential Code, the International Building Code, the National Electrical Code, and the Uniform Mechanical Code.

Attachments:

Ordinance 23-34 Adopting the Building and Construction Regulations, the International Residential Code, the International Building Code, the National Electrical Code, and the Uniform Mechanical Code

ORDINANCE NO. 23-34

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE THE BUILDING AND CONSTRUCTION REGULATIONS, 2023 EDITION; THE INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION; THE INTERNATIONAL BUILDING CODE, 2015 EDITION THE NATIONAL ELECTRICAL CODE, 2011 EDITION, AND THE UNIFORM MECHANICAL CODE, 2021 EDITION; AMENDING SECTION 8-3 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE; AND REPEALING SECTION 8-4, 8-4.1, AND 8.5 OF THE CODE OF THE CITY OF EMPORIA, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas, that the following be passed and adopted:

Section 1. Section 8-3 of the Code of the City of Emporia, Kansas, 1983, as amended, is hereby amended to read as follows:

“Sec. 8-3. Adoption Of Building and Construction Regulations, International Residential Code, International Building Code, National Electrical Code, Uniform Mechanical Code, and Uniform Plumbing Code:

- (a) There is hereby incorporated by reference, for the purpose of regulating construction activities within the city, a standard ordinance entitled *Building and Construction Regulations*, 2023 edition, prepared and published in book form by the building inspection department of the building and neighborhood development department of the city of Emporia, Kansas.
- (b) There is hereby incorporated by reference, for the purpose of regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Emporia; providing for the issuance of permits and collection of fees therefor, an ordinance entitled *International Residential Code*, 2015 edition, sponsored and published by International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, IL 60478, save and except for such sections, parts or portions as are omitted, deleted, modified, or changed as specified in Article IV of the *Building and Construction Regulations*, 2023 edition.
- (c) There is hereby incorporated by reference, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Emporia; providing for the issuance of permits and collection of fees therefor, an ordinance entitled *International Building Code*, 2015 edition, sponsored and published by International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, IL 60478, save and except for such sections, parts

or portions as are omitted, deleted, modified, or changed as specified in Article V of the *Building and Construction Regulations*, 2023 edition.

- (d) There is hereby incorporated by reference, for the purpose of practical safeguarding of persons and property from hazards arising from the use of electricity, provisions that are considered necessary for safety, compliance therewith, and proper maintenance result in an installation that is essentially free from hazard but not necessarily efficient, convenient, or adequate for good service or future expansion of electrical use, an ordinance entitled *National Electrical Code*, 2011 edition, sponsored and published by National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471, save and except for such sections, parts or portions as are omitted, deleted, modified, or changed as specified in Article VI of the *Building and Construction Regulations*, 2023 edition.
- (e) There is hereby incorporated by reference for the purpose of establishing technical standards and rules and regulations controlling the construction, alteration, removal, equipping, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the city, and included within the building and construction regulations, an ordinance entitled *Uniform Mechanical Code*, 2021 edition, sponsored and published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2816, save and except for such sections, parts or portions as are omitted, deleted, modified or changed as specified in Article VII of the *Building and Construction Regulations*, 2023 edition.
- (f) There is hereby incorporated by reference for the purpose of establishing technical standards and rules and regulations controlling the construction, alteration, removal, equipping, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the city, and included within the building and construction regulations, an ordinance entitled *Uniform Plumbing Code*, 2021 edition, sponsored and published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2816, save and except for such sections, parts or portions as are omitted, deleted, modified or changed as specified in Article VIII of the *Building and Construction Regulations*, 2023 edition.
- (g) Not less than two (2) copies of said incorporated standard ordinances referenced in sections (a) through (f) shall be marked or stamped “Official Copy as incorporated by Section 8-3 of the Code of the City of Emporia, Kansas”, and to which shall be attached a copy of this section and the same shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with the enforcement of any such ordinance shall be supplied, at the cost of the city, such number of official copies of such building and construction regulations similarly marked, as may be deemed expedient.
- (h) It is unlawful for any person to violate any of the provisions of this ordinance.

(Ord. 89-9, § 1, 4-5-1989; Ord. 00-22, § 1, 4-20-2000; Ord. 01-09, § 1, 4-4-2001; Ord. 09-33, §§ 1, 3, 12-2-2009 1 ; Ord. 15-34, 12-16-2015; Ord. 18-06, § 1, 2-21-2018; Ord. 19-24, § 1, 10-16-2019; Ord. 23-34, § 1, 11-1-2023)”

Section 2. That Section 8-3 of the Code of the City of Emporia, Kansas as it existed prior to the adoption of this ordinance is hereby repealed.

Section 3. That Section 8-4 of the Code of the City of Emporia, Kansas is hereby repealed.

Section 4. That Section 8-4.1 of the Code of the City of Emporia, Kansas is hereby repealed.

Section 5. That Section 8-5 of the Code of the City of Emporia, Kansas is hereby repealed.

Section 6. This ordinance shall take effect upon its publication in the official City newspaper.

Section 7. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, KS as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas this 1st day of November 2023.

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk

EMPORIA LAND BANK MINUTES

MEETING TIME: APPROX. 10:00 A.M **September 7th, 2023** **City conference Room 1 A/B**

MEMBERS PRESENT: Lowery, Cunningham, Porter, Morris, Salazar and Dean

MEMBERS ABSENT: Hinkle

Also present were- City staff: Jeff Lynch, Mark Detter

- 1) The meeting was called to order by Chairman Lowery at 10:40 a.m.
- 2) Motion/second to approve agenda by Morris/Salazar, approved unanimously.
- 3) Minutes from the August 3rd, 2023 meeting were reviewed, motion/second to approve by Porter/Salazar, approved unanimously.
- 4) Treasurer Report- Lynch reported the current balance is \$124,817.61.
Lynch stated that the City had transferred \$50,000 to the Land Bank.
- 5) Old Business- Lynch stated the attorney is still working on trying to get the IRS liens released for our property at 417 State St., however, no new progress to report.
- 6) New Business-
 - a. Parks- City is going to consider possibly allowing some city park property be transferred to the land bank for development. At least one city commissioner has brought this topic back up for discussion in an upcoming study session. Lynch has worked to revise a letter to the City from last year. Lowery proposed adding to the letter the fact the land bank now has resources to add to a housing development project. Discussion of Urbanside park was conducted, illustrated with proposed lots on an aerial map of Urbanside Park.

A motion to approve proposed revised letter to include wording stating the land bank has resources to contribute to development of the park properties was made by Porter, seconded by Cunningham, approved 5-0 (Morris excused herself from meeting prior).
 - b. MIH Grant- Lynch stated as mentioned in the CHB meeting the development option utilizing the RHID would be interesting and provide an income stream for the land bank, however, it would be a challenge for us. Lowery stated that this board has gotten very pro-active in the past few years and didn't think we were afraid to take on some challenges.
 - c. Properties/Projects- Cunningham shared there's a house at 705 Lincoln that may be a demolition candidate. Has mold and major foundation issues. Lynch will follow up.
 - d. Attendance Policy/ Member Removal- Lowery moved to remove Member Hinkle, seconded by Dean, passed 5-0
- 7) Adjournment was made at 10:58 a.m. Next meeting will be on October 5th, 2023.



COMMUNITY HOUSING BOARD MINUTES

P.O. Box 928, Emporia, KS 66801

620-343-4285

REGULAR MEETING 9:30 a.m. Conference Room 1 A/B September 7th, 2023

MEMBERS PRESENT: Lowery, Dean, Cunningham, Porter, Morris and Salazar. Also present were City staff: Jeff Lynch

MEMBERS ABSENT: Hinkle

- 1) The meeting was called to order by Chairman Lowery at 9:34 a.m.
- 2) The current meeting agenda was reviewed, motion/second by Morris/Dean, approved unanimously.
- 3) Reviewed minutes from the August 3rd, 2023 meeting, motion/second by Cunningham/Dean, approved unanimously.
- 4) Old Business-
- 5) New Business
Vacant Property Ordinance Review- Kory Krause, Dir. Of the Building and neighborhood Dept. explained he and the city are now in the process of revising the current ordinance. Includes residential as well as vacant commercial buildings within the city. An estimate from Pro Champs revealed approx. 500 vacant properties throughout the city. We would like to have a program to know where these properties are; it would also be helpful for our emergency services personnel. A semi-annual fee is proposed. Would try to motivate owners to make improvements and maintain their properties. Cunningham asked if the Fire Dept. currently has the authority to enter vacant houses; Krause indicated they do not. Only 4-6 letters annually have been sent out to vacant property owners. City board support via endorsement letters would be appreciated. Lynch added that the revised proposal allows for the City to charge unpaid fees to the taxes on properties, as well as a sign to be posted that reveals name of property mgr. and phone number. Lowery asked if it only includes foreclosed properties; Krause indicated that it includes both foreclosed and not foreclosed properties. Cunningham stated foreclosed properties are taking care of their vacant properties. A civil penalty may be added for violators. A lesser fee may be allowed for vacant buildings that are kept up.

Habitat For Humanity- Eric Kirby, Dir, gave a report. HFH is ready for closing on the house at State St. in early October, and in the process of finishing the construction of a house on Sylvan St., hopefully closing in November. They build approx. one house per



year. They also do accessibility repairs in the Brush With Kindness program, about two per year. Additionally, they do some clean-up of properties near new construction sites. Kirby said they have also been offering IDA's, or Individual Development Accounts, to offer match contributions for down payments on their house sales. This will help keep monthly mortgage payments lower, hopefully below \$600 per month. The market value of their new homes built has been around \$165,000 on the last homes. Loans are at 0% interest rate. The homes have 3 bedrooms, 1 bath, and a safe room in the laundry room. HFH requires the sale amount to be fair market value. HFH Emporia pays \$1,500 in membership fees annually to HFH International to remain a part of HFH. They pay \$12 per month per mortgage to pay for loan servicing. If HFH received a new lot now, it would be May when they could start framing due to labor availability.

Would like to start a Re-Store here in Emporia; sell materials to raise money.

They do not yet have any warehouse space to start doing that yet.

Have to build at least one house every 3 years, plus 1 Brush With Kindness project every 3 years. Income limit is 65% of Area Median Income.

ESG grants- awards were recently announced. Two local agencies, Bloom House Youth Services, and SOS, received a total of \$25,500 from Kansas. They had requested 67,875, so only received about 38% of the requested amount.

The MIH grant application process has started. Lynch sent out letters to property owners to approx. 115 vacant properties, 90-100 letters sent. Response has been received so far on 6-7 properties. Another possibility may be for the land bank to possibly be obtaining some city parks, which would open up a different opportunity to use the grant for development. Furthermore, the Reinvestment Housing Incentive District could be utilized to create an income stream for the Land Bank. Recent changes in the RHID were discussed.

Attendance Policy- Lynch stated the City is working on a city-wide board attendance and removal policy. A motion was made by Lowery to remove member Jermy Hinkle from the housing board, seconded by Dean, passed 6-0.

New Business

Vacant Property Improvement Program- Lynch reviewed a recently finished project at 315 Union St.

The meeting adjourned at 10:39 a.m.

Next meeting to be held October 5th, 2023.

Commission Meeting

11:00 a.m.

October 11, 2023

The Governing Body of the City of Emporia, Kansas, met in Special Session, Wednesday, October 11, 2023, with Mayor Brinkman presiding and Commissioners Harter and Sauder were present. Commissioner Giefer was present via phone. Commissioner Smith was absent. Also present were City Manager Cocking, Assistant City Manager Detter, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

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

No comments were made at this time.

**CITY COMMISSION
(Hope VI Main Street Grant Application)
(Resolution Number 3709)**

Assistant City Manager Detter was recognized and addressed the Governing Body. He stated this request is for Resolution 3709 for the Hope VI Main Street Grant Application. The resolution would authorize the Mayor to sign the proper documentation for the City of Emporia to submit an application for the grant. He stated the City of Emporia has been approached by Ben Moore of 502 Lofts, LLC to apply for the Hope VI Main Street Grant Program through the Department of Housing and Urban Development for a total of \$500,000.00. The Hope VI Main Street Program's goal is to redevelop and preserve historic or traditional Main Street area properties by replacing unused commercial space in building with affordable housing units. The goal of this potential grant is to transform the second story and garden level of 502 Commercial Street into a collection of elegant and modern apartments, leaving the main level as commercial space.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the proposed Memorandum of Agreement between the City of Emporia and Ben Moore, 502 Lofts, LLC (Developer) is a preliminary agreement. It states the terms under which the City is willing to apply for the Grant. It states that the Hope VI grant seeks to rejuvenate the historic downtown district with new housing. Under the grant the City would be the applicant receiving the funds of the amount applied for of \$500,000.00. The local cost share match is 5%, which is paid by the Developer, not the City. She stated the City is not committing financially to anything in this agreement other than if the funds are received the funds will be utilized for this particular project.

Assistant City Manager Detter stated that Garrett Nordstrom did review the narrative on the grant. He stated it is anticipated that Garrett Nordstrom will be involved with the project if the grant is awarded.

Commissioner Giefer asked how the grant would be monitored to make sure it was administered correctly.

Assistant City Manager Detter stated if the grant is awarded there will be some agreement with our current Grant Administrator to help with this grant.

City Attorney Montgomery stated the Memorandum of Agreement does also state: *"Should grant funds be awarded, Developer agrees to complete the Project and shall meet all obligations and requirements of the Hope VI Program requirements. Should HUD require reimbursement of Hope VI grant funds for any reason, Developer shall be responsible for reimbursement."*

Ben Moore, 502 Lofts, LLC and Developer, was recognized and addressed the Governing Body. He then briefly reviewed the plan for the building at 502 Commercial Street. He stated the plan includes the 2nd floor to have 2, 2-bedroom units and 1, 1-bedroom unit and the garden floor will include 2, 2-bedroom units and 2, 1-bedroom units and the 1st floor will be commercial space use. Changes will be made to the outside and code upgrades requirements will be met. He stated this grant will work with Emporia income levels and 3 units will be income based and 4 units will be at market rate.

Mayor Brinkman asked if the apartments were wheelchair ADA accessible.

Mr. Moore stated there are different levels of ADA compliant and these units will meet the ADA requirements for the blind or deaf.

Tayler Wash, Special Projects Director, was recognized and addressed the Governing Body. She stated the next step is all the supporting documentations have been prepared by the Developer and his team and it is ready to be uploaded into the portal. The other components are the documents that will be required to be signed by the Mayor and those will be uploaded into the grant portal as well. There is no defined date when the grant award will be announced but there is a 90-day review period before any awards are made. If awarded, HUD will finalize the specific terms and quarterly progress reports will need to be made, however, that will be monitored by the grant administrator duties.

Following further discussion, Commissioner Harter made a motion to approve Resolution Number 3709, a resolution authorizing the City of Emporia to make application for the Hope VI Main Street Program and authorize the Mayor to sign the Memorandum of Agreement with Ben Moore, 502 Lofts, LLC regarding the Hope VI Grant. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Development Agreement with Emporia Land Development, LLC)
(Agreement Concerning Distribution of TIF and CID Revenue)
(Pavilions Project)**

Jim Witt, Special Projects Coordinator, was recognized and addressed the Governing Body. He stated the City entered into a Development Agreement with Emporia Land Development, LLC in April of 2016. The agreement set forth the incentives related to sales tax is a Community Improvement District (CID) and the Tax Increment Financing District (TIF). The Agreement included the process of reimbursement to the LLC via the City Finance Office. He stated Emporia Land Development, LLC is finalizing a transition to a new lending institution, Nodaway Vally Bank, to begin construction of Phase 3 of the Pavilions Project. Phase 4 of the Pavilion Project should begin in the 3rd or 4th quarter of 2024. This will provide a mechanism that the bank can use to have the TIF and CID revenue funds sent to the bank instead of the partnership if the bank chooses. He stated

this does not require any financial commitment or additional time for the City. The City receives a 3% administrative fee for reimbursements.

Commissioner Harter made a motion to approve the Agreement Concerning Distribution of TIF and CID Revenue for the Pavilion Project. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk

Commission Meeting

11:00 a.m.

October 18, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 18, 2023, with Mayor Brinkman presiding and Commissioners Giefer, Harter, Sauder and Smith present. Also present were City Manager Cocking, Assistant City Manager Detter, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

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

No comments were made at this time.

**CITY COMMISSION
(Board Appointment)**

Emporia Human Relations Commission:

It was moved by Commissioner Smith seconded by Commissioner Sauder that Daniela Barron be appointed to the Emporia Human Relations Commission to fill an unexpired term that expires June 1, 2025. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Lockwood Heights Subdivision)
(Establish Reinvestment Housing Incentive District)
(Public Hearing)**

Mayor Brinkman stated Commissioners Sauder and Harter would remove themselves from any discussion.

Taylor Wash, Special Projects Director, was recognized and addressed the Governing Body. She stated the Commission had previously approved Resolution Number 3704, a resolution establishing a public hearing to establish the Reinvestment Housing Incentive District for the Lockwood Heights Subdivision on West 6th Avenue. She stated this subdivision plan includes 24 single-family lots with private water and sewer lines installed by the developer. The existing water and sewer mains along with 6th Avenue are the public infrastructure components which will serve the development. She stated once the district is established by ordinance and real property improvements are completed, the financial benefits of the RHID will pay for public and utility infrastructure needed for the development. The public hearing is a requirement by state statute.

Mayor Brinkman then declared the public hearing opened.

As no one in attendance wished to address the Governing Body, Mayor Brinkman then declared the public hearing closed.

CITY COMMISSION
(Name Change from CVAB to Transient Guest Tax Advisory Board)
(Ordinance Number 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, to which the City Clerk assigned Ordinance Number 23-32 was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Charter Ordinance Number 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. She stated this proposed ordinance establishes a new Transient Guest Tax Advisory Board with the same roles and responsibilities as the existing CVAB with the existing members of the board. The ordinance also clarifies the procedure of removal of board members from office due to extended absences.

Commissioner Harter made a motion to approve Ordinance Number 23-32, an ordinance establishing the Transient Guest Tax Advisory Board. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

PLANNING AND DEVELOPMENT
(Annex Property Located at 1100 S. Highway 99 into City Limits)
(Ordinance Number 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. 12-502c, to which the City Clerk assigned Ordinance Number 23-31, was presented to the Governing Body for their consideration.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the city recently acquired a tract of land adjacent to the Emporia Municipal Golf Course and has initiated the process of annexing the land into city limits. The property is a 32-acre tract that is considered not contiguous to the existing city limits. He stated the Commission had previously adopted a resolution asking the Lyon County Board of County Commissioners to make certain findings on the proposed annexation. The Lyon County Board of County Commissioners adopted findings that the proposed annexation would not hinder or prevent the proper growth and development of the area or that of any other incorporated area. He stated this proposed ordinance would annex the property at 1100 S Highway 99 into city limits.

Commissioner Smith made a motion to approve Ordinance Number 23-31, an ordinance annexing 1100 S. Hwy 99 into City limits. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

ENGINEERING
(24TH Avenue and Prairie Street Waterline Improvements)
(Project No. WM2201 KDHE KPSLF 3070)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated BG Consultants provided a Preliminary Engineering Report and Cost Estimates for the 24th Avenue and Prairie Street Waterline Improvements Project. This project will supplement and/or replace portions of the aged 16" and 20" water transmission mains that extend from the Water Treatment Plant under I-35 Highway to 12th Avenue. The bids are as follows:

Bid tabulation of 24th Avenue & Prairie Street Waterline Improvements

Bidder	Bid Amount
<i>Apex Excavating</i>	<i>\$4,270,905.00</i>
Infrastructure Solutions	\$5,417,000.00
Middle Creek Corporation	\$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

He stated the City has not worked with Apex Excavating in the past, however, it was determined through past projects reference checking and meetings with the City, they have sufficient background in waterline construction and utility rehab projects. There is also a commitment from their ownership on the project and sufficient bonding capacity. He stated this project will be funded from the Kansas Department of Health and Environment Public Water Supply Loan Fund Project Loan #3070. Staff recommends awarding the 24th Avenue and Prairie Street Waterline Improvements Project to Apex Excavating in the amount of \$4,270,905.00 subject KDHE approval.

Following further discussion, Commissioner Harter made a motion to award the 24th Avenue and Prairie Street Waterline Improvements Project to Apex Excavating in the amount of \$4,270,905.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

ENGINEERING
(24TH Avenue and Prairie Street Waterline Improvements)
(Supplemental Agreement No. 2 with BG Consultants, Inc.)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the 24th Avenue and Prairie Street Waterline Improvement Project will be a lengthy project that will require significant oversight throughout construction. Due to 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. Staff recommends a contract with BG Consultants, Inc. for project inspection and construction engineering services for this project not to exceed \$418,065.00. Engineering Services would be funded from the Kansas Department of Health and Environment Public Water Supply Loan Fund Project Loan #3070.

Following further discussion, Commissioner Smith made a motion to the contract for 24th Avenue and Prairie Street Waterline Improvements Supplemental Agreement No. 2 with BG Consultants not to exceed \$418,065.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

CITY MANAGER'S REPORT
(Financials & Building Permits)

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

1. Monthly Local Retail Sales Tax Receipts Update

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

2. City Share from County Tax

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

Building Permits issued from 8/1/2023 to 8/31/2023 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

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on October 4, 2023.
- b. Purchase Fire Department Fire Training Props.
- c. Purchase Fire Department Extraction Tools.
- d. Removal of Community Housing Board/Emporia Land Bank Member.

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

**CITY COMMISSION
(City Manager's Report)**

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

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

TENTATIVE AGENDA FOR NOVEMBER 1, 2023, 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:

No items were tentatively scheduled at the time this was prepared.

**CITY COMMISSION
(Public Comment)**

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

EXECUTIVE SESSION

Commissioner Harter made a motion to recess into Executive Session to discuss confidential matters of a third party relating to a potential development project resuming the open meeting in the City Commission Meeting Room, this same date, at 11:50 a.m. and inviting Chuck Scott, RDA President, Jim Witt, Special Project Coordinator, Tayler Wash, Special Projects Director. Commissioner Smith seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

Upon reconvening the meeting in Regular Session, at 11:50 a.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had discussed confidential matters of a third party relating to a potential development project and no action was taken.

Commissioner Harter made a motion to recess the meeting until 12:10 p.m. to Conference Room 1AB. Commissioner Smith seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

The following items were discussed at Study Session:

1. Common Consumption Area Discussion.
2. Governing Body Handbook.
3. Code of Procedure for the City of Emporia.
4. Discuss the Adoption of the 2021 Uniform Plumbing & Mechanical Code.
5. Discuss Legislative Policy.
6. Discuss William Allen White Community Partnership.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

2023 Emergency Solutions Grant

Title: 2023 Emergency Solutions Grant Agreement

Agenda Date: November 1, 2023

Presented By: Jeff Lynch, Community Development Coordinator

Background:

Two local agencies, Bloom House Youth Services, Inc. and S.O.S., Inc., provide assistance locally to people who are homeless or at risk of being homeless and have applied for this funding to assist them with their efforts. This funding will provide emergency shelter, food, and need essential services such as case management, life skills training, counseling, and assistance in obtaining permanent housing.

Discussion:

The City has administered this type of assistance for many years, which provides financial assistance to our local homeless service agencies. The City fulfills the role of a pass-thru recipient and qualifies for some administrative funding to offset the costs of staff and materials. The funding source is HUD, and funds are allocated statewide by the Kansas Housing Resources Corporation.

Financial considerations:

No city funds are required. The grant request was approved for \$25,500, with administrative funding for the City in the amount of \$689.19. Allocations were in the amount of \$14,230 for Bloom House Youth Services, Inc., and \$11,270 for S.O.S., Inc.

Recommended action:

Recommend approval, and authorizing the Mayor to execute all related documents.

Attachments:

Grant Agreement

KANSAS HOUSING

NOTICE OF FINANCIAL AWARD & GRANT AGREEMENT Kansas Emergency Solutions Grant

Subrecipient City of Emporia

Subrecipient
DBA _____

Mailing Address 104 E. 5th Ave City/State/Zip Emporia, Ks 66801

Subrecipient EIN 48-6026579 Subrecipient Unique Entity
Identifier (UEI) EBG1VMGJFDJ3

Recipient (Pass-Through
Entity) Kansas Housing Resources Corporation

Mailing Address 611 S Kansas Ave., Ste. 300 City/State/Zip Topeka, KS 66603-3803

Contact Person ESG Program Manager Phone 785-217-2019

Date October 9, 2023 Grant Number E23-EMPORIA

Funds Obligated – This Action \$26,189.19 Total Funds Obligated \$26,189.19

Performance Period July 1, 2023 through September 30, 2024

Research and Development? No

Federal Identifying Information

Federal Awarding Agency U. S. Department of Housing and Urban Development

CFDA No. 14.231 CFDA Title Emergency Solutions Grant (ESG)

Document No./FAIN E-23-DC-20-0001 Federal Fiscal Year FFY2023

Federal Award Date 7/10/2023

GRANT AGREEMENT

I. Parties & Project Description

Kansas Housing Resources Corporation (“KHRC”) administers the Emergency Solutions Grant (“ESG”) program for the State of Kansas. Pursuant to the terms of this Agreement, KHRC hereby awards an ESG grant to **City of Emporia** (the “Subrecipient”) in the amount stated above, which shall be used in accordance with the following budget:

Administrative.....	\$689.19
Subrecipient Indirect Cost Rate.	
Street Outreach.....	\$
Emergency Shelter.....	\$15,846.80
Homeless Prevention.....	\$
Rapid Rehousing.....	\$9,653.20
HMIS.....	\$

In exchange for the subject grant, and in accordance with the purposes of the ESG Act and the terms and conditions set forth herein, the Subrecipient agrees to complete and perform its ESG eligible activities in **Lyon, Chase, Coffey, Greenwood, Osage, Morris, and Wabunsee Counties**, in accordance with its application and all supporting documentation, which are incorporated herein by this reference and made a part of this Agreement (collectively, the “Application”).

[IF APPLICABLE: In order to complete the ESG eligible activities provided under this Agreement, the parties agree and acknowledge that the Subrecipient intends to provide a subgrant(s) to the subawardee(s) listed below:

Agency Name	Amount
SoS, Inc	11,270.00
Bloom House Youth Services	14,230.00

The Subrecipient understands and agrees that it will be Subrecipient’s responsibility to monitor the activities of any subawardee identified above and ensure that subawardee complies with all applicable Federal statutes and regulations, as well as all terms and conditions of this Agreement. Additionally, the Subrecipient shall ensure that each subawardee identified above follows the Budget Itemization(s) submitted to KHRC prior to the execution of this Agreement, which are incorporated herein by this reference.]

II. Grant Period

The term of this grant agreement is July 1, 2023 through September 30, 2024.

III. Responsibilities and Representations of Subrecipient

- A. The Subrecipient certifies that it is eligible to receive ESG funds as a subrecipient as provided under 24 CFR 576.2.

- B. The Subrecipient shall perform the activities provided under this Agreement in accordance with the Application, and in the area in the state of Kansas specified in the Application, all in a satisfactory manner as determined by KHRC.
- C. The grant amount stated in the Agreement shall be 100 percent of the ESG funds committed by KHRC to the Subrecipient. At all times, the Subrecipient shall perform all activities and incur all expenditures in accordance with the Application and the budget stated above, and in accordance with all federal statutes and regulations applicable to ESG funding. Further, the Subrecipient agrees as follows:
 - 1. The Subrecipient shall make matching contributions to the ESG eligible activities detailed in the Application, in an amount that equals the amount of the ESG funds awarded under this Agreement. The match contributions may be cash or noncash, and may be obtained from any source, including federal, state, local, and private sources, all as set forth in 24 CFR 576.201.
 - 2. During the term of this Agreement, the Subrecipient shall provide to KHRC a ESG Recipient Request for Reimbursement and Financial Status Report (FSR) on or before the 20th day of each month for the prior month as detailed further in KHRC's ESG Handbook, as may be amended by KHRC from time to time (the "ESG Handbook"). Additionally, the Subrecipient may submit a request for an advanced payment of up to ten (10) percent of the total funds awarded in accordance with the process and parameters set out in the ESG Handbook.
 - 3. KHRC may, in its sole discretion, require additional information from the Subrecipient before processing any payment.
 - 4. Upon termination of this Agreement, either due to expiration of the term or due to termination pursuant to Section VII below, the Subrecipient shall submit a final FSR and payment request no later than 15 days following the termination or expiration date. KHRC will not reimburse any costs or expenses incurred after the termination or expiration of the Agreement. To the extent the Subrecipient has any unearned ESG funds on hand at the time of expiration or termination of this Agreement, the Subrecipient shall promptly return said funds to KHRC.
 - 5. At least 90 days prior to the expiration of this Agreement, the Subrecipient shall notify KHRC if Subrecipient anticipates having unearned ESG funds on hand at the time of expiration, and Subrecipient shall include an estimate of the amount of said funds in its notice to KHRC. Additionally, if KHRC determines at any time, in its sole discretion, that Subrecipient's use of the grant funds is not sufficient to ensure use of all funds during the term of this Agreement, then KHRC may take further action, including but not limited to, requesting additional documentation or information from Subrecipient, or recapturing any unused funds from Subrecipient.

6. The Subrecipient agrees and acknowledges that payments to the Subrecipient are subject to the actual receipt by KHRC of ESG funds.
 7. Subrecipient agrees that all expenditures under this Agreement must be Federally allowable and specifically for activities allowed under the ESG program as provided in 42 U.S.C. 11371, *et seq.* Additionally, the Subrecipient must ensure that the activities provided under this Agreement do not result in a duplication of benefits, and that costs funded through other Federal or State funds are not duplicated by funds received through this Agreement.
- D. The Subrecipient must obtain KHRC's approval prior to making any adjustments or amendments to the budget stated above or, as applicable, to any Budget Itemization submitted for a subawardee. All requests to amend any budget must be submitted by the Subrecipient on KHRC's Budget Revision Form, and in accordance with the process set out in the ESG Handbook.
 - E. The Subrecipient agrees and acknowledges that KHRC materially relied on the information submitted by the Subrecipient in the Application when entering into this Agreement. The Subrecipient certifies that all information in the Application is true and correct. The Subrecipient agrees to immediately notify KHRC should any information provided in the Application change or should the Subrecipient determine that any incorrect information was provided. The Subrecipient further agrees and acknowledges that KHRC materially relied on the certifications and representations made by the Subrecipient herein when entering into this Agreement. If any certification, representation, or statement made or furnished to KHRC by Subrecipient under this Agreement is false or misleading in any material respect, either now or at the time made or furnished, or if it becomes false or misleading at any time thereafter, then, in addition to any other remedies available, KHRC may terminate this Agreement as provided in Section VII.
 - F. The Subrecipient certifies that Subrecipient had the full legal right, power, and authority to submit the Application, and that the Subrecipient has the full legal right, power, and authority to execute and deliver this Agreement to KHRC.

IV. Subrecipient Compliance and Reporting Requirements

- A. The Subrecipient, pursuant to Federal regulations, shall maintain books, records, files, documents, and other evidence of all costs, expenditures, and activities related to the ESG funds provided under this Agreement. All documentation shall be maintained by Subrecipient in such a manner to clearly identify all costs directly with the delivery of the services and activities provided under this Agreement. The Subrecipient shall maintain all documentation, whether written or electronic, for a minimum of five (5) years and up to ten (10) years, as required under 24 CFR 576.500(y), and shall make all information available for audit by KHRC and the appropriate Federal auditors for said period. The Subrecipient shall immediately notify KHRC of any circumstances which impair the integrity or security of such documentation during the retention period.

- B. Subrecipient shall maintain records and submit reports containing such information and at such times as may be required by KHRC, and Subrecipient shall timely respond to all of KHRC's requests and inquiries. Further, the Subrecipient agrees as follows:
1. The Subrecipient shall submit a Progress and Final Performance Report to KHRC within 30 days of the end of the grant performance period describing all activities and services provided with the ESG funds, including the number of participants, any comments or feedback from the participants, the Subrecipient's progress toward the activities' objectives, any challenges and successes, and all other information and documentation that demonstrates the successful completion of the activities outlined in the Application.
 2. To the extent any grant funds are used to purchase any real or personal property, then Subrecipient shall submit an inventory of said property to KHRC with the final performance report required under Section IV(B)(1) of this Agreement. Said inventory shall be consistent with the requirements of the applicable OMB Circular.
- C. To the extent the Subrecipient is expending Federal awards in an amount that meets or exceeds the applicable OMB threshold during the Subrecipient's fiscal year, then the Subrecipient shall have a Single Audit conducted in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements. If a Single Audit is not required pursuant to this paragraph, then KHRC may require Subrecipient, in KHRC's sole discretion, to have an independent audit conducted in accordance with the provisions set forth below.
1. The Subrecipient shall permit KHRC and auditors to have access to records and financial statements as necessary to comply with the applicable OMB Circular.
 2. The Subrecipient shall insure that KHRC is made aware of the completion of any audit for all of Subrecipient's fiscal years that include activity supported by the award under this Agreement.
 3. If applicable, the Subrecipient shall adequately perform in accordance with its audit corrective action plan or management response.
 4. In the event that the Subrecipient fails to adequately perform its audit corrective action plan or management response, KHRC may apply sanctions and take steps to terminate funding under this Agreement, in KHRC's sole discretion.
 5. The Subrecipient shall reimburse KHRC for any questioned costs identified within any audit report, subject to negotiation.
- D. The obligations provided under this Section IV shall survive termination of this Agreement.

V. General Requirements of Subrecipient

- A. The Subrecipient shall perform and use all funds under this Agreement in a satisfactory manner as determined by KHRC, in KHRC's sole discretion, and in accordance with the Application and all applicable governing documents and law, including but not limited to, the following:
1. 42 U.S.C. 11371, *et seq.*, 24 CFR 576, and any guidance or notices issued by the U.S. Department of Housing and Urban Development regarding the same, as may be revised from time to time.
 2. Federal regulations governing the administration of grants under 24 CFR 85, as applicable, and all other Federal and State statutes, regulations, and policies regarding the administration of grants.
 3. U. S. Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (24 CFR 85), as applicable.
 4. The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 CFR 180.
 5. Governmentwide Requirements for Drug-Free Workplace, 24 CFR 2429.
 6. KHRC's ESG Handbook, as may be amended from time to time.
 7. The governing documents and law referenced in this paragraph are not meant to be exhaustive. Upon request from KHRC, the Subrecipient shall provide any and all documentation requested by KHRC, in KHRC's sole discretion, to demonstrate the Subrecipient's compliance with any applicable governing documents, or any Federal, state or local law that may impact this agreement or the Subrecipient.
- B. The Subrecipient shall be responsible for staying up to date on any changes, guidance, or other information released related to the operation of ESG funded programs. Additionally, Subrecipient shall attend all required training sessions, as designated by KHRC.
- C. Subrecipient shall abide by all Federal and State statutes and regulations prohibiting discrimination, including, but not limited to:
1. The Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and K.S.A. 1078 Supp. 44-1031 and Title VI of the Civil Rights Act of 1964, which prohibit discrimination against any employee, applicant for employment or client for services or other benefits because of race, religion, color, sex, age, handicap, national origin or ancestry;

2. The Fair Housing Act, Title VIII-IX of the Civil Rights Act of 1968 (42 U.S.C. § 3601, *et seq.*), which prohibits discrimination in housing on the basis of race, color, national origin, sex, familial status, or disability;
 3. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicap under any program or activity receiving or benefitting from Federal assistance;
 4. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 *et seq.*) and Treasury's implementing regulations at 31 CFR 23, which prohibit discrimination on the basis of age in programs or activities receiving Federal financial assistance; and
 5. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 *et seq.*), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
 6. 24 CFR 5.106, which ensures equal access to ESG funded activities in accordance with an individual's gender identity.
 7. The Subrecipient shall take reasonable steps to ensure that services provided under this Agreement provide meaningful access to persons with limited English proficiency.
- D. The Subrecipient is subject to and shall abide by the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104).
- E. The Subrecipient agrees to comply with the provisions of the Violence Against Women Act (VAWA) as applied by 24 CFR 576.409 and, as applicable, 24 CFR 5, Subpart L. The Subrecipient further acknowledges that, despite its name, VAWA provisions apply without regard to an individual's sex, gender identity, or sexual orientation.
- F. As provided in 24 CFR 576.406 and 24 CFR 5.109, the Subrecipient agrees and acknowledges that ESG funds shall not be used to support inherently religious activities, that the Subrecipient shall not discriminate against any program participant on the basis of religion or religious belief, and that ESG funds shall not be used for the rehabilitation of sanctuaries, chapels, or other rooms that are used as a principal place of worship.
- G. The Subrecipient hereby certifies that the Subrecipient, its principals, employees, and affiliates, are not, and have not been, debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs. The Subrecipient agrees to comply with 2 CFR 180, as well as 31 CFR 19, and must include a requirement to comply with these regulations in any lower tier covered

transaction it enters into. This certification is a material representation of fact relied upon by KHRC. If it is later determined that the Subrecipient did not comply with 2 CFR 180, in addition to remedies available to KHRC, the federal government may pursue available remedies, including but not limited to, suspension and/or debarment. The Subrecipient agrees to comply with the requirements of 2 CFR 180 throughout the period of this Agreement and to provide proof of registration in the System for Award Management at sam.gov to KHRC.

- H. Any purchase by the Subrecipient shall be subject to the requirements set forth in 2 CFR 200. To the greatest extent practicable, all equipment and products purchased with funds made available by this Agreement should be made in the United States.
- I. The Subrecipient certifies that its services do not use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system as described in Public Law 115-232, section 889, subsection (f), paragraph (1).
- I. The Subrecipient shall acknowledge support provided by the ESG and the Kansas Housing Resources Corporation in all publicity releases and materials published in connection with the award provided under this Agreement. The Subrecipient shall obtain KHRC's approval before using KHRC's logo.
- K. The Subrecipient certifies it is in compliance with Part C of Public Law 103-227, the "Pro-Children Act of 1994," 20 U.S.C. 7183, which prohibits smoking in any portion of any indoor facility owned or regularly used for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments. The Subrecipient shall require that the language of this certification be included in any subcontract related to this Agreement.
- L. The Subrecipient shall comply with 2 CFR 170, and the Subaward and Executive compensation reporting requirement of "the Transparency Act."
- M. The Subrecipient shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).
- N. The Subrecipient agrees and acknowledges that all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must comply with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR 5).
- O. If the Federal award meets the definition of "funding agreement" under 37 CFR 401.2(a) and the Subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the Subrecipient must comply with the requirements of 37 CFR 401.2(a) and any implementing regulations issued by the awarding agency.

- P. The Subrecipient shall not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. The Subrecipient shall require that the language of this certification be included in any subcontract related to this Agreement (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements). The Subrecipient, and any subcontractors, shall also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. The Subrecipient agrees and acknowledges that this certification is a material representation of fact relied upon by KHRC.
- Q. The Subrecipient agrees that ESG program funds, the provision of services under this Agreement, or the employment or assignment of personnel shall not be carried out in a manner supporting or resulting in the identification of such programs with any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office; any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or any voter registration activity.
- R. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. (24 CFR 576.407)
- S. The Subrecipient shall notify KHRC as soon as possible if this Agreement or any aspect related to the services provided under this Agreement raises an actual or potential conflict of interest. The Subrecipient shall explain the actual or potential conflict in writing in sufficient detail so that KHRC is able to assess such actual or potential conflict. The Subrecipient shall provide KHRC any additional information necessary for KHRC to fully assess and address such actual or potential conflict of interest. The Subrecipient shall accept any reasonable conflict mitigation strategy employed by KHRC.
- T. The Subrecipient shall comply with all other applicable provisions in effect for Federal awards.

VI. Responsibilities of KHRC

- A. KHRC shall be responsive to its role in the successful execution of ESG funded activities and shall provide the Subrecipient with a designated contact person at KHRC to assist with the implementation of this Agreement.
- B. KHRC may make monitoring visits to the Subrecipient, which may be conducted on-site, remotely, or both, in KHRC's discretion, and KHRC has the right to make inspections and evaluations of the Subrecipient at any time. KHRC, its representatives and/or representatives of the Federal government, will have the right to examine and photocopy all pertinent records, files, books, or other materials relating to this award and Agreement at any time. KHRC may exercise the rights under this paragraph in its discretion, and the Subrecipient agrees to cooperate as necessary with KHRC.
- C. KHRC will close-out the award when it determines that all applicable administrative actions and all required work of the award has been completed. The obligations and rights provided under this Section VI shall survive termination of this Agreement.

VII. Termination

- A. Either party may terminate this Agreement at any time without cause by providing 30-day written notice to the other party, which shall be effective at the end of said notice period.
- B. KHRC may immediately terminate this Agreement for cause by providing written notice to the Subrecipient. In such event, the termination shall be effective as of the date the notice is received by the Subrecipient. Cause shall include, but not be limited to, the following:
 - 1. The Subrecipient fails to fulfill any obligation or representation made under this Agreement, or any other agreement the Subrecipient has with KHRC;
 - 2. The Subrecipient fails to comply with any applicable Federal requirements, or any applicable state or local law, regulation, ordinance or requirement related to the ESG funds;
 - 3. The Subrecipient improperly uses any ESG funds;
 - 4. The dissolution or insolvency of the Subrecipient; or
 - 5. The suspension or termination of ESG funds.
- C. If by reason of force majeure it becomes inadvisable, commercially impracticable, illegal, or impossible for either party to carry out its obligations under this agreement, then said party shall not be deemed in breach of this Agreement, and the agreement shall not be subject to termination as provided in this Section, so long as the force majeure remains. The term "force majeure" as used herein shall

mean without limitation the following: acts of God, strikes, lockouts, or other industrial disturbances; acts of public enemies, order of restraints of any kind by the government of the United States of America or by the state wherein a party is located or by any of that state's departments, agencies, or officials, or any civil or military authority; insurrections; riots; landslide; earthquakes; fires; storms; droughts; floods; explosions; breakage or accident to machinery, transmission pipes or canals; or any other cause or event not reasonably within the control of the Subrecipient.

- D. In the event of termination, contract provisions apply until the final audit is completed by KHRC, except as provided otherwise in the Agreement. However, KHRC is not obligated to render payment for any costs incurred or services provided by Subrecipient after the date of termination.
- E. Should KHRC terminate this Agreement, the Subrecipient shall retain those rights as provided for in 42 U.S.C. 11371, *et seq.*

VIII. Miscellaneous Provisions

- A. The parties agree that the Subrecipient is acting only as an independent contractor. Nothing contained in the Agreement shall be construed as creating a partnership, joint venture, employment, or agency relationship between the parties as provided under Kansas law. Neither party shall have the power or right to bind or obligate the other party, nor shall it hold itself out as having such authority. Any provision in this Agreement that allows KHRC to direct the Subrecipient in its performance under this Agreement is solely for the purposes of compliance with local, state, and federal regulations.
- B. The Subrecipient agrees to hold KHRC and its employees, agents, and insurers, harmless from any claim, loss, or cause of action of any kind, and the Subrecipient agrees to indemnify KHRC, and its successors or assigns, against all claims, losses, liabilities, penalties, or causes of action of any kind resulting from the Subrecipient's actions or omissions, including any attorneys' fees and expenses incurred in the defense or investigation of any such claims. In no event shall KHRC be liable to the Subrecipient except as specifically provided in this Agreement. KHRC assumes no liability for damages caused to persons or property by reason of Subrecipient's performance under this Agreement. The provisions of this paragraph shall survive and shall not expire with the expiration or termination of this Agreement but will continue indefinitely.
- C. This Agreement contains the entire agreement between the parties and supersedes all prior written and/or oral agreements, discussions or negotiations. This Agreement may be altered or modified as follows:
 - 1. Any alterations, additions, or deletions from the terms of this Agreement that are required by Federal law or regulation are automatically incorporated into this Agreement and become effective on the date designated by the enabling legislation. KHRC shall notify the Subrecipient, in writing, of these changes as soon as they become known to KHRC.

2. Any other addition or alteration to this Agreement shall be made by amendment in writing and signed by both parties.
- D. This Agreement shall be binding on KHRC and the Subrecipient, and their respective successors and assigns. The Subrecipient shall not transfer or assign this Agreement without the prior written approval of KHRC, which may be withheld for any reason.
- E. Written notice to either party as required under this Agreement shall be given to the address listed on the first page of this Agreement, and shall be personally delivered or mailed, by prepaid, certified mail or overnight courier, or transmitted by facsimile or electronic mail. Any notice sent by a party will be deemed received by the other party on the day such notice is personally delivered, three (3) days after such notice is mailed by prepaid certified or registered mail, one (1) business day after such notice is sent by overnight courier, or the day such notice is faxed or sent electronically.
- F. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
- G. This Agreement shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this Agreement shall reside only in courts located in Shawnee County, Kansas.
- H. The Subrecipient and KHRC agree that each party shall be entitled to respectively exercise all administrative, contractual, or other remedies permitted by law to enforce compliance with the terms of this Agreement, except to the extent expressly prohibited by this Agreement.
- I. KHRC shall not be deemed to have waived any rights under this Agreement unless such waiver is given in writing and signed by KHRC. No delay or omission on the part of KHRC in exercising any right shall operate as a waiver of such right or any other right. A waiver by KHRC of a provision of this Agreement shall not constitute a waiver of KHRC's right otherwise to demand strict compliance with that provision or any other provision of this Agreement. No prior waiver by KHRC, nor any course of dealing between KHRC and the Subrecipient, shall constitute a waiver of any of KHRC's rights or of any of Subrecipient's obligations in the future. Whenever the consent of KHRC is required under this Agreement, KHRC's grant of such consent shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of KHRC.

- J. Pursuant to Executive Order 13043, 62 FR 19217, and Executive Order 13513, KHRC encourages Subrecipient to adopt and enforce on-the-job seat belt policies and programs, as well as policies that ban text messaging while driving and workplace safety policies to decrease accidents caused by distracted drivers.
- K. In the case of ambiguity or conflict, the following order of precedence shall govern: (1) ESG Enabling Legislation codified at 42 U.S.C. 11371, *et seq.*; (2) OMB Circulars, as applicable; (3) This Notice of Financial Award and Grant Agreement; and (4) the Kansas ESG Handbook.

The signatures herein are of officials authorized to sign documents for the Subrecipient and signifies the Subrecipient's intent to comply with conditions of this Agreement.

IN WITNESS WHEREOF, the parties hereto affix their signatures to this Agreement.

SUBRECIPIENT:

Name: _____
Title: _____

Date

KANSAS HOUSING RESOURCES CORPORATION:

Ryan Vincent, Executive Director

Date



Commission Action Report

CCLIP Resurfacing FY2024 Change Order No. 2

Title: CCLIP Resurfacing FY2024 US50 (Mechanic Street to East City Limits)
Change Order No. 2, Project No. PV2301

Agenda Date: November 1st, 2023

Presented By: James Ubert, City Engineer

Background:

The City of Emporia entered into a cost share agreement for CCLIP Resurfacing FY2024 on US-50 HWY from Mechanic Street to East City Limits in October 2021. This project has included milling, resurfacing, curb and gutter, and shoulder improvements.

Discussion:

Change Order No. 2 added road patching, curb and gutter, and pavement marking scope to the project due to changed field conditions during construction.

Financial considerations:

Change Order No. 2 will increase the contract from \$766,576.69 to \$793,960.31.

Recommended action:

Approve Change Order No. 2 in the amount of \$27,383.62.

Attachments:

Change Order No. 2 and Change Order No. 2 Summary.

CHANGE IN PLANS NO. 2
ON CONTRACT WITH APAC-KANSAS, INC., SHEARS DIVISION FOR THE
CONSTRUCTION OF CCLIP SURFACE PRESERVATION PROJECT NO. PV2301
(US-50 HIGHWAY (6TH AVENUE) FROM MECHANIC STREET TO EAST CITY LIMITS)
KDOT PROJECT NO. 56 U-2416-01 (FISCAL YEAR 2024)

Date: October 13, 2023

This change in plans, made in accordance with the provisions of Paragraph 9, GS-4, General Conditions under the above Contract, provides for a change in the contract total due to estimated quantities being different than the actual quantities used in the construction of the CCLIP Surface Preservation Project No. PV2301 (US-50 Highway (6th Avenue) from Mechanic Street to East City Limits). KDOT Project No. 56 U-2416-01 (Fiscal Year 2024)

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE IN FIGURES</u>	<u>TOTAL AMOUNT</u>
QUANTITIES DELETED:				
93.00	S.Y.	Milling and Grinding (1.5" Avg. Depth) @ Three Dollars and Forty-eight Cents (Lump Sum in Words)	\$3.48	\$323.64
73.81	Tons	HMA (Commercial Grade) (Class A) (1.5" Avg. Depth) @ One Hundred Nine Dollars and Fifteen Cents (Lump Sum in Words)	\$109.15	\$8,056.36
2.00	Ea.	Utility Adjustment (Concrete) (Manhole) (Sewer) @ One Thousand Three Hundred Eighty-eight Dollars and Eighty-nine Cents (Lump Sum in Words)	\$1,388.89	\$2,777.78
1.00	Ea.	Utility Adjustment (Concrete) (Valve Box) (Water) @ Six Hundred Sixty-six Dollars and Sixty-seven Cents (Lump Sum in Words)	\$666.67	\$666.67
3.00	Ea.	Utility Adjustment (Valve Box Riser) (Valve Box) (Water) @ Six Hundred Sixty-five Dollars and Thirty-three Cents (Lump Sum in Words)	\$665.33	\$1,995.99
Total Deleted:				\$13,820.44
QUANTITIES ADDED:				
135.00	S.Y.	Road Patching (10" Comm. Grade Class A) (Remove & Replace) @ Two Hundred Twenty-seven Dollars and Four-eight Cents (Lump Sum in Words)	\$227.48	\$30,709.80
39.00	S.Y.	Concrete Pavement (6" Reinforced) (AE) (Remove & Replace) @ One Hundred Forty Dollars and Zero Cents (Lump Sum in Words)	\$140.00	\$5,460.00

11.00	L.F.	Curb and Gutter (2'-6" Combined) (AE) (Remove and Replace) <u>@ One Hundred Dollars and Four Cents</u> (Lump Sum in Words)	\$100.04	\$1,100.44
2.00	Ea.	Pavement Marking (Int. Gr.) (White) (Railroad Crossing) <u>@ One Thousand One Hundred Eleven Dollars and Twelve Cents</u> (Lump Sum in Words)	\$1,111.12	\$2,222.24
60.00	L.F.	Pavement Marking (Multi-Component) (White) (6") <u>@ Two Dollars and Twenty-two Cents</u> (Lump Sum in Words)	\$2.22	\$133.20
6.00	L.F.	Pavement Marking (Multi-Component) (White) (8") <u>@ Three Dollars and Thirty-three Cents</u> (Lump Sum in Words)	\$3.33	\$19.98
30.00	L.F.	Pavement Marking (Multi-Component) (Yellow) (4") (Double) <u>@ Two Dollars and Seventy-eight Cents</u> (Lump Sum in Words)	\$2.78	\$83.40
59.00	Hr.	Flagger (Set Price) <u>@ Twenty-five Dollars and Zero Cents</u> (Lump Sum in Words)	\$25.00	\$1,475.00

Total Added: \$41,204.06

TOTAL ADDED TO THE PROJECT: **\$27,383.62**

CONTRACTOR: APAC-Kansas Inc. Shears Division Emporia Branch

BY: 
OWNER or AUTHORIZED REPRESENTATIVE

APPROVED BY: THE CITY OF EMPORIA, KS

BY: _____
MAYOR

Date: _____

Attest: _____
CITY CLERK

CCLIP Surface Preservation
US-50 Highway (from Mechanic Street to East City Limits)
PROJECT NO. PV2301
KDOT Project No. 56 U-2416-01 (Fiscal Year 2024)
EXPLANATION FOR CHANGE ORDER 2

During construction of the CCLIP Resurfacing Project US-50 Highway (Mechanic St. to East City Limits), Project No. PV2301, (KDOT Project No. 56 U-2416-01) (Fiscal Year 2024) changes and adjustment of quantities were made with additional changes deleted and added to the project. This Change Order results in an increase of the contract in the amount of \$27,383.62.

Quantities Deleted from the contract:

1. Milling and Grinding (1.5" Avg. Depth)-

This change represents an underrun of 93.00 S.Y. of milling. The north return at Peyton Street was deleted from the project due to installation of new water line to be installed within milling and overlay limits. The south return at Market Street was deleted from the project due to existing asphalt surface being in good condition. This item has a unit price of \$3.48 per S.Y. The total amount deducted from the original contract is **-\$323.64.**

2. HMA (Commercial Grade) (Class A) (1.5" Avg. Depth) –

This change represents an underrun of 73.81 Tons of asphalt. This item decreased due to design calculations being more than field condition placement. This item has a unit price of \$109.15 per Ton. The total amount deducted from the original contract is **-\$8,056.36.**

3. Utility Adjustment (Concrete) (Manhole) (Sewer) –

This change represents an underrun of 2 Ea. of manhole adjustments. The contractor was able to match asphalt to these existing manholes. This item has a unit price of \$1,388.89 Ea. The total amount deducted from the original contract is **-\$2,777.78.**

4. Utility Adjustment (Concrete) (Valve Box) (Water) –

This change represents an underrun of 1 Ea. The contractor was able to match asphalt to existing valve boxes. This item has a unit price of \$666.67 Ea. The total amount deducted from the original contract is **-\$666.67.**

5. Utility Adjustment (Valve Box Riser) (Valve Box) (Water) –

This change represents an underrun of materials used on the project of 3 Ea., due to the method of construction and field conditions encountered. This item has a unit price of \$665.33 Ea. The total amount deducted from the original contract is **-\$1,995.99.**

Quantities Added to the contract:

1. Road Patching (10" Comm. Grade Class A) (Remove & Replace) –
Additional patching was added to the project. During mark out of plan limits, it was determined in the field that extensive rutting and potholes had occurred between the timeline of design, bid letting and awarding the contract. The increase in the item Road Patching (10" Comm. Grade Class A) (Remove & Replace) was 135.00 S.Y., with a unit price of \$227.48 for a total amount added to contract of \$30,709.80.
2. Concrete Pavement (6" Reinforced) (AE) (Remove & Replace) –
Additional Concrete Pavement was removed and replaced at alleys to improve drainage. The additional Concrete Pavement increased the original quantity by 39.00 S.Y. with a unit price of \$140.00 for a total amount added to the contract of \$5,460.00.
3. Curb and Gutter (2'-6" Combined) (AE) (Remove & Replace) –
Additional Curb and Gutter was removed and replaced to improve drainage. The additional curb and gutter removed and replaced increased the original quantity by 11.00 L.F. with a unit price of \$100.04 for a total amount added to the contract of \$1,100.44.
4. Pavement Marking (Int. Gr.) (White) (Railroad Crossing)-
An error in plans and quantities was fixed for the installation of Railroad Crossings in each lane both directions. An additional 2.00 Ea. of Railroad Crossings at a unit price of \$1,111.12 for a total amount added to the contract of \$2,222.24.
5. Pavement Marking (Multi-Component) (White) (6") –
Field measurements of Pavement Marking over bridge were more than plan quantity for an additional 60.00 L.F. of 6" white pavement marking at a unit price of \$2.22 for a total amount added to the contract of \$133.20.
6. Pavement Marking (Multi-Component) (White) (8") –
Field measurements of Pavement Marking over bridge were more than plan quantity for an additional 6.00 L.F. of 8" white pavement marking at a unit price of \$3.33 for a total amount added to the contract of \$19.98.
7. Pavement Marking (Multi-Component) (Yellow) (4") (Double) –
Field measurements of Pavement Marking over bridge were more than plan quantity for an additional 30.00 L.F. of 4" double yellow pavement marking at a unit price of \$2.78 for a total amount added to the contract of \$83.40.
8. Flagger (Set Price)-
Flagger and Pilot Car were used at the east end of project from Corinth Street to the East City Limits during construction of Patching, Milling and Overlay. This increased the use of Flagger for 59 Hr., at a unit price of \$25.00, for a total amount added to the contract of \$1,475.00.



Commission Action Report

Informational Items

Title: Informational Items

Agenda Date: November 1, 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 15, 2023.

Commission Meeting :

- 2023 GO Bond Sale.

Study Session :

- Discuss Process of the new ERP.



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: November 1, 2022

Background:

AN EXECUTIVE SESSION FOR THE PRELIMINARY DISCUSSION OF THE ACQUISITION OF REAL PROPERTY. K.S.A. 75-4319(B)(6) IS THE AUTHORITY FOR THIS RECESS INTO THE EXECUTIVE SESSION.

Discussion:

N/A

Financial considerations:

No city funds are required.

Recommended action:

Recess into Executive Session for the preliminary discussion of the acquisition of real property for 15 minutes and to invite Tayler Wash, Special Projects Director; Jim Witt, Special Projects Coordinator; and Jim Ubert, City Engineer; and stating at which time the open meeting will resume.

Attachments:

None



EMPORIA ENTERPRISES, INC.

EMPORIA AREA CHAMBER OF COMMERCE

October 24, 2023

City of Emporia
Emporia City Commissioners
P.O. Box 928
Emporia, KS 66801

Dear Emporia City Commissioners:

Tyler Curtis's appointment to the Emporia Enterprises Board of Directors expires on December 31, 2023. Tyler is eligible for reappointment to the Emporia Enterprises Board of Directors. We would like to have a response from the city commission on their appointment to the Emporia Enterprises Board of Directors via a letter prior to the end of the year.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jeanine McKenna
Emporia Enterprises Secretary/Treasurer



October 24, 2023

City of Emporia
Trey Cocking
522 Mechanic Street
Emporia, KS 66801

Dear Emporia City Commissioners:

Effective December 31, 2023, Brad Kraft's appointment to the Regional Development Association of East Central Kansas (RDA) Board of Directors term will expire. Brad is eligible to serve an additional term. We would like to have a response from the city commission for their appointment to the RDA Board of Directors via a letter prior to the end of the year.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Jeanine McKenna
RDA Secretary

Title: Discuss Extension of Neighborhood Revitalization Area

Agenda Date: November 1, 2023

Presented By: Jim Witt and Tayler Wash, Special Projects

Background:

The Neighborhood Revitalization Program gives property owners within a designated area the opportunity to receive a rebate for ten (10) years on additional property taxes assessed as a result of property improvements or new construction.

Discussion:

Staff is looking for feedback from the commission as it relates to expanding the NRA to include areas and neighborhoods (emphasis on commercial areas near the NRA boundary) that could benefit from the rebate program.

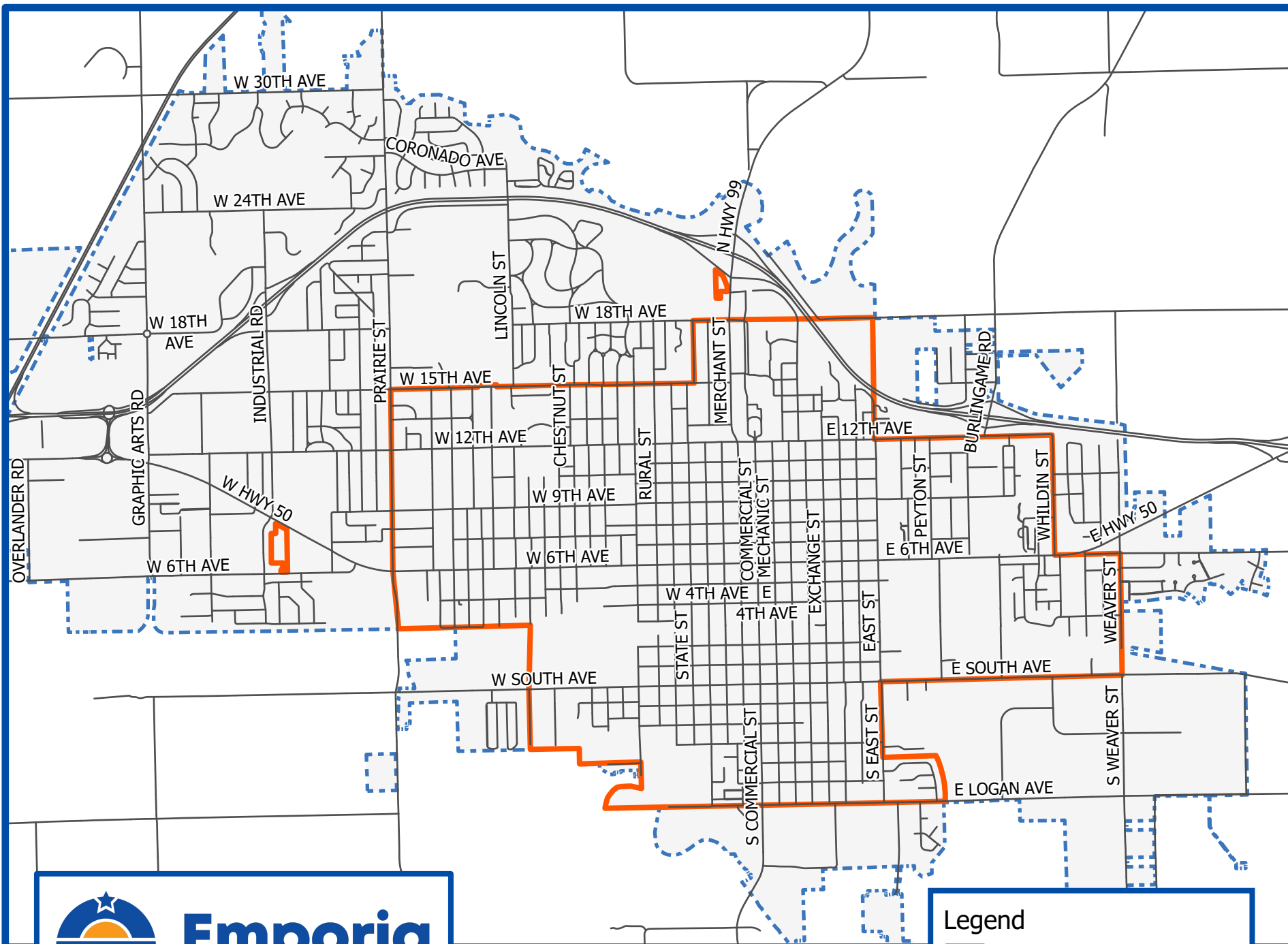
Financial Considerations:

N/A

Attachments:

NRP Target Area Map

NRP Brochure



Emporia
Kansas

DATA NOT SURVEY ACCURATE

August 30, 2023

Legend

-  Neighborhood Revitalization
-  Emporia City Limit

CITY OF EMPORIA

NEIGHBORHOOD REVITALIZATION PROGRAM

The program gives property owners within a designated area the opportunity to receive a rebate for ten (10) years on additional property taxes assessed as a result of property improvements or new construction.



CONTACT US



Jeff Lynch
Community Development Coordinator
(620) 343-4285



jlynch@emporiaks.gov



521 Market Street
P.O. Box 928
Emporia, Kansas 66801



www.emporiaks.gov



NEIGHBORHOOD REVITALIZATION PROGRAM

Property owners may be eligible to receive property tax rebate on newly constructed, renovated, or improved properties.



APPLY BEFORE YOU TRY

Applications are available at the City Community Development office and must be submitted within thirty (30) days of receipt of a building permit. There is a one-time, non-refundable application fee of \$25.00. This must accompany the application when it is submitted for approval.

CLASSIFICATION	REBATE PERIOD AND AMOUNT
SINGLE RESIDENTIAL	95% for 7 years 50% for 3 years
MULTI-FAMILY RESIDENTIAL	95% for 5 years 50% for 5 years
COMMERCIAL	80% for 3 years 65% for 3 years 50% for 4 years
HISTORIC-REGISTER PROPERTY	100% for 10 years

The Neighborhood Revitalization Program encourages new construction and rehabilitation of residential and commercial properties in the downtown, original town site areas.

Qualified improvements include new construction, rehabilitation and additions. The improvements must be a minimum investment of \$5,000 on single-family properties and \$10,000 on multi-family and commercial properties.

HOW DOES THE REBATE WORK?

It is a refund of the property taxes which would otherwise be paid on the actual value added to a property due to a qualified improvement. The rebate only applies to the additional taxes resulting from the increase in assessed value on the property due to the improvement. All taxes relating to the assessed value on the property will continue to be paid to the county and the rebate will be paid back to the property owner after all taxes are collected and disbursements are made.

