

CITY COMMISSION MEETING

December 2, 2020 at 1:30 PM

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS

Agenda

Meeting Items

1. Members Present:
2. Consent Agenda
3. Public Comment
4. Recognition of the City of Emporia Finance Department for the CAFR Award
5. Request for Approval of Resolution for Official Boundary List
6. Consider Approval of Memorandum of Understanding with Evergy
7. Consider Purchase of Asset Management Software
8. Report from City Manager on Activities
9. City Commission Reports and Comments
10. Executive Session



**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact City of Emporia Jeff Lynch, ADA Coordinator at least 48 hours before the event at 620-343-4285 or jlynch@emporia-kansas.gov*

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: Consent Agenda

SUBJECT:

Consent agenda:

The items listed on the Consent Agenda are considered by the Governing Body to be routine business items. Approval of the items may be made by a single motion, second and majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, at his/her request, it will be removed from the Consent Agenda and considered separately.

- a. Consider minutes of the Regular Meeting held on November 18, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on November 20, 2020.
- c. Consider Approval of City of Emporia Charge Offs.

RECOMMENDATION:

- a. Approve Minutes
- b. Approve Payroll
- c. Approve Charge Off

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: 2c

SUBJECT: Consider Approving City of Emporia Charge Offs.

RECOMMENDATION: Approve Charge Offs

BACKGROUND SUMMARY Each year the City of Emporia charges off open delinquent accounts that staff has been unable to collect through their aggressive collection efforts. (Details for each item are included in separate attachment.)

Ambulance Services:

	Billed	Charge-Off	Percent
2007	\$151,082.00	\$151,549.17	10.03%
2008	\$1,532,950.00	\$111,959.97	7.30%
2009	\$1,618,159.40	\$96,511.73	5.96%
2010	\$1,731,446.76	\$140,292.20	8.10%
2011	\$1,628,854.83	\$140,549.84	8.62%
2012	\$1,659,825.66	\$141,620.75	8.53%
2013	\$1,656,583.83	\$140,383.37	8.47%
2014	\$1,677,207.82	\$176,532.87	10.52%
2015	\$1,845,394.61	\$273,455.99	14.81%
2016	\$1,897,585.89	\$266,658.35	14.05%
2017	\$2,112,650.62	\$198,507.65	9.40%
2018	\$2,285,029.28	\$297,982.61	13.04%

Accounting:

	Accounts Receivable	Claim Warrant checks	Petty Cash Checks	Payroll Check
2008	\$13,099.94 (16 items)	\$570.00 (12 items)	\$160.28 (6 items)	\$0.00
2009	\$4,890.47 (7 items)	\$608.96 (6 items)	\$26.78 (2 items)	\$0.00
2010	\$830.63 (5 items)	\$518.00 (5 items)	\$124.26 (2 items)	\$4.90 (1 item)
2011	\$13,141.29 (7 items)	\$1,350.91 (8 items)	\$82.01 (5 items)	\$0.00
2012	\$3,620.32 (6 items)	\$362.35 (13 items)	\$0.00	\$0.00
2013	\$2,252.29 (7 items)	\$1,118.04 (16 items)	\$124.33 (3 items)	\$2.82 (1 item)
2014	\$13,888.25 (18 items)	\$1,390.74 (21 items)	\$0.00	\$30.41 (2 items)
2015	\$4,42.09 (12 items)	\$565.98 (11 items)	\$0.00	\$0.07 (1 item)
2016	\$1,938.60 (9 items)	\$2,766.78 (15 items)	\$0.00	\$5.65 (1 item)
2017	\$5,866.51 (11 items)	\$467.82 (11 items)	\$0.00	\$81.22 (1 item)
2018	\$11,545.92 (8 items)	\$2,408.38 (7 items)	\$0.00	\$753.88 (2 items)

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
 GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

Utility Charge-Off's (2018)

	Water	Sewer	Refuse	Total
Billed	\$ 5,337,647.63	\$ 4,365,713.81	\$ 2,719,879.76	\$ 12,423,241.20
Chargeoff	\$ 16,060.87	\$ 12,959.48	\$ 7,988.37	\$ 37,008.72
Percent	0.3009%	0.2968%	0.2937%	0.2979%

2018 Returned Uncollected Checks:

2008	0.4797%
2009	3.7014%
2010	2.0496%
2011	0.0170%
2012	0.0451%
2013	0.0389%
2014	0.1537%
2015	0.0598%
2016	0.2356%
2017	0.0025%
2018	0.2890%

Balance due on each returned checks (uncollected) \$10.00

Total Returned for Water Payment	\$12,630.14
Total Returned for Other Departments	\$1,912.00
Total Returned Checks	\$14,542.14

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: 3

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

Citizen Appearance Procedures

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinions shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: 4

SUBJECT: Recognize the Finance Department Staff for Certificate of Achievement in Financial Reporting (CAFR).

RECOMMENDATION: Recognize the Finance Department

BACKGROUND SUMMARY:

This is the thirty-fourth year (1985-2018) in a row that the Government Finance Officers Association of the U.S. and Canada have awarded their Certificate of Achievement for Excellence in Financial Reporting to the City of Emporia. This award is for the financial report ending December 31, 2018. In order to receive the award, the governmental unit must publish a financial report that is easy to read, efficiently organized, comprehensive and whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements.

Members of the Finance Department for the City of Emporia are:

Janet Harrouff, Director of Administrative Services
Tammy Hopper, Accounting Clerk
Chelsea Tyson, Accounting Clerk

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: 5

SUBJECT: Request for Approval of Resolution for Official Boundary List.

RECOMMENDATION: Accept Resolution

BACKGROUND SUMMARY:

Annexed area: 7.4 Acres

Current City Area: 7771.35 Acres or 12.14 Square Miles

Attached is the map and the Resolution

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

RESOLUTION NUMBER _____

A RESOLUTION DESIGNATING THE BOUNDARY OF THE CITY OF EMPORIA, KANSAS; REPEALING RESOLUTION NUMBER 3624.

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

SECTION 1. The boundary of the City of Emporia, Kansas, shall be as hereinafter designated, to wit:

Beginning at a point on the South line of Section 15, Township 19 South, Range 11 East of the 6th P.M., in Lyon County, Kansas, said point being the intersection of the center line of the Cottonwood River and the said South line of Section 15; thence West on the South line of the Southwest Quarter of Section 15, Township 19S, Range 11E to the Southwest corner of Section 15, and the Southeast corner of Section 16; thence West on the South line of Section 16 to the present low water mark on the West bank of the Cottonwood River; thence in a Northeasterly and Easterly direction following the low water mark on the North and West bank of said Cottonwood River to the East line of Section 16, to a point 2215 feet, more or less, South of the Northeast corner of the Southeast Quarter of Section 16; thence North 313 feet more or less along the East line of Section 16; thence West 140 feet; thence North 65 feet; thence East 125 feet; thence North 71.91 feet; thence S88°34'59"W 425 feet; thence S01°01'50"E 30 feet; S88°34'59"W 140 feet; thence S01°01'50"E 40 feet; thence S88°34'59"W 105 feet; thence N57°40'13"W 257.41 feet; thence N01°01'50"W 107 feet; thence West on a line parallel to the North line of said Quarter 420 feet; thence North 330 feet; thence West on a line parallel to the North line of the Southeast Quarter, Section 16, Township 19S, Range 11E to the Southeast corner of Skinner's Addition, said corner being a point in the South line of the North Half of the Southeast Quarter of Section 16; thence West on said line to the Southwest corner of Stannard's Addition; thence continuing West on the South line of the North Half of the South Half of Section 16, Township 19S, Range 11E, to the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 16; thence North along the West line of said Quarter Quarter to a point 230 feet South of the Northwest corner of the Northeast Quarter of the Southwest Quarter of Section 16; thence West on a line 230 feet South of and parallel to the North line of the Southwest Quarter of said Section 16 1020.91 feet; thence S00°03'57"W (West line of said Southwest Quarter assumed North) a distance of 444.56 feet; thence S89°14'33"W a distance of 74.61 feet; thence South on a line 230 feet East of and parallel to the West line of said Quarter 121.55 feet; thence West on a line parallel to the North line of said Quarter 200 feet, said point being the East right-of-way line of Prairie Street; thence North on said East line 295 feet, said point being 500 feet South of and 30 feet East of the Northwest corner of said Southwest Quarter of Section 16; thence Northeasterly to a point 425 feet South of and 50 feet East of said Northwest corner; thence Northerly to a point 200 feet South of and 60 feet East of said Northwest corner; thence North 70 feet to a point 130 feet South of and 60 feet East of said Northwest corner; thence Northeasterly 57 feet to a point 75 feet East of and 75 feet South of the Northwest corner of the Southwest Quarter; thence North to a point 75 feet East of and 75 feet North of the Southwest corner of the Northwest Quarter of Section 16; thence S89°59'55"E 345 feet; thence Northwesterly 124.64 feet along an arc with a radius of 260.99 feet and a chord of 123.46 feet bearing N16°19'03"W; thence N29°59'55"W 163.62 feet; thence Northerly 63.34 feet along an arc with a radius of 120.99 feet and a chord of 62.62 feet bearing N15°00'05"W; thence N00°00'15"W 183.42 feet; thence Northwesterly 135.58 feet along an arc with a radius of 165.49 feet and a chord of 131.82 feet bearing N23°28'33"W; thence S89°59'55"E 1094.16 feet to the East line of the Southwest Quarter of said Northwest Quarter of Section 16; thence North on the said Quarter Quarter section line to the North line of the Atchison, Topeka, and Santa Fe Railway Company right-of-way; thence West 1.25 miles on the North line of the Atchison, Topeka, and Santa Fe Railway Company right-of-way to a point approximately 254 feet East of the West line of Section 17, Township 19S, Range 11E; thence in a Northwesterly direction along a 269.9 feet radius to a point 971.3 feet South and 60 feet East of the Northwest corner of the Northwest Quarter of said Section 17; thence North to a point 727.4 feet South and 60 feet East of said Northwest corner; thence Northerly 100 feet to a point 629 feet South and 78 feet East of said Northwest corner; thence North 596 feet to a point on the South road right-of-way line

of West 6th Avenue, said point being 33 feet South and 78 feet East of the Northwest corner of Section 17, said corner also being the Northeast corner of Section 18; thence Westerly along said South road right-of-way line to the intersection with the West Railroad right-of-way line of the BNSF North spur; thence Southerly along said Railroad spur right-of-way line to the North right-of-way line of the BNSF Railroad main East-West line; thence Westerly along said North Railroad main line right-of-way to the intersection with the West line of the Northeast Quarter of the Northeast Quarter of Section 18; thence Northerly along said West line to the South road right-of-way line of West 6th Avenue, said road right-of-way line being 33 feet South of the North line of the Northeast Quarter of Section 18; thence Westerly along said South road right-of-way line 103 feet; thence S00°35'15"W 1128.03 feet to the North right-of-way line of the BNSF Railroad; thence Westerly along said North Railroad right-of-way 400 feet; thence N00°35'15"E 1119.55 feet to the South road right-of-way line of West 6th Avenue; thence Westerly along said South road right-of-way line to the intersection with the West line of the Northeast Quarter of Section 18; thence continuing West into the Northwest Quarter of Section 18 to a point 33 feet South and 30 feet West of the Northwest corner of said Northeast Quarter; thence Northerly 693 feet along a line 30 feet West of and parallel to the East line of the Southwest Quarter of Section 7; thence S89°17'26"W 690 feet; thence S00°41'59"W 660 feet; thence S89°17'26"W 555.80 feet to the Southwest corner of the East Half Southwest Quarter; thence N01°02'56"E 1309.33 feet; thence N01°51'55"E on said West line 658 feet; thence N89°24'37"W 117.06 feet to the Southeast right-of-way line of the Kansas Turnpike Authority; thence N29°49'39"E along said Kansas Turnpike Authority right-of-way line 450.7 feet; thence N07°55'46"E 208.5 feet to the South right-of-way line of US Highway 50; thence S89°30'00"E to the Southeast right-of-way line of the Kansas Turnpike Authority; thence Northeasterly along said Southeast right-of-way line of the Kansas Turnpike Authority to the South right-of-way line of 18th Avenue thence S89°11'27"W 99.0 feet; thence N29°03'22"E 69.19 feet; thence N89°11'27"E 99.0 feet to the East Kansas Turnpike Authority right-of-way; thence Northeasterly 1.15 miles along said Kansas Turnpike Authority East right-of-way line to its intersection with a line 30 feet North of the South line of Section 32, Township 18 South, Range 11E; thence East along the right-of-way line of 30th Avenue to a point 1371.51 feet East of and 30 feet North of the Southwest corner of said section 32; thence N01°32'09"E for a distance of 890.11 feet to the Kansas Turnpike right-of-way; thence Northeasterly along the East right-of-way of the Kansas Turnpike for a distance of 549.09 feet; thence; thence S01°31'38"E for a distance of 1277.38 feet; thence East on a line 30 feet North of and parallel to the said South line of said Section 32 to a point 17 feet East of the Southwest corner of the Southeast Quarter of said section; thence N00°07'45"W and parallel to the West line of said Quarter section 915 feet; thence S89°52'15"W for a distance of 20 feet; thence N15°34'18"W for a distance of 187.78 feet; thence N00°07'45"W for distance of 182 feet; thence N89°52'15"E for a distance of 70 feet; thence N00°07'45"W for a distance of 22 feet; thence N34°22'15"E 122 feet; thence N05°07'45"W 86 feet; thence N36°07'45"W 103.75 feet; thence N00°11'52"W 520.96 feet to the Kansas Turnpike Authority right-of-way; thence N45°08'35"E along said right-of-way 191.24 feet; thence S15°32'45"E 313.99 feet; thence S44°17'23"E 560.78 feet; thence S89°34'38"W 163 feet; thence S01°07'33"E 1517.66 feet to a point on the North line of 30th Avenue, said point being 30 feet North of and 490.42 feet East of the Southwest corner of the Southeast Quarter of Section 32; thence East 1358.5 feet on a line 30 feet North of and parallel to the said South line to a point 789.8 feet West of the East line of Section 32; thence N01°03'52"W 284.01 feet; thence N01°50'16"E 120.0 feet; thence N07°27'09"E 123.0 feet; thence N01°02'00"E 44.0 feet; thence S87°42'40"W 50.0 feet; thence N10°58'58"W 82.0 feet; thence N16°20'20"W 107.0 feet; thence N88°22'00"E 355.60 feet; thence North on a line parallel to the East line of said section to the center of the channel of the Neosho River; thence meandering along the center of said channel of said River and in a Northerly direction to a point on the North line of the Southeast Quarter of the Southeast Quarter of said section; thence East along said North line to a point 30 feet West of the Northeast corner of said Quarter; thence South along a line 30 feet West of and parallel to the East line of said section, to a point 400 feet North of the South line of said section; thence West on a line parallel to the South line of said section 270 feet; thence South on a line 300 feet West of and parallel to the East line of said section 370 feet; thence East 270 feet to a point 30 feet West of the East line of said Section 32; thence North 300 feet; thence East 30 feet to the East line of said section 32, the same being the West line of Section 33; thence East 279.63 feet; thence S00°26'36"E for a distance of 300 feet to the South line of said section

33, the same being the North line of Section 4, Township 19S, Range 11E; thence S89°16'28"E 45.37 feet; thence S29°26'38"E 357.37 feet; thence S89°16'28"E 91.43 feet; thence N10°43'30"E 28.93 feet; thence N58°06'00"E 253.67 feet; thence S89°16'28"E 408.1 feet; thence S68°26'00"E 575.25 feet; thence S00°27'48"W 387.74 feet; thence S50°00'00"E 110.22 feet; thence S89°16'28"E 300 feet; thence S50°00'00"E 68.3 feet; thence S89°16'28"E 86.7 feet; thence N00°27'48"E to the center of the Neosho River; thence continuing down the center of the Neosho River in all its meanderings to a point 1180 feet North of and 920 feet West of the Southeast corner of the Northeast Quarter of Section 4; thence in a Southeasterly direction approximately 570 feet to a point in the center of the Neosho River located 900 feet North of and 450 feet West of the Southeast corner of the Northeast Quarter of Section 4; thence following downstream along the center of the Neosho River to a point on the East line of said section, said point being 140 feet more or less South of the Northeast corner of the Southeast Quarter of said Section 4, said East line being the same as the West line of the Southwest Quarter of Section 3, Township 19 South, Range 11 East said point being 2478 feet North of the Southwest corner of said Quarter Section, said West line having an assumed bearing of S1°19'W; thence down the center of the Neosho River to a point 485.1 feet East and 293.7 feet South of the Northwest corner of said Quarter Section; thence on an assumed bearing of N40°35'E 162.1 feet to a point 587.7 feet East and 168.2 feet South of said Northwest corner; thence S71°40'E 572 feet; thence on a curve of 487.28 feet, radius to the left an arc distance of 489 feet with a chord which bears N79°35'E 468.8 feet; thence N50°50'E 99.2 feet; thence S29°10'E to the center of the Neosho River; thence down the center of said river to a point on the North line of the Southwest Quarter, said point being 571 feet more or less from the Northeast corner of the Southwest Quarter of said Section 3; thence continuing down the center of said river in the Northwest Quarter of Section 3 to a point on the East line of the Northwest Quarter, said point being 377 feet more or less North of the Southeast corner of the Northwest Quarter of said Section 3; thence continuing down the center of the Neosho River into the Northeast Quarter of said Section 3 to a point on the South line of said Northeast Quarter; thence continuing down the river as acquired in Lyon County District Court Condemnation Case No. 22795 and Case No. 22582 in the Southeast Quarter of said Section 3 to the West line of said Quarter Section 3; thence S35°27'E 805 feet more or less to the center of the original channel of the Neosho river; thence along the center of the original channel of the Neosho river, on a curve to the left having a radius of 559.07 feet with a chord that bears N60°44'39"E for an arc distance of 150.72 feet; thence continuing along the center of the original channel of the Neosho river, N42°27'29"E for a distance of 97.73 feet; thence continuing along the center of the original channel of the Neosho river, on a curve to the right having a radius of 238.44 feet with a chord that bears S89°05'26"E for an arc distance of 260.32 feet; thence continuing along the center of the original channel of the Neosho river, S55°12'59"E for 84.21 feet; thence continuing along the center of the original channel of the Neosho river, on a curve to the right having a radius of 475.41 feet with a chord that bears S36°20'39"E for an arc distance of 261.39 feet, more or less, to the center of the existing channel of the Neosho river; thence down the center of the existing channel of the Neosho river to the north line of the Southeast quarter of said Section 3; thence N88°50'14"E along the north line of said SE¼ for a distance of 358 feet, more or less, to the Northeast corner of said SE¼; thence S01°32'08"E along the East line of said SE¼ for a distance of 791 feet, more or less, to the center of the existing channel of the Neosho river; thence southerly along the center of the existing channel of the Neosho river to a point on the east line of said SE¼, said point being 743 feet, more or less, north of the Southeast corner of the SE¼ of said Section 3; thence S01°32'08"E along the east line of said SE¼ for a distance of 743 feet, more or less, to Southeast corner of said Section 3 being the same as the Northwest corner of the Northwest Quarter of Section 11; thence East to a point 1321.45 feet West of the East line of said Northwest Quarter; thence South to the North line of the South Half of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of said Section 11; thence East 659 feet, more or less, to the center line of Whittier Street; thence continuing East 30 to the Northwest corner of Lot 14, Goodrich Subdivision; thence continuing East along the North line of said Lot 14 to the Northeast corner; thence South along the East line to the Southeast corner of said lot; thence West along the South line to the Southwest corner of said lot; thence South to the Northwest corner of Sunflower Meadows Addition; thence Easterly to a point located S00°18'40"E 826.49 feet from the Northeast corner of the Northwest Quarter of Section 11; thence N89°06'36"E 1863.63 feet; thence S00°26'40"E 350 feet; thence

S46°06'00"W 650 feet; thence N36°44'46"W 870.18 feet; thence S89°06'36"W to the East line of the Burlingame Road right of way approximately 830.85 feet; thence South along the East right of way line of Burlingame Road, said line being that acquired in Lyon County District Court Condemnation Case No. 22795 and Case No. 25582 (I-35 Highway Bypass); thence continuing along the North right of way of said I-35 Highway Bypass to a point 1640 feet North of the Southwest corner of Northeast Quarter of said Section 11; thence S88°50'E 40 feet; thence S1°10'E 862 feet; thence S68°57'E 938.6 feet; thence S80°57'E 940.3 feet to the Northerly right-of-way of the ATSF Railway; thence continuing Southeasterly to a point on the Southerly right-of-way line of the ATSF Railway; thence S80°57'E 577 feet more or less to a point 188.6 feet North of the Southwest corner of the Northwest Quarter of said Section 12, said West line having an assumed bearing of N1°1'E; thence North along said West line 27.7 feet to a point 216.5 feet North of said Southwest corner of said Northwest Quarter of Section 12; thence S73°03'E 176.92 feet to a point 170 feet East of said West line of said Section 12; thence South parallel with the said West line 349.32 feet to a point in the Southwest Quarter of said Section 12, said point being 170 feet East and 181.84 feet more or less South of the Northwest corner of said Southwest Quarter of said Section 12; thence South on a line parallel to and 150 feet East of the East line of Weaver Street, to a point 726 feet North of the South line of Section 12; thence East to a point 330 feet East of the West line of said Section 12; thence North 264 feet; thence East 20 feet; thence North 330 feet; thence East 640 feet; thence South on a line 990 feet East of and parallel to the West line of said Section 12 to a point 990 feet East of and 371 feet North of the Southwest corner of said section; thence East 330 feet; thence North parallel with the East line of said Southwest Quarter of said Section 12 a distance of 563.8 feet to the South line of 50 Highway; thence Northeasterly along the South line of the Highway 50 right-of-way to a point 670.85 feet West of the East line of said Southwest Quarter of said Section 12; thence South parallel with the East line of said Southwest Quarter of said Section 12 to a point on the North right-of-way line of E. 6th Avenue, said point being 670.85 feet West of the Southeast corner of the Southwest Quarter of said Section 12; thence East on the North line of 6th Avenue to a point 400 feet East of the West line of the Southeast Quarter of said Section 12; thence South 33 feet to the South line of said Southeast Quarter; the same being the North line of the Northeast Quarter of Section 13; thence South 50 feet; thence using state plane coordinates N89°04'28"E, parallel to and 50 feet South of the North line of Northeast Quarter of Section 13 135 feet; thence S07°38'00"W 319.04 feet; thence S55°04'20"W 62.3 feet; thence S19°58'08"W 134.49 feet; thence S75°53'58"E 178.05 feet; thence S06°36'45"E 144.47 feet; thence S12°40'48"W 228.56 feet; thence N63°10'24"W 210 feet; thence N82°35'06"W 150.68 feet; thence N72°37'51"W 60.87 feet; thence N82°05'19"W 126.65 feet to a point on the West line of the Northeast Quarter of Section 13, said point being S01°07'32"E based on State Plane coordinates 779.83 feet from the Northwest corner of the Northeast Quarter of Section 13; thence N01°07'32"W 167.81 feet; thence S33°48'40"W, using bearings from Belmont Mobile Home Park layout 215.86 feet; thence S51°31'53"W 180.6 feet; thence N45°00'00"W 157.5 feet; thence N51°47'53"W 192.84 feet; thence S84°27'55"W 126.34 feet; thence N52°24'24"W 46.1 feet; thence S71°17'21"W 119.81 feet; thence S10°17'59"W 285.67 feet; thence S06°21'37"E 41.41 feet; thence S58°52'23"W of 139.41 feet; thence on a curve to the left with a radius of 593.39 feet, an arc distance of 297.77 feet, chord being N45°30'08"W 294.65 feet; thence S30°07'18"W 163.39 feet; thence on a curve to the left having a radius of 430 feet and an arc distance of 276.96 feet, the chord being N78°19'50"W 272.2 feet; thence S83°27'35"W 600 feet; thence S89°18'42"W 480 feet to a point on the East line of Weaver Street; thence South 200 feet to a point 1264.35 feet South of and 25 feet East of the Northwest corner of the Northwest Quarter of section 13; thence East at right angles 835 feet; thence South at right angles to the North line of the Atchison, Topeka, and Santa Fe Railway; thence Northwesterly along said right-of-way line to a point 300 feet East of the West line of Weaver Street right-of-way; thence South to the South line of said Railway right-of-way; thence Southeasterly 0.5 mile along said right-of-way line to the East line of Sacred Heart Cemetery Road (Road M5); thence South along the East right of way line of said Road M5 (being 20 feet East of the Quarter Section line of said Section 13 to a point 20 feet East and 25 feet South of the Southeast corner of Southwest Quarter of said Section 13; thence West on a line parallel to and 25 feet South of the South line of said section 13, the same being the North line of Section 24, Township 19S, Range 11E 807.71 feet; thence S00°49'13"E a distance of 609 feet; thence S23°29'08"E a distance of 107.19 feet; thence S37°20'48"E a distance of 885.93 feet; thence

N89°10'47"E a distance of 199.31 feet; thence S00°49'13"E a distance of 120 feet; thence S89°10'47"W a distance of 211.36 feet; thence N00°49'13"W a distance of 111.07 feet; thence N37°20'48"W a distance of 885.93 feet; thence N23°07'51"W a distance of 116.57 feet; thence N00°49'13"W (assumed bearing) 609 feet to the South right of way of Logan Avenue; thence West on a line parallel to and 25 feet South of the North line of said section 14 to the Northeast corner of Lot 1 Barnhart Acres Subdivision; thence South 530.4 feet along the Wanamaka Road West road right-of-way line; thence West along the North line of Lot 2 in Barnhart Acres Subdivision 593.82 feet to the Weaver Street East road right-of-way line; thence North 530 feet along the Weaver Street East road right-of-way line to the South right-of-way line of Logan Avenue; thence West 1114 feet along the said South right-of-way line; thence South 235 feet; thence West 206 feet; thence South 235 feet; thence West 990 feet; thence North 470 feet; thence West along the South right-of-way line to a point 100 feet East and 50 feet South of the Southeast corner of Lot 1 of Brown Addition to the City of Emporia; thence South 20 feet; thence West 100 feet; thence South 1000 feet along the West line of the Kansas City and Emporia Railroad right-of-way to a point 996.28 feet South of the North line of Section 23; thence S39°51'49"W 451.59 feet; thence S00°00'58"W 230 feet; thence S69°53'45"W 227.69 feet; thence N44°59'02"W 214.41 feet; thence N00°00'58"E to a point 1410.75 feet South of the North line of Section 23; thence West on a line 1410.75 feet South of and parallel to the North line of Section 23 to a point 312.11 feet East of the West line of said Section; thence S04°45'00"W 516 feet; thence S17°52'00"W 53.18 feet; thence S25°52'00"W 39.33 feet; thence S33°07'00"W 8.68 feet to a point 2018.25 feet South of the North line of said section; thence East 92.18 feet; thence South parallel to the West line of said section 1050 feet; thence East 233 feet; thence S30°00'00"E 245 feet; thence S10°30'00"E 250 feet, more or less, to the center of the Cottonwood River; thence up the center of said River approximately 725 feet to a point on the West line of Section 23, the same being the East line of Section 22; thence North along section line approximately 550 feet to a point 2918.25 feet South of the Northeast corner of Section 22; thence West 130 feet parallel to the North line of said Section 22, and North 120 feet; thence West 376.75 feet; thence North 773.56 feet parallel to the East section line of said Section 22; thence East 114.03 feet; thence North 100 feet; thence East 400 feet to a point on the East section line of Section 22 and the West section line of Section 23, being 1918.25 feet South of the Northeast corner of Section 22 and the Northwest corner of Section 23; thence South along said section line 100 feet to a point 2018.25 feet South of the Northwest corner of Section 23; thence East 159.48 feet; thence N33°07'00"E 43.87 feet; thence N25°52'00"E 31.35 feet; thence N17°52'00"E 42.14 feet; thence N04°45'00"E 504.17 feet to a point 1410.75 feet South of and 251.91 feet East of the Northwest corner of Section 23; thence West along a line 1410.75 feet South of and parallel to the North line of said Section 251.91 feet to the West line of Section 23, the same being the East line of Section 22; thence continuing West 0.25 mile on a line being 1410.75 feet South of and parallel to the North line of Section 22 to a point 450 feet East of and 92 feet South of the Northeast corner of the tract of land known as "Soden Grove"; thence South 450 feet; thence West 450 feet, to the East line of Soden's Grove; thence South along the East line of said tract 984.25 feet to the Southeast corner of said tract; thence West along the South line of said tract 189.42 feet to a corner; thence South along the East line of said tract to the center of the Cottonwood River; thence in a Northwesterly direction following the center line of said river 1859 feet, more or less, to a point 33 feet downstream from a point the center of said river immediately beneath the longitudinal center line of the concrete arch bridge across the river and commonly known as "Soden Bridge"; thence N63°30'00"E to the East bank of said Cottonwood River; thence continuing in a general Northeasterly direction on a line parallel to and 33 feet from the longitudinal center line of the Soden's Bridge pavement to a point 280.5 feet West of the East line of the Northwest Quarter of Section 22; thence Northwesterly along the K-99 Highway right-of-way to a point; thence N25°45'00"W 125.6 feet; thence S44°45'00"W 17 feet; thence N39°09'00"W 283 feet; thence N21°40'00"W 153 feet; thence West on a line parallel to and 1056 feet South of the North line of the Northwest Quarter of Section 22, to the center of the Cottonwood River; thence in a general Northerly and Westerly direction up the center of the Cottonwood River to a point on the North line of said Northwest Quarter of Section 22, the same being the South line of the Southwest Quarter of Section 15, and the place of beginning.

ALSO

Lot 1 through 4 of Read McClasky's Subdivision.

ALSO

A tract of land lying in the fractional South Half of Section 6, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas; being more particularly described as follows:

Commencing at the Southeast corner of the fractional Southwest Quarter of said section 6; thence on an assumed bearing of S90°00'00"W along the South line of said fractional Southwest Quarter for a distance of 386.01 feet to the point of beginning; thence continuing along said South line S90°00'00"W for a distance of 681.83 feet; thence N01°57'57"E for a distance of 1989.04 feet; thence S89°12'24"E for a distance of 1033 feet to the East line of the fractional Southwest Quarter of said section; thence continuing S89°12'24"E for a distance of 1242.79 feet to the Westerly right-of-way line of the Kansas Turnpike, said point being 150 feet Northwesterly at right angles to Centerline Station 9310+83.40 of said turnpike; thence S30°06'36"W along the Westerly right-of-way of the Kansas Turnpike for a distance of 2178.65 feet to the Northeast corner of Tract 20-1D as acquired by the Kansas Turnpike through District Court case 23521 and 23563; thence S85°48'36"W along the Northerly line of said tract 20-1D for a distance of 570.56 feet to a point which is 30 feet North of the South line of the fractional Southwest Quarter of said Section 6; thence S0°00'00"E for a distance of 30 feet to the point of beginning, said tract contains 78.08 acres, exclusive of 0.39 acres of right-of-way for road purposes on all that part of said tract lying West of tract 20-1D as acquired by the Kansas Turnpike Authority.

EXCEPTING that portion taken for road right-of-way purposes.

ALSO

A tract of land located in Section 7, Township 19 South, Range 11 East of the 6th P.M., in Lyon County, Kansas, more particularly described as follows:

From the North Quarter corner of said Section 7; thence Westerly on the North line of said Section 7 on an assumed bearing of N90°00'00"W for a distance of 386.28 feet to the point of beginning; thence continuing Westerly on said North line on a bearing of N90°00'00"W for a distance of 873.72 feet; thence S00°00'00"W for a distance of 855 feet; thence S90°00'00"E for a distance of 369.13 feet to a point on the Westerly right-of-way line of the Kansas Turnpike; thence on said right-of-way on a bearing of N29°03'48"E for a distance of 50.61 feet; thence continuing on said right-of-way on a bearing of N86°00'42"E for a distance of 379.9 feet; thence continuing on said right-of-way on a bearing of N69°03'13"E for a distance of 240.03 feet; thence continuing on said right-of-way on a bearing of N30°03'13"E for a distance of 705.46 feet; thence continuing on said right-of-way on a bearing of N83°04'10"W for a distance of 479.95 feet to a point on the Southerly right-of-way of West 18th Avenue; thence N00°00'00"E for a distance of 30 feet to the point of beginning. The above described tract contains 21.01 acres, more or less, subject to road rights of way and other easements of record.

EXCEPTING that portion taken for road right-of-way purposes.

ALSO

A 12.65 acres tract located in the Northwest Quarter of Section 7, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas: being more particularly described as follows:

Beginning on the North line of said Northwest Quarter at a point 958.46 feet East of the Northwest corner of said Northwest Quarter; thence on an assumed bearing of East on said North line for a distance of 300 feet to a point 1260 feet West of the Northeast corner of said Northwest Quarter; thence South for a distance of 855 feet; thence East for a distance of 368.87 feet to the Westerly right-of-way line of the Kansas Turnpike Authority; thence S28°58'33"W on said right-of-way line for a distance of 269.75 feet; thence S20°43'20"E on said right-of-way line for a distance of 276.94 feet; thence West for a distance of 636.18 feet; thence North for a distance of 1350 feet to the point of beginning.

EXCEPTING that portion taken for road right of way purposes.

ALSO

A tract in the Southwest Quarter of Section 6, Township 19 South, Range 11 East of the 6th P.M., beginning at a point 1367.84 feet West of the Southeast corner of the Southwest Quarter; thence North 428 feet; thence West 400 feet; thence South 428 feet; thence East 400 feet to the point of beginning.

ALSO

A tract in the Southwest Quarter of Section 6, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas, described as follows:

Commencing at the Southwest corner of said Section 6, thence on an assumed bearing of N01°07'21"W along the west line of said Southwest Quarter for a distance of 473.09 feet; thence N87°46'40"E for a distance of 741.53 feet; thence S02°13'21"E for a distance of 473.09 feet to the South line of said Southwest Quarter; thence S87°46'39"W, along said South line for a distance of 750.61 feet to the point of beginning.

ALSO

That portion of Section 6 and Section 7, Township 19 South, Range 11 East of the 6th P.M. in Lyon County, Kansas, being a portion of the right of way of 18th Avenue and more particularly described as follows:

Commencing at the Southwest corner of said Section 6; thence with an assumed bearing on the West line of said section 6, N01°07'20"W for a distance of 90.47 feet; thence perpendicular to said West line, S88°52'40"E for a distance of 70.0 feet to the intersection of the East right-of-way line of Road G and the North right-of-way line of said West 18th Avenue and the point of beginning; thence on said North right-of-way line the following 5 courses: S81°21'54"E for a distance of 234.50 feet; N87°46'39"E for a distance of 1152.15 feet; N00°44'57"E for a distance of 14.97 feet; N87°46'39"E for a distance of 535.33 feet; N77°28'13"E for a distance of 802.16 feet to the Westerly right-of-way line of Kansas Turnpike Authority; thence on said Westerly right-of-way line, S27°53'20"W for a distance of 150.0 feet; thence continuing on said Westerly right-of-way line, S28°12'27"W for a distance of 287.77 feet to the South right-of-way line of said 18th Avenue; thence on the said South right-of-way line the following three courses: N80°02'11"W for a distance of 637.03 feet; S87°46'39"W for a distance of 1525.82 feet; N81°23'47"W for a distance of 313.72 feet; thence leaving said South right-of-way line N11°24'09"W for a distance of 166.1 feet to the point of beginning. Contains 7.94 Acres more or less.

ALSO

A tract of land in Sections 3, 4, 9, & 10, Township 20 South, Range 11 East of the 6th P.M. in Lyon County, Kansas, more particularly described as follows:

Beginning at a point on the South line of Section 10, N79°17'30"E 675.5 feet of the Southeast corner of Section 9; thence S79°17'30"W 3297.5 feet along the South line of Sections 10 & 9 to the Southwest corner of the Southeast Quarter of Section 9; thence N10°42'30"W 5280 feet along the West lines of the Northeast and Southeast Quarters of Section 9 to the Northwest corner of the Northeast Quarter of Section 9; thence N79°17'30"E 1650 feet along the North line of Section 9 to a point on the North line of Section 9 which is 990 feet West of the Northeast corner of Section 9; thence N10°42'30"W 1980 feet; thence N79°4'15"E 325.7 feet; thence N40°11'33"E 272.47 feet; thence N1°18'52"E 1329.73 feet; thence N79°14'15"E 920.37 feet; thence S1°18'52"W 1201.99 feet; thence S47°16'56"E 364.02 feet; thence N79°4'15"E 278.96 feet; thence S10°42'30"E 1986.38 feet to a point on the North line of Section 10 which is 990 feet East of the Northwest corner of Section 10; thence N79°17'30"E 1650 feet along the North line of Section 10 to the Northeast corner of the Northwest Quarter of Section 10; thence S10°42'30"E 3620.5 feet along the East lines of the Northwest and Southwest Quarters of Section 10 to a point which is 980.5 feet South of the Northeast corner of the Southwest Quarter of Section 10; thence S79°17'30"W 1982.5 feet; thence S10°42'30"E 1659.5 feet to the POB. Containing 687 Acres More or less. Note: All bearings are magnetic. Local declination = N10°42'30"W. Less all right of ways.

ALSO

A tract of land consisting of the S 1/2 S 1/2 NW 1/4 NW 1/4 of Section 3, Township 20 South, Range 11 East of the 6th P.M. Described as follows: from the Northwest corner of said section 3, thence Southerly on the West line with a bearing of S 00°30'50" E for a distance of 981.09 feet to the point of beginning; thence N89°13'44" E for a distance of 1319.06 feet; thence S 00°29'39" E for a distance of 315.56 feet; thence S 89°07'11" W for a distance of 1318.97 feet; thence Northerly on the West line of said section 3 with a bearing of N 00°30'50" W for a distance of 318.07 feet to the point of beginning.

ALSO

A tract of land in the NW 1/4 of Section 3, Township 20 South, Range 11 East of the 6th P.M. Described as follows: Beginning on the West line of said section at a point 3460.1 feet North of the Southwest corner of said section, said West line having an assumed bearing of N 10°42'30" W; thence continuing North along said West 482.24 feet; thence N 79°14'15" E a distance of 881.37 feet; thence S 55°7'50"W a distance of 501.41 feet; thence S 79°14'15" W a distance of 744.52 feet to the point of beginning.

ALSO

A tract in the N 1/2 N 1/2 SW 1/4 and the S 1/2 of the fractional NW 1/4, all in Section 3, Township 20 South, Range 11 East of the 6th P.M., Lyon County, Kansas, and being more particularly described as follows: commencing at the Southwest corner of said N 1/2 N 1/2 SW 1/4; thence N 88°21'15" E (basis of bearings) on the South line of said N 1/2 N 1/2 SW 1/4 for a distance of 711.06 feet of the true point of beginning; thence N 36°56'54" W for a distance of 373.66 feet; thence N 10°33'40" E for a distance of 1201.99 feet; thence N 13°52'13" E for a distance of 517.55 feet to the North line of said S 1/2 FR. NW 1/4; thence N 88°21'55" E on the North line of said S 1/2 FR NW 1/4 for a distance of 272.35 feet to point 745 feet distant at right angles from the centerline of runway 1-19 extended; thence S 10°39'52" W parallel with said centerline of runway 1-19 for a distance of 2024.96 feet to the South line of said N 1/2 N 1/2 SW 1/4; thence S 88°21'15" W on said South line for a distance of 17.28 feet to the true point of beginning.

ALSO

A tract in the NE 1/4 of section 4 in Township 20 South, Range 11 East of the 6th P.M., :Lyon County, Kansas, and being more particularly described as follows: Commencing at the Southeast corner of the NE 1/4 of said section 4; thence S 88°37'47" W (basis of bearings) on the South line of said NE 1/4 FOR 349.34 feet to the true point of beginning; thence continuing S 88°37'47" W on said South line for 49.27 feet; thence N 10°39'54" E for 1625.40 feet; thence N 02°00'08" E for 66.39 feet; thence N 79°20'06" E FOR 54.33 feet to the East line of said NE 1/4; thence S .01°27'45" E on said East line for 325.54 feet to the Northwest corner of the S 1/2 NW 1/4; thence continuing S .01°27'45" E on the East line of said NE 1/4 for 505.40 feet to the North line of a private road; thence S 89°01'25" W on the North line of said private road for 175.80 feet; thence S 10°33'50" W on the Westerly line of said private road for 832.89 feet to the true point of beginning. Subject to County Road easement along the East side thereof.

ALSO

Commencing at the Northeast corner of the SE 1/4 of said section 4; thence S 88°37'47" W (basis of bearings) on the North line of said SE 1/4 FOR 349.34 feet to the true point of beginning; thence S 10°49'37" W along Westerly line of a private road for 497.07 FEET; THENCE S 49°42'39" W along the Southerly line of a private road for 74.26 feet; thence N 10°39'54" E for 544.48 feet to the North line of said SE 1/4; thence N 88°37'47" E on said North line for 49.27 feet to the true point of beginning.

ALSO

Lots 3, 4, 5, 7, 8, 10 and 11 in Barnhart Acres Subdivision in Lyon County, Kansas, according to the recorded plat thereof.

ALSO

A tract in the Northeast Quarter of Section 12, Township 19 South, Range 10 East of the 6th P.M., Lyon County, Kansas; being more particularly described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said section 12; thence N00°32'25"E (basis of bearings) on the East line of said Section 12 a distance of 1199.00 feet; thence N89°05'08"W a distance of 440.00 feet to a 1/2" iron pin; thence S00°30'14"W a distance of 150.00 feet to a 1/2" iron pin; thence N89°05'08"W a distance of 238.09 feet to a 1/2" iron pin and the true point of beginning; thence S00°32'25"W a distance of 929.77 feet to a 1/2" iron pin on the northerly right of way line of US 50 Highway; thence S88°05'36"W along said northerly right of way line for a distance of 239.51 feet to a 1/2" iron pin; thence N89°47'27"W along said northerly right of way line a distance of 596.72 feet; thence N00°32'25"E a distance of 948.94 feet to a 1/2" iron pin; thence S89°27'35"E a distance of 839 feet to a 1/2" iron pin and the true point of beginning. Containing 18.13 acres and subject to easements of record. Except existing right of way.

ALSO

The W1/2 of the SW1/4 of Section 12, Township 19 South, Range 10 East of the 6th P.M., Lyon County, Kansas, less that part taken for highway. LESS AND EXCEPT: A tract of land located in the W1/2 of the SW1/4 of Section 12, Township 19 South, Range 10 East of the 6th P.M, Lyon County, Kansas, more particularly described as follows: Commencing at the West Quarter Corner of said Section 12; thence along the West line of the SW1/4 of said Section 12 S0°35'54"E 123.10 feet to the point of beginning; thence N89°24'06"E 47.50 feet to the intersection of the East right-of-way line of an existing public road

(Road F) and the South right-of-way line of an existing public road (Highway 50); thence S0°35'54"E 776.94 feet; thence S89°24'06"W 47.50 feet to the West line of the SW Quarter of said Section 12; thence along the West line of the SW1/4 of said Section 12 N0°35'54"W 776.94 feet to the point of beginning, excepted tract containing 0.85 acres, including 0.40 acres of existing public road right-of-way (0.45 acres of additional public road right-of-way). The bearings on the above excepted tract are based on the North line of the SW1/4 of Section 12 as being EAST (N90°00'00"E).

LESS AND EXCEPT THE FOLLOWING TRACTS OF LAND

Tract 1: A tract of land in the Northwest Quarter of Section 11, Township 19S, Range 11E of the 6th P.M.; more particularly described as follows:

Beginning at a point 712 feet South of the North line and 1321.45 feet West of the East line of the Northwest Quarter of Section 11; thence West approximately 409.1 feet; thence South 1100 feet to the North line of the I-35 By-pass right-of-way; thence Southeasterly along said North right-of-way line 420 feet to a point 1321.45 feet West of the East line of the Northwest Quarter of Section 11; thence North 1180 feet to the point of beginning.

Tract 2: A tract of land located in the Northwest Quarter of Section 11, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas more particularly described as follows:

Beginning on the North line of Lot 6 in Goodrich's Subdivision at the West line of the East half of said Lot 6; thence East along the North line of said Lot 6 238.00 feet; thence Southerly 119.03 feet; thence Southwesterly 61.03 feet; thence West 143.81 feet to said West line of the East half of Lot 6; thence North 145.23 feet to the point of beginning.

Tract 3: A tract of land lying in the NE ¼ of Section 7, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas; being more particularly described as follows:

Commencing at the Northeast corner of said NE ¼ thence S88°39'52"W(assumed) along the North line of said NE ¼ for a distance of 1189.10 feet to the point of beginning thence S00°00'00"E parallel with the East line of said NE ¼ for a distance of 529.00 feet to an iron pin at the Southwest corner of a previously described tract (Deed Book 440, Page 718) thence N57°59'24"W for a distance of 70.74 feet to a point that lies 59.98 feet West of the West line of said previously described tract and approximately 37.5 feet North of the SW corner of same thence N00°00'00"W parallel with the East line of said NE ¼ for a distance of 490.11 feet to the North line of said NE ¼ thence N88°39'52"E along said North line for a distance of 60.00 feet to the point of beginning less right-of-way which has been previously annexed.

SECTION 2: All lots, tracts, streets and highways, and parcels of real property included within the territory within the boundary set and fixed in Section 1 of this Resolution, are hereby declared to be and constitute the City of Emporia, Kansas.

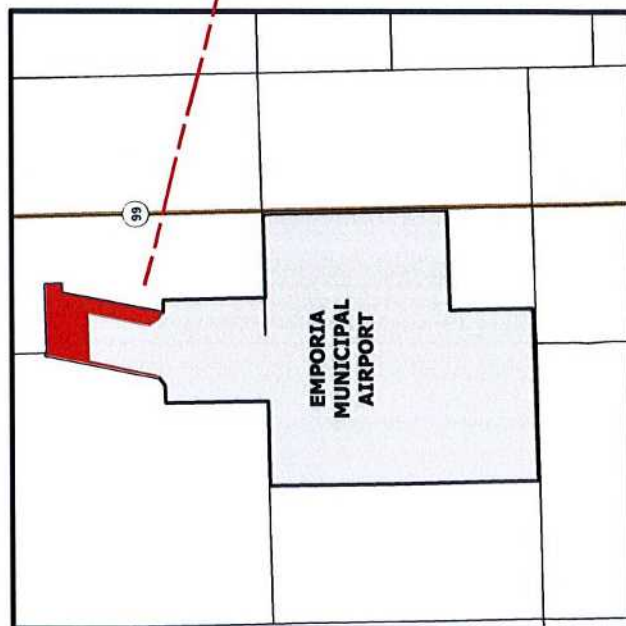
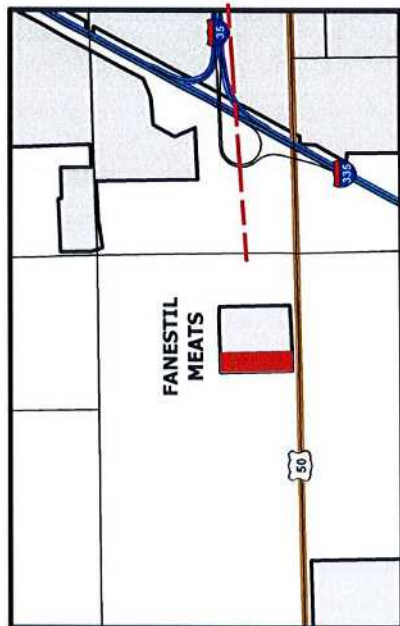
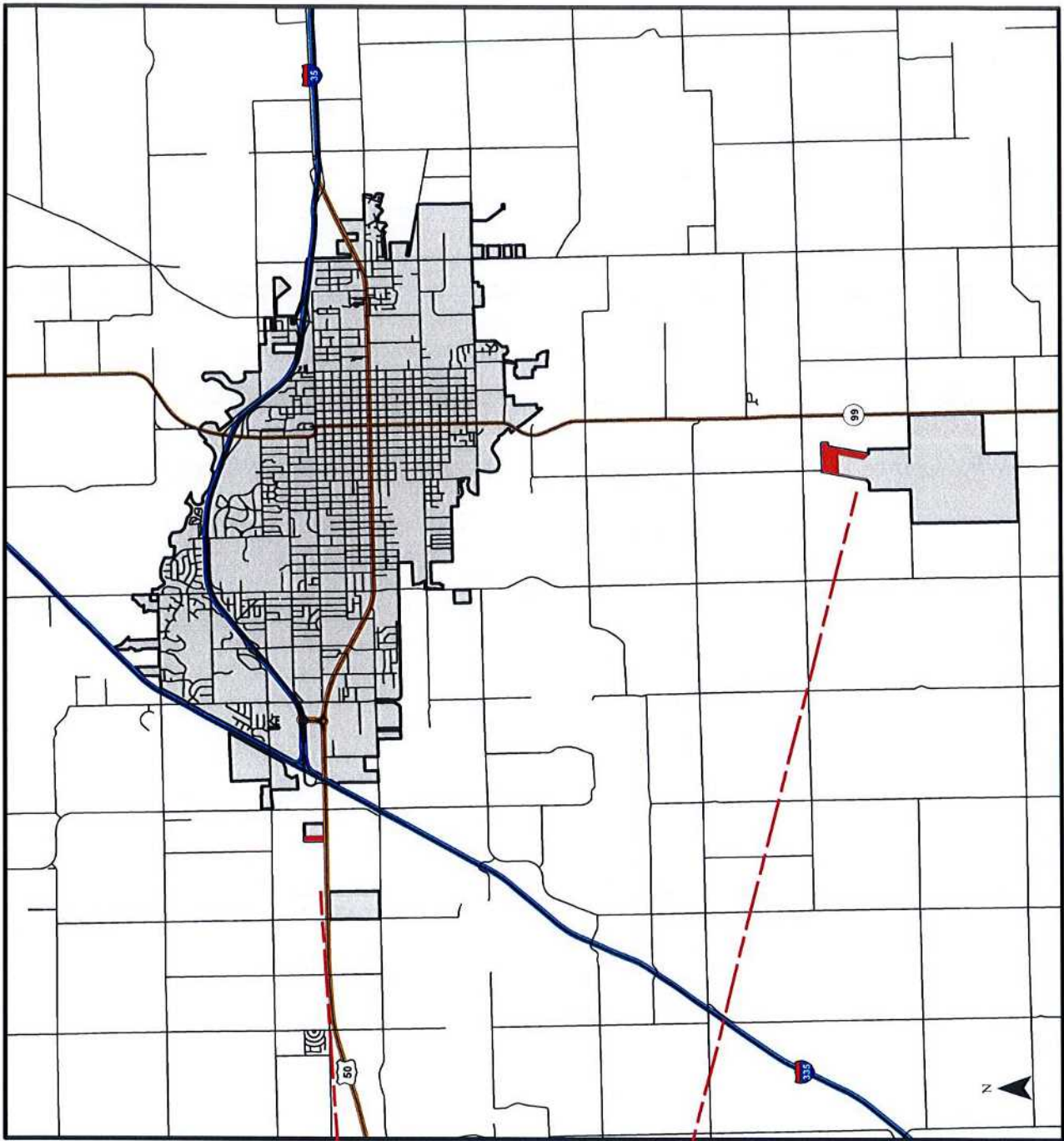
SECTION 3: Resolution Number 3624 is hereby repealed.

PASSED AND APPROVED this 2nd day of December 2020.

ATTEST:

DANNY GIEFER, Mayor

KERRY SULL, City Clerk



DATA NOT SURVEY ACCURATE

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: 6

SUBJECT: Memorandum of Understanding with Everyg.

RECOMMENDATION: Approve Memorandum of Understanding and Authorize Mayor to Sign.

BACKGROUND SUMMARY:

Everyg has purchased the property at 600 Road 180 and intends to build a service center at that location. Under this Memorandum of Understanding, City will extend sanitary sewer and pave Road 180 in the area directly adjoining Everyg property. A portion of paving costs may be paid for by a KDOT Access Management Program Grant. Everyg will reimburse the City up to \$360,000 of the City's total cost of paving and sanitary sewer extension. Everyg will also provide a letter voluntarily annexing this property as well as the property located at 800 Road 190. Everyg expects to complete the facility by the end of 2022 with an in-service date during the first quarter of 2023.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

MEMORANDUM OF UNDERSTANDING

This agreement (MOU) between the City of Emporia, Kansas (hereinafter referred to as "City") and Evergy Kansas Central, Inc. (hereinafter referred to as "Evergy") delineates the agreement of the parties regarding future improvements at property owned by Evergy at 600 Rd 180, Emporia, KS 66801 in Lyon County, Kansas

1. Evergy has purchased land at the above described location for the construction of a Service Center. In order to operate a facility at that location, street paving and sanitary sewer extension will be required.
2. Evergy shall provide a letter voluntarily annexing the property within thirty (30) days of commitment by the City for providing paving and sewer projects identified within this MOU. The land must be annexed by the city prior to commencement of City paving or sewer projects.
3. City will extend sanitary sewer lines to Evergy property and pave Road 180 in the area directly adjoining Evergy property. City will apply for a KDOT Access Management Program Grant which may pay for a portion of the paving cost. Evergy shall reimburse the City up to \$360,000 of the City's total cost of paving and sanitary sewer extension within 60 days of completion. The City shall compute the reimbursable costs of the work by using the actual and related indirect costs accumulated in accordance with the City's established work order accounting procedure, and the City shall keep a detailed and accurate account of all labor, materials, supplies, incidentals and other necessary costs involved in such work. Evergy shall have the right to inspect and review all records related to the computation of the reimbursement amount. The City shall be responsible for coordinating and supervising the entire sewer and paving project.
4. Evergy will complete construction of the facility by the end of 2022 with an in-service date during the first quarter of 2023. The project may be delayed by mutual agreement of the parties.
5. As part of this agreement, Evergy also agrees to provide a letter voluntarily annexing the Evergy property located at 800 Rd 190. All historic and existing permitting shall remain in full effect and no additional permitting requirements shall be imposed upon the property due to the annexation.
6. The City shall be responsible for coordinating and completing the annexation process of any properties identified in this agreement.
7. This agreement is contingent on successful completion of the following
 - a. Annexation of the property into the City,
 - b. Approval of KDOT Access Management Program Grant and/or Approval of project funding by the City,

IN WITNESS WHEREOF the parties hereto have set their hands this ____ day of _____, 2020.

Danny Giefer, Mayor
City of Emporia

Name/Title: _____
Evergy, Inc.

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: 7

SUBJECT: Dude Solutions Asset Management/Work Order Software.

RECOMMENDATION: Staff recommends approval for the purchase of asset management/work order software from Dude Solutions for \$26,699.91 (\$6,887.50 for implementation and \$19,812.41 annually)

BACKGROUND SUMMARY:

The public works department would like to purchase asset management/work order software to track our outstanding workload, costs of repairs and equipment maintenance. Dude Solutions offers software that will allow public works to better manage the assets across all our divisions. The software will work with our existing GIS software for street repairs and water and sewer line repairs and maintenance. This software package includes a fleet management module that will help the maintenance shop track vehicle/equipment repair and maintenance and make tracking the costs associated easier. Work orders can be generated automatically for each of the divisions when maintenance or repairs are needed on equipment. Staff will be able to receive and complete the work orders in the field on a mobile device. Dude Solutions asset management software will have a citizen engagement module included, which will allow our citizens to report public works issues directly to the department.

The cost of the software is \$6,887.50 for implementation (customizing work orders, entering assets, merging with our GIS, etc.) and \$19,812.41 annually (\$2,830.34 per division)

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: 8

SUBJECT: Report from the City Manager on City Activities

RECOMMENDATION: This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public with information that may be of general interest.

BACKGROUND SUMMARY: This is an opportunity 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 December 9th Study Session

- Several Items Pending.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: 9

SUBJECT: City Commissioners Reports and Comments

RECOMMENDATION:

BACKGROUND SUMMARY:

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

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: December 2, 2020

ITEM NUMBER: 10

SUBJECT: Executive Session

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commissioners request an Executive Session to discuss proprietary information of a private business.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 18, 2020, with Mayor Giefer presiding and Commissioners Brinkman, Geitz, Gilligan and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of October for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2019	2020	
	\$410,662.07	\$448,883.96	Increase of \$38,221.89 for the month, and
YTD	\$ 4,110,493.92	\$ 4,176,093.58	Overall increase of 1.60% from year 2019

2. City Share from County Tax

	2019	2020	
	\$206,476.06	\$226,975.88	Increase of \$20,499.82 for month, and
YTD	\$2,033,909.05	\$2,127,314.57	Overall increase of 4.59% from year 2019

3. Building Permits issued from 10/1/2020 to 10/31/2020 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	74
Total of valuations associated with those building permits:	\$14,803,173.00
Total number of dollars collected for Building Permit Fees:	\$ 38,697.25
Construct - single family dwellings	1
Demo - single family dwellings	2

Flint Hills Mall CID for October	\$ 24,348.26
Year to Date Total	\$ 178,307.72

Consent Agenda

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

- a. Consider minutes of the Meeting held on November 4, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on November 6, 2020.
- c. Consider the Approval of October Budget.

The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

**EMPORIA PUBLIC LIBRARY
(Maintenance Contract for 2021)**

City Manager McAnarney stated the City of Emporia provides cleaning and maintenance service for the Emporia Public Library. Employees from the City Building maintenance Department provide these services for the Emporia Public Library. The Emporia Library Board has approved the agreement subject to approval by the City. This contract is substantially similar to the previous year. The payment from the Library to the City for services is increased by 1% and a provision was added stating that if the Library purchases and installs an electronic message board sign, they will own it and remain responsible for all associated costs and maintenance. He stated staff was recommending the 2021 contract be approved for the amount of \$39,550.20.

Commissioner Geitz made a motion approving the Maintenance Agreement with the Emporia Public Library for 2021. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Consider Amending City Code Section 16-266)
(Requiring Individuals to Wear Face Masks)
(Ordinance Number 20-33)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS REQUIRING INDIVIDUALS TO WEAR MASKS OR OTHER FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND AMENDING CITY CODE SECTION 16-266, to which the City Clerk assigned Ordinance Number 20-33, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated City Code Sec. 16-266 requiring individuals to wear face

masks or other face coverings in certain circumstances is scheduled to expire November 21, 2020 at 11:59 p.m. Lyon County has recently instituted Public Health Order with requirements to wear masks in public places which will be in effect until January 14, 2021. This new ordinance proposal adds the additional language found in the Lyon County Public Health Order, which includes a requirement that individuals wear masks in public spaces under certain circumstances and extends the expiration date to December 22, 2020 at 11:59 p.m.

Commissioner Geitz made a motion to approve Ordinance Number 20-33, an ordinance amending City Code Sec. 16-266, pertaining to face masks, extending the expiration date to December 22, 2020, at 11:59 p.m. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

OFF THE AGENDA ITEM
(Consider Emporia Main Street Agreement)

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated as previously discussed at the study session, this is the updated contribution agreement proposal with Emporia Main Street to secure professional services in connection with the development of the downtown business district and economic initiatives. The proposed changes brings this contract into uniformity with other contribution agreements. She stated the terms of this agreement begins upon execution and will end on June 30, 2021. She stated staff recommends approval of the contract.

Following further discussion, it was moved by Commissioner Gilligan to authorize the Mayor to sign the Emporia Mainstreet Contribution Agreement. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

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

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

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

NO STUDY SESSION MEETING SCHEDULED FOR NOVEMBER 25, 2020

City Manager McAnarney stated the next regular scheduled Commission Meeting is December 2, 2020. A study session will be held before that meeting at 12:00 p.m.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information of a private business 7:09 p.m. to 7:24 p.m., in the City Commission Meeting Room. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 7:24 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed proprietary information of a private business and no action was taken.

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

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk