



**CITY COMMISSION
WEDNESDAY, APRIL 3, 2024 AT 11:00 AM
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER Mayor Danny Giefer

MEMBERS PRESENT

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

PROCLAMATIONS

Proclamation Recognizing April as National Child Abuse and Neglect Prevention Month.

Accepted by: Mickey Edwards, Executive Director of SOS; Corina Sanchez, Director of SOS CASA of the Flint Hills; Ginny Samples, Director of SOS Child Advocacy Center

Proclamation Declaring April 14th-20th as National Public Safety Telecommunicators Week.

Accepted by: Roxanne VanGundy, Director of Lyon County Emergency Communications Center

Proclamation Recognizing April 7th-13th as National Library Week.

Accepted by: Pauline Stacchini, Executive Director Emporia Public Library

Proclamation Recognizing April as Fair Housing Month in Emporia.

Accepted by: Brandi Galbreath, Community Housing Coordinator

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 Emporia West Plaza Community Improvement District.

Presented by: Tayler Wash, Director of Special Projects

Recommended Action: Conduct Public Hearing for Establishment of the Emporia West Plaza Community Improvement District.

2) Ordinance No. 24-11 Establishing Emporia West Plaza Community Improvement District.

Presented by: Tayler Wash, Director of Special Projects

Recommended Action: Approve Ordinance No. 24-11 Establishing Emporia West Plaza Community Improvement District.

3) **Appoint Members to the Emporia Public Library Board.**

Presented by: Becky Smith, Commissioenr & Jamie Sauder, Commissioner

Recommended Action: Appoint Sarah Wyrick and Heather Caswell to the Emporia Public Library Board.

4) **Appoint Member to the Community Housing Board/Emporia Land Bank.**

Presented by: Danny Giefer, Mayor & Susan Brinkman, Commissioner

Recommended Action: Approve the Appointment of Carlos Garate to the Community Housing Board/Emporia Land Bank.

5) **Purchase of Rear Load Solid Waste Collections Truck.**

Presented by: Dean Grant, Public Works Director

Recommended Action: Approve Purchase of Rear Load Solid Waste Collections Truck.

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Commission Meeting Minutes for March 20, 2024.
- 2) Memorandum of Understanding and Cooperation with Emporia State University.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Informational Items

GOVERNING BODY COMMENTS

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

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, Director of Special Projects, and stating at which time the open meeting will resume.

RECESS

Recess to Conference Room 1AB for Study Session

STUDY SESSION AGENDA ITEMS

- 1) Strategic Visioning Session Two

ADJOURNMENT



PROCLAMATION

WHEREAS, child abuse and neglect are serious problems affecting every segment of our community, and finding solutions requires input and action from everyone in our community; and

WHEREAS, children have a right to be safe and to be provided an opportunity to thrive, learn, and grow; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that can have lifelong consequences for victims of abuse; and

WHEREAS, we must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and

WHEREAS, by providing safe, stable, and nurturing relationships for our children, free of violence, abuse, and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders, helping to secure the future of this state and nation; and

WHEREAS, communities must make every effort to promote programs and activities that benefit children and their families; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families;

THEREFORE, be it resolved, I Danny Giefer, Mayor of the City of Emporia hereby proclaim the month of April 2024 as

NATIONAL CHILD ABUSE AND NEGLECT PREVENTION MONTH

in Emporia, Kansas, and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families

On this 3rd Day of April 2024

ATTEST:

Danny Giefer, Mayor

Kerry Sull, City Clerk



PROCLAMATION

WHEREAS, emergencies that require police, fire, or emergency medical services can occur at any time; and,

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters, and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers, firefighters, and paramedics is dependent upon the quality and accuracy of information obtained from citizens who contact the Lyon County Emergency Communications Center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers, firefighters, and paramedics by monitoring their activities by radio, providing them information ensuring their safety; and

WHEREAS, Public Safety Telecommunicators of the Lyon County Emergency Communications Center have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and,

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year;

THEREFORE, BE IT RESOLVED that I, Danny Giefer, Mayor of the City of Emporia hereby declare the week of April 14 through 20, 2024, to be

National Public Safety Telecommunicators Week

in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

On this 3rd Day of April 2024

ATTEST:

Danny Giefer, Mayor

Kerry Sull, City Clerk



PROCLAMATION

WHEREAS, libraries offer the opportunity for everyone to connect with others, learn new skills, and pursue their passions, no matter where they are on life's journey;

WHEREAS, libraries have long served as trusted institutions, striving to ensure equitable access to information and services for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status;

WHEREAS, libraries adapt to the ever-changing needs of their communities, developing and expanding collections, programs, and services that are as diverse as the populations they serve;

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals;

WHEREAS, libraries play a pivotal role in economic development by providing resources and support for job seekers, entrepreneurs, and small businesses, thus contributing to local prosperity and growth;

WHEREAS, libraries are an essential public good and fundamental institutions in democratic societies, working to improve society, protect the right to education and literacy, and promote the free exchange of information and ideas for all;

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, be it resolved that I Danny Giefer, Mayor of Emporia do hereby proclaim, April 7-13, 2024 as

National Library Week

And encourage all residents to visit their library and celebrate the adventures and opportunities they unlock for us every day. Ready, Set, Library!

On this 3rd Day of April 2024

ATTEST:

Danny Giefer, Mayor

Kerry Sull, City Clerk



PROCLAMATION

Celebrating 56 Years of Fair Housing

WHEREAS, the Congress of the United States passed the Civil Rights Act of 1968, of which Title VIII declared that the law of the land would now guarantee the rights of equal housing opportunity; and

WHEREAS, the City is committed to the mission and intent of Congress to provide fair and equal housing opportunities for all, and today, many realty companies and associations support fair housing laws; and

WHEREAS, the Fair Housing groups and the U.S. Department of Housing and Urban Development have, over the years, received thousands of complaints of alleged illegal housing discrimination and found too many that have proved upon investigation to be violations of the fair housing laws; and

WHEREAS, equal housing opportunity is a condition of life in our city that can and will be achieved.

NOW, THEREFORE, BE IT RESOLVED, I, Danny Giefer, Mayor of the City of Emporia do hereby proclaim the month of April as

FAIR HOUSING MONTH

and express the hope that this year's observance will promote fair housing practices throughout the City of Emporia.

On this 3rd Day of April 2024

ATTEST:

Danny Giefer, Mayor

Kerry Sull, City Clerk



Commission Action Report

Public Hearing for the Establishment
of the Emporia West Plaza Community Improvement District

Title: Public Hearing for the Establishment of the Emporia West Plaza
Community Improvement District

Agenda Date: April 3, 2024

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 commission meeting on March 6th, 2024, the commission accepted the petition for this project and scheduled the public hearing for April 3rd, 2024. 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 Emporia West Plaza CID

Attachments:

Resolution 3728 Setting Public Hearing Date
Emporia West Plaza CID Petition

RESOLUTION NO. 3728

A RESOLUTION TO PROVIDE NOTICE OF A PUBLIC HEARING ON THE ADVISABILITY OF CREATING THE EMPORIA WEST PLAZA 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 February 29, 2024, the petition to establish the Emporia West Plaza 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 6.4 acres of real property located at 1428 Industrial Street (SO8, T195, R11E, ACRES 6.4 BEG 300S SW COR 15TH AVE & STANTON ST S713.22 W 410.32 N553.16 E126.33 N160 E301.69 TO POB (553.1X410.3), located within the City and is expected to include the renovation of an approximately 99,500 sq. ft. shopping center and associated public infrastructure and improvements; and

WHEREAS, the cost of the Project is estimated to be \$2,605,824.67, with \$2,605,824.67 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 April 3, 2024, the Board of Commissioners will hold a public hearing on the advisability of creating or modifying the proposed Emporia West Plaza 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 Emporia West Plaza Community Improvement District in Emporia, Kansas and

the levy of the requested Community Improvement District sales tax on the 3rd day of April 2024 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 6th day of March 2024.

Danny Giefer, 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:

Development of El Rio Bravo, Tractor, DG, CapEx & Deferred maintenance

herein referred to as (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.
- ☒ associated costs incurred by the City.
- ☒ 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 \$ 2,605,824.67, plus the State of Kansas administrative expenses (2%), the City's administrative fee (3%) and associated costs incurred by the City.

<u>Category</u>	<u>Cost</u>
Land	\$
Vertical Improvements, Demolitions, Sitework, Landscaping, Streets, Utilities, Public Art, Public Transportation, Studies, Site Design and Analysis	\$ 2,205,697
Legal, Other Consultants, Marketing, Interest, and other Soft Costs	\$ 113,160.51
Ongoing Operation and Maintenance	\$ 286,966.50
Kansas Administrative Expenses	\$
City's Administrative Fee	\$
Total	\$ 2,605,824.67

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 as defined in the Act.

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% percent 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.
- ☐ It is being proposed that 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. FINANCIAL ABILITY TO COMPLETE AND OPERATE

The undersigned hereby state that they have the financial ability to complete and operate the Project.

9. 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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a EMPORIA limited partnership authorized to do
business in Kansas.

By:

Name: Joseph Huang

Title: Authorized Signer

Date: 2/21/2024

NOTARY ACKNOWLEDGMENT

STATE OF California)
) ss.

COUNTY OF Contra Costa

BE IT REMEMBERED, that on this 21st day of February, 2024 before me, the undersigned, a Notary Public in and for said County and State, came Joseph Huang, 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.

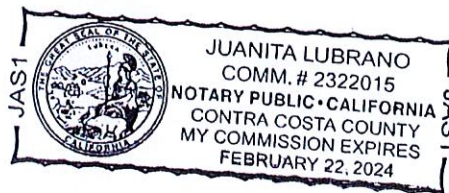
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

(Seal)

Jeane Lohme
Notary Public in and for said
County and State
California Contra Costa

My Commission Expires:

02/22/2024



(Petition Signature Page)

Emporia West Plaza
Legal Description

TRACT 1:

BEGINNING AT A POINT 180 FEET WEST OF AND 1043.22 FEET SOUTH OF THE NORTHEAST CORNER OF THE WEST HALF OF THE SW1/4 OF THE NE1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY KANSAS, THENCE S89°37'08"W, 410.32 FEET; THENCE N1°43'00"W, 357.99 FEET ALONG THE EAST LINE OF INDUSTRIAL STREET; THENCE N89°36'20"E, 421.04 FEET; THENCE SOUTH 358.00 FEET ALONG THE WEST LINE OF STANTON STREET TO THE POINT OF BEGINNING.

AND, BEGINNING AT A POINT BEING 180.00 FEET WEST OF AND 330.00 FEET SOUTH OF THE NORTHEAST CORNER OF THE WEST HALF OF THE SW1/4 OF THE NE1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, THENCE SOUTH ALONG THE WEST LINE OF STANTON STREET 355.22 FEET; THENCE S89°36'20"W, 421.04 FEET; THENCE ALONG THE EAST LINE OF INDUSTRIAL STREET N1°43'00"W, 195.17 FEET; THENCE N89°35'33"E, 126.33 FEET, THENCE N0°24'27"W, 160.00 FEET; THENCE N89°35'33"E, 301.69 FEET TO THE POINT OF BEGINNING.

TRACT 2:

A NON-EXCLUSIVE, PERPETUAL EASEMENT FOR INGRESS AND EGRESS ESTABLISHED BY THE RECIPROCAL OPERATING EASEMENT AND PARKING AGREEMENT RECORDED IN [BOOK 371 AT PAGE 301](#) AND AMENDED IN [BOOK 505 AT PAGE 745](#), OVER THE FOLLOWING DESCRIBED PROPERTY:

A STRIP OF LAND 20 FEET IN WIDTH BEING SOUTH OF AND PARALLEL TO A LINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 621.09 FEET WEST OF AND 330.00 FEET SOUTH 1°43'00" EAST OF THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, T-19S, R 11E; THENCE NORTH 89°35'33" EAST 130.00 FEET TO ITS POINT OF TERMINATION. AND, BEGINNING AT A POINT BEING 621.09 FEET WEST AND 490.04 FEET SOUTH 1°43'00" EAST OF THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 11 EAST, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT C; THENCE NORTH 1°43'00" WEST 15.01 FEET; THENCE SOUTH 89°35'33" EAST 126.67 FEET TO THE EAST LINE OF TRACT "C" THENCE SOUTH 0°24'27" EAST ALONG SAID EAST LINE 30.00 FEET; THENCE NORTH 89°35'33" WEST 125.99 FEET TO THE EAST LINE OF INDUSTRIAL STREET; THENCE NORTH 1°43'00" WEST 150.01 FEET TO THE POINT OF BEGINNING.

EXHIBIT A
Map of Proposed District Boundaries



Emporia West Plaza Estimated Cost of Community Improvement

1	Total cost of Tenant Improvement for El Rio Bravo	\$ 419,113.00
2	Interest at 9% over 5 years	\$ 113,160.51
3	Roof replacement DG to Ichiban - Total sqft 38828 at approx \$8.83360847841764/sqft	\$ 342,991.35
4	Roof replacement El Rio to Tractor - Total sqft 36875 at approx \$8.83360847841764/sqft	\$ 325,739.31
5	On-going roof maintenance for 10 years at \$0.15/sqft/year	\$ 113,554.50
6	Painting Building & Curbside	\$ 90,000.00
7	Ongoing painting maintenance for 10 years at approx \$2500/year	\$ 25,000.00
8	Parking Lot replacement DG to Ichiban - Total sqft 60101 at approx \$4.5/sqft	\$ 270,454.50
9	Parking Lot replacement El Rio to Tractor - Total sqft 78311 at approx \$4.5/sqft	\$ 352,399.50
10	On-going parking lot maintenance for 10 years at \$0.1/sqft/year	\$ 138,412.00
11	HVAC Replacement - 15 old HVAC @ avg 5 tons/hvac at approx \$3000/ton	\$ 225,000.00
12	Ongoing lighting maintenance for 10 years at approx \$1000/year	\$ 10,000.00
13	Install new lighting at the back of shopping center	\$ 15,000.00
14	Install Security Camera	\$ 35,000.00
15	Tractor Supply Façade Improvement	\$ 65,000.00
16	Dollar General Renovation	\$ 65,000.00
Total Estimated Cost of Community Improvement		\$ 2,605,824.67



Commission Action Report

Ordinance No. 24-11 Establishing the Emporia West Plaza
Community Improvement District

Title: Ordinance No. 24-11 Establishing the Emporia West Plaza Community Improvement District

Agenda Date: April 3, 2024

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, Emporia West Plaza on March 6, 2024. 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.

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 Director 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.

Recommended Action:

Consider Ordinance No. 24-11 for approval.

Attachments:

Ordinance No. 24-11

ORDINANCE NO. 24-11

AN ORDINANCE OF THE CITY OF EMPORIA ESTABLISHING THE EMPORIA WEST PLAZA 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 Emporia West Plaza 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. 3728 (the “Resolution”) on March 6, 2024, directing that a public hearing on the proposed District be held April 3, 2024, 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

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 April 3, 2024, 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 Emporia West Plaza Community Improvement District within the City and approves 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 renovation of a shopping center, including but not limited to: 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 \$2,605,824.67, of which \$2,605,824.67 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 Emporia West Plaza 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 April 3, 2024 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 April 3, 2024 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: April ___, 2024.

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:

Tract 1:

BEGINNING AT A POINT 180 FEET WEST OF AND 1043.22 FEET SOUTH OF THE NORTHEAST CORNER OF THE WEST HALF OF THE SW1/4 OF THE NE1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY KANSAS, THENCE S89°37'08"W, 410.32 FEET; THENCE N1°43'00"W, 357.99 FEET ALONG THE EAST LINE OF INDUSTRIAL STREET; THENCE N89°36'20"E, 421.04 FEET; THENCE SOUTH 358.00 FEET ALONG THE WEST LINE OF STANTON STREET TO THE POINT OF BEGINNING.

AND, BEGINNING AT A POINT BEING 180.00 FEET WEST OF AND 330.00 FEET SOUTH OF THE NORTHEAST CORNER OF THE WEST HALF OF THE SW1/4 OF THE NE1/4 OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH

P.M., LYON COUNTY, KANSAS, THENCE SOUTH ALONG THE WEST LINE OF STANTON STREET 355.22 FEET; THENCE S89°36'20"W, 421.04 FEET; THENCE ALONG THE EAST LINE OF INDUSTRIAL STREET N1° 43'00"W, 195.17 FEET;

THENCE N89°35'33"E, 126.33 FEET, THENCE N0°24'27"W, 160.00 FEET; THENCE N89°35'33"E, 301.69 FEET TO THE POINT OF BEGINNING.

Tract 2:

A NON-EXCLUSIVE, PERPETUAL EASEMENT FOR INGRESS AND EGRESS ESTABLISHED BY THE RECIPROCAL OPERATING EASEMENT AND PARKING AGREEMENT RECORDED IN BOOK 371 AT PAGE 301 AND AMENDED IN BOOK 505 AT PAGE 745, OVER THE FOLLOWING DESCRIBED PROPERTY:

A STRIP OF LAND 20 FEET IN WIDTH BEING SOUTH OF AND PARALLEL TO A LINE BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 621.09 FEET WEST OF AND 330.00 FEET SOUTH 1°43'00" EAST OF THE NORTHEAST CORNER

OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, T-19S, R 11 E; THENCE NORTH 89°35'33" EAST 130.00 FEET TO ITS POINT OF TERMINATION. AND, BEGINNING AT A POINT BEING

621.09 FEET WEST AND 490.04 FEET SOUTH 1 °43'00" EAST OF THE NORTHEAST CORNER OF THE WEST ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 19 SOUTH, RANGE 11 EAST, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF TRACT C; THENCE NORTH 1 °43'00" WEST 15.01 FEET; THENCE SOUTH 89°35'33" EAST 126.67 FEET TO THE EAST LINE OF TRACT 'C' THENCE SOUTH 0°24'27" EAST ALONG SAID

EAST LINE 30.00 FEET; THENCE NORTH 89°35'33' WEST 125.99 FEET TO THE EAST LINE OF INDUSTRIAL STREET; THENCE NORTH 1°43'00' WEST 150.01 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
MAP OF DISTRICT

Property within the District:





Commission Action Report

Appoint Member(s) to the Emporia Public Library Board

Title: Appoint Member(s) to the Emporia Public Library Board

Agenda Date: April 3, 2024

Presented By: Commissioner Smith & Commissioner Sauder

Background:

The Emporia Public Library Board requests that the City Commission fill board openings with qualified candidates.

Discussion:

Applications were received, and reviewed by Commissioners Smith and Sauder.

Reviewing Commissioners recommend the appointment of Sara Wyrick and Heather Caswell for a 4 year term ending April 30, 2028.

Recommended action:

Approve the appointment of Sarah Wyrick and Heather Caswell to the Emporia Public Library.

Print**Board Application Form - Submission #411****Date Submitted: 2/28/2024****Select the Board, Commission, or Committee applying for**

Select all that apply

- | | |
|--|--|
| ☐ Building Trades Board | ☒ Emporia Public Library Board |
| ☐ Community Corrections Board | ☐ Emporia Recreation Commission |
| ☐ Community Housing Board / Land Bank | ☐ Golf Advisory Board |
| ☐ Economic Development Structure Advisory Task Force | ☐ Homelessness Advisory Board |
| ☐ Emporia Enterprises | ☐ Multi-Use-Path Planning Board |
| ☐ Emporia Human Relations Commission | ☐ Natural Resources Advisory Board |
| ☐ Emporia-Lyon County Convention and Tourism Committee | ☐ Regional Development Association of East Central Kansas Board |
| ☐ Emporia-Lyon County Metropolitan Area Planning Commission / Board of Zoning Appeals | ☐ William Allen White Community Partnership |
| ☐ Emporia Main Street | |

Personal Information**First Name***

Sarah

Last Name*

Wyrick

Address1*

2321 Hillcrest Drive

Address2**City***

Emporia

State*

KS

Zip*

66801

Home Phone Number*

6203409402

Business Address*

none

Business Phone Number*

nonw

Occupation*

retired

Email Address*

swyrick46@gmail.com

Residency Information**Length of Residency in Emporia***

76 years

Are you a registered voter*☒ Yes☐ No**Education and Hobbies****High School**

Emporia High School

College

University of Saint Mary

Trade or Business School**Hobbies**

square dancing

Organization Membership Information**Are you currently serving on other Boards, Commissions, or Committees?***

- ☒ Yes
☐ No

If yes, which

Library Board

Have you served on a Board, Commission, or Committee before?*

- ☒ Yes
☐ No

If yes, which

Recycling Board

Please, list organization memberships and positions held.**Please, list areas of special interest.****Please, enter basic resume information below.***

I have held multiple positions in Emporia, among them: Emporia Arts Council assistant, Emporia Visitors Bureau assistant, David Traylor Zoo outreach coordinator, Walnut Elementary School after school coordinator.

Please, enter why you would like to be a member of this board or commission.*

I am currently filling an unexpired term on the library board, and would like to be appointed to a full term.

From: noreply@civicplus.com
To: [Sue Bryson](#); [Emporia Info](#)
Subject: Online Form Submittal: Board Application Form
Date: Wednesday, March 27, 2024 3:14:59 PM

Board Application Form

Select the Board,
Commission, or
Committee applying for

Emporia Public Library Board

Personal Information

First Name	Heather
------------	---------

Last Name	Caswell
-----------	---------

Address1	1623 Berkeley Rd
----------	------------------

Address2	<i>Field not completed.</i>
----------	-----------------------------

City	Emporia
------	---------

State	Kansas
-------	--------

Zip	66801
-----	-------

Home Phone Number	(785) 341-0044
-------------------	----------------

Business Address	1 Kellogg Cir. Box 4037
------------------	-------------------------

Business Phone Number	(620) 341-5783
--------------------------	----------------

Occupation	Associate Professor
------------	---------------------

Email Address	caswell.heather@gmail.com
---------------	---------------------------

Residency Information

Length of Residency in Emporia	17 years
-----------------------------------	----------

Are you a registered voter	Yes
-------------------------------	-----

Education and Hobbies

High School	Manhattan High School
-------------	-----------------------

College	Kansas State University
Trade or Business School	<i>Field not completed.</i>
Hobbies	<i>Field not completed.</i>
Organization Membership Information	
Are you currently serving on other Boards, Commissions, or Committees?	Yes
If yes, which	Emporia Public Library Board, Emporia Art Council Board
Have you served on a Board, Commission, or Committee before?	Yes
If yes, which	Emporia Public Library Board, Emporia Art Council Board
Please, list organization memberships and positions held.	See resume information below.
Please, list areas of special interest.	<i>Field not completed.</i>
Please, enter basic resume information below.	Associate Professor, Emporia State University Education: 2012: Ph.D. Curriculum & Instruction, Kansas State University Areas of Interest: Visual Culture, Iconology, Image-Based Research, Semiotics in Qualitative Research, Art-Based Research, & Literacy 2007:M.S. Curriculum and Instruction, Kansas State University. Areas of Interest: Technology, Reading Strategies, Writing Process, National Board Certification, and Early Literacy Development 2002:B.S. Elementary Education with an emphasis in Family Studies and Early/Middle Child Development, Kansas State University English as a Second Language Endorsement/Certification Dissertation: Captured Images: A Semiotic Analysis of Early 20th Century American Schools

Licensure:

Kansas Accomplished Teaching License
Elementary Education

Certifications:

NBPTS National Board Certified Teacher Literacy: Reading-
Language Arts, Early and Middle Childhood NBPTS Candidate
Support Provider
Racial Equity Facilitator, Equality Literacy Institute
English as a Second Language Endorsement

Previous Positions:

Instructor, Emporia State University
Graduate Teaching Assistant/University Supervisor, Kansas
State University
Lead Teacher, Center for Early Childhood Education, Emporia
State University
Teacher, First Grade, Village Elementary, Emporia, KS
Teacher, Second Grade, Morris Hill Elementary, Ft. Riley, KS

Teaching:

University: Associate Professor (5 years)
Assistant Professor (5 years)
Instructor: (1 year)
Graduate Teaching Assistant/University Supervisor (2 years)
Early Childhood: Grades 1-2 (5 years), Pre-School, ages 2-4 (1
year)

Consulting:

Teacher Education: national certification (14 years)
school district professional development (4 years)
National Writing Project (19 years)
on-line learning communities (8 years)

Grants:

Thirteen awarded grants totaling \$10,587,425: federal (8), state
(2), local (1), and university (3)

Publications:

Sixteen varied publications: book chapter (1), articles (4), paper
(1), national certification (2), accreditation reports (5),
instructional materials (2), featured in a documentary (1)

Presentations:

One hundred thirty - three presentations: international
conference invited keynote (1), international conferences (5),

national conferences (17), national workshops (9), regional conferences (5), state conferences (29), state workshops (46), in-services (18), council programs (4), pre-service (13), and on-line communities (4)

Memberships:

American Education Research Association
Association for Supervision and Curriculum Development
Choice Literacy
Council for Exceptional Children
Exchange Everyday
International Literacy Association
Kansas Reading Association, Flint Hills Council, Geary County Council
Kansas Association for Native American Education
Kansas Exemplary Educators Network
Kansas Learning Alliance
Kansas National Educational Association
Emporia Education Association
Geary County Education Association
Kansas State University Teacher Advisory Council
Kappa Delta Pi International Honors Society in Education Iota Chapter, Emporia State University
Iota Xi Chapter, Kansas State University
National Association for the Education of Young Children
Literacy Research Association
National Board Certified Teachers of Kansas
National Council of Teachers of English
Assembly on Literature for Adolescents
Kansas Association of Teachers of English
National Writing Project/Flint Hills Writing Project
Phi Kappa Phi International Flint Hills Chapter, Emporia State University
Zero-Three

Please, enter why you would like to be a member of this board or commission.

With my 21-year career in education, I bring experience working with families, young learners, and adult learners. Seventeen of these twenty-one years in education, I have taught in Emporia Public Schools, Early Childhood Education, and at Emporia State University. I believe this experience informs my understanding in the role of a public library in a community. I have appreciated fulfilling a partially vacated term this past year, and look forward to serving a full term.

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



Commission Action Report

Appoint Member to the Community Housing Board/ Emporia Land Bank

Title: Appoint Member to the Community Housing Board/ Emporia Land Bank
Agenda Date: April 3, 2024
Presented By: Danny Giefer, Mayor; and Susan Brinkman, Commissioner

Background:

The Community Housing Board/ Emporia Land requests that the City Commission fill board openings with qualified candidates.

Discussion:

An application has been recently received, and interviews were conducted by Commissioner Susan Brinkman and Mayor Danny Giefer.

Interviewing Commissioners recommend the appointment of Carlos Garate to fill an unexpired term ending May 31, 2025.

Recommended action:

Approve the appointment of Carlos Garate to the Community Housing Board/ Emporia Land Bank.

Board Application Form

Select the Board,
Commission, or Committee
applying for

Community Housing Board / Land Bank

Personal Information

First Name	Carlos
Last Name	Garate
Address1	3016 Izquierdo Court
Address2	Field not completed.
City	Emporia
State	KS
Zip	66801
Home Phone Number	6204819728
Business Address	1201 W 6th Ave Emporia Ks 66801
Business Phone Number	6204819728
Occupation	Real Estate
Email Address	carlos.g.garate@gmail.com

Residency Information

Length of Residency in Emporia	41 years
Are you a registered voter	Yes

Education and Hobbies

High School	Emporia High School
College	2yr ESU/FHTC
Trade or Business School	Field not completed.

Hobbies

Family trips, Fishing, Camping, Disc Golf

Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees?

No

If yes, which

Field not completed.

Have you served on a Board, Commission, or Committee before?

No

If yes, which

Field not completed.

Please, list organization memberships and positions held.

Field not completed.

Please, list areas of special interest.

Field not completed.

Please, enter basic resume information below.

Carlos Garate

3016 Izquierdo Ct

Emporia KS 66801

Carlos.g.garate@gmail.com

620-481-9728

Objective:

Give back to the Community which has given me 100%. I am wanting to join boards or committees that will allow me to help and give input to ideas or projects that benefit My community.

Education:

High School Diploma, Some Technical college, some University

Work Experience:

Realtor

ReMax EK Real Estate Emporia KS

July 2017- Present

Asist Buyers and sellers purchase and navigate the sale of a

home and or business.
Property Management- Managing 20 rental properties
Coordinate Contractors and sub-contractors on home remodels

Work Experience:
Route Sales Representative
Frito Lay North America
Home office and Remote location, Paola KS
January 2010- February 2017

Speak with management of Walmart's, Dillons, HyVees, and
Price choppers to sale Displays of Frito Lay chips for seasons
and special events. Make Orders to fill shelves and deliver
merchandise.

Additional Information:
Bi-Lingual (Spanish)
BloomHouse contributor
Fundraisers for local Schools
Founder of the AceltUp Foundation

References:
Jeff Williams - Remax Ek Real Estate Broker
620-341-7653

Karina Sanchez - Ausmus Law Chartered
620-757-6707

Jason Miller - Management Sutherlands of Emporia
620-7941637

Please, enter why you
would like to be a member
of this board or
commission.

AS stated in my Objectives, I am wanting to be able to
contribute and or be a part of Boards or committees, that allow
me to give my time and or expertise in anyway. Directly or
indirectly benefiting the people of this community that has given
back to me soo much.



Commission Action Report

Purchase of a Rear Load Solid Waste Collections Truck

Title: Purchase of a Rear Load Solid Waste Collections Truck

Agenda Date: April 3, 2024

Presented By: Dean Grant, Director of Public Works

Background:

Solid Waste Collections has a 2010 truck with a Crane Carrier and a 2016 Pak Mor body, which has 132,487 miles and over 16,000 hours. Staff would like to purchase a new Battle Motors chassis with a Leach Alpha III rear load body, from Key Equipment. The estimated delivery for the new truck is late 2024.

Pursuant to the City of Emporia Purchasing Policy, Chapter 3 Section 2, this purchase would be made utilizing a cooperative agreement through Sourcewell. This agreement has been made through a competitive procurement process of Request for Proposals and/or Invitation for Bids.

Discussion:

Staff would like to purchase a Battle Motors chassis with Leach Alpha III rear load body for Solid Waste Collections in the amount of \$ 254,797.50.

Financial Considerations:

\$ 285,000.00 was budgeted in Solid Waste Capital Improvement Projects (CIP) for the purchase of the rear load truck, and the truck will be paid from the Solid Waste Fund, which has a \$ 3 million cash balance.

Recommended Action:

Approve the purchase of a new rear-load 110 truck from Key Equipment, in the amount of \$ 254,797.50

Attachments:

Key Equipment Quote with Sourcewell Cooperative Purchasing Price

March 25, 2024

City of Emporia
Attn: Keith Senn, Solid Waste Supervisor
107 West Broadway
Steeleville, IL 62288

Re: Leach Alpha III

Sourcwell Contract #110223-LEG
Soucewell Member: **137227**



Keith,

On behalf of Key Equipment & Supply Co., I would like to thank you for the opportunity to supply a **Sourcewell Contract** Proposal to the City of Steeleville for a new Leach Alpha III 20 Cubic Yard Rear Load refuse compaction body.

Leach 20 Cubic Yard Alpha III Curved Shell Body Rear Load Refuse Packer Body including the following standard features:

cubic yd hopper	Trough Floor Design
Street Side Access Door	Telescopic Ejection Cylinder
Hardened Carrier Rollers	Manual Tailgate Latches
Adjustable Riding Steps w/grab handles	Zinc-plated hydraulic tubing
Body Blasted with Steel Grit	Marine Rust Inhibitor
1-year warranty on body & hydraulics	Body Side Opening w/ hydraulic tank level gauge
Engine Speed-up: Automatic w/pack cycle	Driver signal buttons on each side of tailgate

Plus, the following Additional Enhancements:

Married pump and Chelsea PTO
Hardox 450 Tailgate Hopper Bottom and Sides Upgrade
Commercial Container Reeving Cylinder and Container Lifting Bar with Latch and Ears
Hydraulic Regen Valve on Packer Cylinders
High Pressure Hydraulic Filter
Side Door with Fold Down Ladder
Broom and Shovel Holders on each side of Tailgate with one Broom and Shovel
20 Pound Fire Extinguisher
Pump Shut Off Switches on each side of Tailgate
Lights: (2) Oval Strobe LED – Flush Mounted in Upper Front Body Panel

ST. LOUIS

Key Equipment & Quality Rents
13507 NW Industrial Drive
Bridgeton, MO 63044
800-325-4323

KANSAS CITY

Key Equipment & Quality Rents
6716 Berger Avenue
Kansas City, KS 66111
800-262-0149

SPRINGFIELD

Key Equipment & Quality Rents
1315 Ottis Street
Springfield, IL 62703
217-313-7408

Light: (1) Hopper Flush Mount LED Work Light
Multi-Function LED Lights (stop/turn/alt. flash) on Tailgate
Lights: (2) LED Work Area Lights mounted to Tailgate Sides
Hardox 450 Ramp Liners
Envirocam Rear Vision Camera System
Body painted white

Pricing:

2024 Leach Alpha III Body Price:	\$ 110,100.00
Sourcwell Discount 2%:	\$ <u>2,202.00</u>
Subtotal Body:	\$ 107,898.00
Steel Surcharge:	\$ 7,000.00
Freight from Mexico:	\$ 6,726.00
PDI, and Training:	\$ 1,200.00
 Total Leach Body Price:	 \$ 122,824.00
2023 Battle Motors Chassis:	\$ <u>131,973.50</u>
Total Invoice Amount	\$ 254,797.50

Pricing good for 30 days from date of proposal or as chassis availability exists...
2024 Battle Motors chassis is subject to availability
Complete Unit Delivered in approximately 180 – 220 days, A.R.O.

Thank you for your consideration of Key Equipment & Supply Co. and the Labrie Environmental Group. If you have any questions, or need any further information, please do not hesitate to contact me at (314) 616-8056 or steve@keyequipment.com. It is a pleasure assisting with your refuse equipment needs.

Respectfully,

Steven Hyink

Steven Hyink
Refuse Specialist
Key Equipment & Supply Co.



*Sample Photo

ST. LOUIS

Key Equipment & Quality Rents
13507 NW Industrial Drive
Bridgeton, MO 63044
800-325-4323

KANSAS CITY

Key Equipment & Quality Rents
6716 Berger Avenue
Kansas City, KS 66111
800-262-0149

SPRINGFIELD

Key Equipment & Quality Rents
1315 Ottis Street
Springfield, IL 62703
217-313-7408

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 20, 2024, with Mayor Giefer presiding and Commissioners Brinkman, 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.

**COMMUNITY DEVELOPMENT BLOCK GRANT
(Close Out CDBG Commercial Rehabilitation)
(Radius Project at 17 W. 4th Avenue Project No. 22-CR-004)
(Public Hearing)**

Mark Detter, Assistant City Manager, was recognized and addressed the Governing Body. He stated the City of Emporia is required to hold a public hearing for the purpose of closing out CDBG Project No. 22-CR-004 for the Commercial Rehabilitation Project at 17 W. 4th Avenue, Radius Project. He stated a letter was sent from the Kansas Department of Commerce CDBG Project detailing the final monitoring of the project, including the completion of the construction project after 22 months and the project meeting the national objective of eliminating slums and blight on a spot basis. He stated there were no concerns with the project and the City is in good standing with the state and federal program requirements. He stated the City requested \$250,000.00 and expended \$248,000.00 of the CDBG grant. The City will receive the final \$2,000.00 of the Grant award at close-out. The business and local property owner have spent \$175,320.00. A public hearing will need to be conducted as part of the CDBG Grant close-out procedure.

Casey Woods, Executive Director, was recognized and addressed the Governing Body. He stated he wanted to thank the City for getting involved in this CDBG grant. Dry Cleaner buildings are notoriously hard to convert to other uses. Between the city's efforts and the efforts of other local officials, in particular, Senator Jeff Longbine, with his work with KDHE, and the partnership between some young entrepreneurs for taking a large building and converting into a productive use and add jobs in the area. He stated these types of investments are critically important to communities and downtowns. He stated he appreciates the City of Emporia continuing to work with entrepreneurs for alternative financing to make these projects live. He stated they are still a few months away from being open.

Mayor Giefer then declared the public hearing open.

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

INDUSTRIAL REVENUE BONDS
(Intent to Issue IRB's for \$9,000,000.00 for Gazette Building Development, LLC)
(Resolution Number 3730)

Tayler Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated the adoption of this proposed resolution is the first step in the issuance of Industrial Revenue Bonds in the amount of \$9,000,000.00 for the Gazette Building Development, LLC, at 517 Merchant Street, for the purpose of purchasing, acquiring, construction, furnishing and equipping a commercial and residential facility in Emporia, Kansas. The proposed repurposing of the building will maintain the integrity and history of the building while creating flexible use. The mixed-use development will feature five live-work residential units, three short-stays, one office space, an artist studio and a restaurant. She stated the property will be eligible for sales tax exemption and property tax exemption for a term of ten years, subject to fulfillment of the conditions of the city's public incentives policy. The City is not liable for the principal or interest on the bonds under Kansas Statutes. She stated staff is recommending approval of the

resolution regarding the interest to issue Industrial Revenue Bonds (IRBs) in the amount of \$9,000,000.00 for the Gazette Building Development, LLC.

Mary Carson, representing Triplett Woolf Garretson, LLC, stated this was step one for the issuance of the bonds which will allow them to get the project started by applying to the Kansas Department of Revenue for a sales tax exemption certificate. It also conditions the issuance of the bonds on negotiation of successful agreements between the City and tenants, trustees and all other parties that will be involved. The resolution states that the bonds will not exceed \$9,000,000.00 principal amount. If for some reason it exceeds that amount, then the resolution would need to be amended. This will allow them to start on a development agreement and other matters.

Commissioner Smith made a motion to approve Resolution Number 3730, a resolution regarding the intent to issue Industrial Revenue Bonds in the amount of \$9,000,000.00 for the Gazette Building Development, LLC. Commissioner Harter seconded the motion. Commissioner Brinkman stated she appreciated the cogent set of documents that were received in plenty of time to review the agenda item, and thanked Ms. Eimer for answering her questions. There was a call for the vote as follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

**FIRE DEPARTMENT
(Contract Agreement for Design Phase with GLMV Architecture, Inc.)
(Fire Station Projects)**

Brandon Beck, Fire Chief, was recognized and addressed the Governing Body. He stated a previous selection process was undertaken to identify a suitable architectural firm for the replacement of Fire Station No. 1. He stated the City has since determined it is in the City's best interest to proceed with GLMV Architecture, Inc., for the subsequent design phase of the project. He stated GLMV, who is rebranding to Tessere, was initially the second choice, however, their proposal and approach have been reassessed and they are more closely aligned with the City's goals for the Fire Station No. 1 project, offering superior value in terms of innovation, functionality and cost efficiency. He stated the proposed contract with GLMV outlines a fee structure of \$672,750.00, plus estimated

reimbursable expenses of \$11,500.00. This arrangement ensures adherence to the City's budgetary constraints while striving for the highest standards of design and functionality. He stated this will be paid from the Bond and Interest Fund. He stated staff recommends awarding the Architect Contract for Design Phase of the Fire Station Project to GLMV Architecture, Inc. for fees of \$672,750.00 plus reimbursable expenses estimated at \$11,500.00.

Commissioner Harter made a motion to award architect contract for design phase of the fire station project to GLMV Architecture, Inc. Commissioner Smith seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

PLANNING AND DEVELOPMENT
(Request of Emporia Enterprises, Inc. – Industrial Park IV)
(Intent w/Lyon County to Annex Right-of-Way for a Portion of Road 180)
(Resolution Number 3729)

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the Commission previously adopted a resolution requesting that the Lyon County Board of County Commissioners make certain findings regarding the annexation of Industrial Park IV, which would allow the property to be annexed into city limits. That resolution only contained the Industrial Park IV property and Road F right-of-way. This proposed resolution and request includes right-of-way for a portion of Road 180 that is adjacent to Industrial Park IV. He stated when the City receives a petition and consent for annexation from a property owner and that property is not contiguous with the City, a resolution from the Governing Body must be adopted asking the Board of County Commissioners to make certain findings to allow the process to move forward. He stated this is a resolution of intent that would make the right-of-way for a portion of Road 180 to annex into city limits. If approved by the Board of County Commissioners, an ordinance for annexation will be presented at a future meeting.

Commissioner Smith made a motion to approve Resolution Number 3729 requesting the Lyon County Board of County Commissioners to make certain findings regarding the annexation of property. Commissioner Sauder seconded the motion. The

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

ENGINEERING
(Award Industrial Park III Watermain Improvements)
(Penny Lane, South Avenue and Road M5)
(Project No. WM2202)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the Industrial Park III Watermain Improvements, Project No. WM2202. This project will be for the construction of watermain on Penny Lane, South Avenue and Road M5. The bids are as follows:

BID TABULATION FOR INDUSTRIAL PARK III WATERMAIN IMPROVEMENTS

Contractor	Total Bid
S. R. Coffman Construction	\$573,034.00
Smoky Hill Construction	\$593,572.00
Mies Construction	\$600,000.00
Ditch Diggers, Inc.	\$600,560.05
Double J Construction	\$639,773.09
Matador Construction	\$678,706.00
Nowak Construction	\$681,483.00
Carlson Utility, Inc.	\$737,585.00
Engineer's Estimate	\$1,001,950.00

He stated this project consists of a new watermain to extend connectivity around the JAE Properties Kansas, LLC, located at 2000 Penny Lane, for future development and will bolster the water system in the Industrial Park III area. This project will be funded by Economic Development Funds from the Kansas Department of Commerce. He stated staff recommends awarding the project to S. R. Coffman Construction for the bid amount of \$573,034.00.

Commissioner Brinkman made a motion to award the Industrial Park III Watermain Improvements, Project WM2202 to S. R. Coffman Construction in the amount of \$573,034.00. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Use and Improvement of Welch Stadium)
(Emporia State University)
(Memorandum of Understanding)**

City Manager Cocking stated Emporia State University (ESU) and the City of Emporia have proposed a Memorandum of Understanding to formalize collaborative efforts for the use, enjoyment, maintenance, and improvement of Welch Stadium facility located on ESU campus. He stated the MOU outlines the commitments of both ESU and the City towards facilitating public access to the Welch Stadium and supporting the enhancement of ESU's campus community including:

ESU commits to facilitating reasonable public access to Welch Stadium, ensuring all users abide by established rules for safety and proper use.

ESU agrees to assist in promoting the City by providing space for city promotional materials during selected events at the facility.

The City commits to a financial contribution totaling \$400,000.00 to ESU, allocated in two payments, to support the maintenance and improvement of campus facilities including athletic spaces.

Both parties agree to terms regarding the request for accounting and limitations on promotional activities, ensuring compliance with NCAA regulations and local laws.

The MOU has an effective date of March 20, 2024, and will remain in effect through March 20, 2027, unless terminated earlier by either party under the terms provided.

He stated there is a daily prorated amount of said total payment determined to be \$365.30 per day. If this MOU is terminated after payment is made, ESU shall reimburse the City for any portion of the payment that otherwise would have been allocated on a daily prorated basis for the portion of the Term of this MOU that is unused. He stated staff recommends approval of the MOU between Emporia State University and the City of Emporia as presented and authorize the necessary budget allocations for financial commitments under the terms of the MOU.

Commissioner Harter made a motion to approve the MOU between Emporia State University and the City of Emporia as presented and authorize the necessary budget allocations to fulfill the City's financial commitments under the terms of the MOU. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter,

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

**CITY COMMISSION
(Adopting Event Fencing Policy 2-24)
(Resolution Number 3731)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City purchased portable crowd barrier fencing in 2018 utilizing transient guest tax funds. The event fencing is intended for use during special events in the community. Previously, city fencing has been required for events in which alcohol is sold or consumed, and rental fees were based on a per-panel rate. Rental fees were returned to the transient guest tax fund for reimbursement of the initial purchase. The proposed resolution adopts a formal Event Fencing Policy establishing procedures for the use and rental of city fencing at special events. Under the new policy, rental fees will be based on staff time spent rather than a per-panel rate. She stated this is expected to lower the cost of fence rental for most events and give event organizers flexibility in requesting and paying for only the delivery and set-up services they need. The Police Chief will be authorized to require the use of city fencing at any event where it is deemed necessary for public safety. City event fencing will continue to be required at some events involving alcohol but may not be required for the full perimeter of an event and will not be required at every event if a suitable alternative in compliance with state law is utilized. She stated staff recommends approval of Resolution Number 3731 adopting event fencing policy.

Commissioner Smith made a motion to approve Resolution Number 3731, a resolution adopting Event Fencing Policy 2-24. Commissioner Sauder seconded the motion. Commissioner Harter thanked the City Attorney Montgomery, Chief Owens and others that came up with a reasonable up to date fence policy. There was a call for the vote as follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, 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 February 2024 for community:

1. Monthly Local Retail Sales Tax Receipts Update

	2023	2024	Increase of \$233.46 for the month, and
	\$ 597,681.00	\$ 597,914.46	Overall increase of 0.12% from year 2023.
YTD	\$1,113,687.92	\$1,115,283.82	

2. City Share from County Tax

	2023	2024	Decrease of \$24,673.60 for the month, and
	\$ 326,755.28	\$ 302,081.88	Overall decrease of 3.82% from year 2023.
YTD	\$ 591,799.66	\$ 570,044.59	

Building Permits issued from 2/1/2024 to 2/29/2024 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	54
Total of valuations associated with those building permits:	\$ 3,140,479.35
Total number of dollars collected for Building Permit Fees:	\$ 12,528.50

Construct – Single-family dwellings	1
Demo – Single-family dwellings	1

Flint Hills Mall CID for February 2024	\$ 24,236.54
YTD	\$ 40,945.56

Pavilions CID for February 2024	\$ 24,013.67
CID #2	\$ 24,012.84
YTD	\$ 82,328.47

City Manager Cocking stated he wanted to point out on financials and permits the City's sales tax was up .12%, the County's sales tax was down 3.82%; that is due to the County increasing its property taxes. The County sales tax is based on a formula that divides the funds in half. Half is based on population, each entity gets their percentage of the population. The City gets the majority of that due to the vast majority of the population in Lyon County lives in the City of Emporia. The County only gets to count the unincorporated portion of Lyon County for their distribution of that half. The other half is based on total Ad Valorem taxes, since the County has a much higher valuation, thanks to the peaking plant, and then they raised their mill levy, that lowers our half of the funds, in comparison the City is receiving less sales tax than the County. That is why the City is down because the County raised taxes, when that happens you get higher percentage of motor vehicle taxes and higher percentage of sales taxes when you increase your mill levy and increase your total amount of property taxes.

Commissioner Brinkman asked if it was a gain, loss or a wash for us in terms of collecting under one mechanism versus the other.

City Manager Cocking stated for us it is a year over year loss, for the County it is a year over year gain. For future conversations for use concerning sales tax, remember that the County is receiving a larger portion of the sales tax.

Mayor Giefer asked if that was a state law.

City Manager Cocking stated it was a state law and state formula. Ninety-one percent of all Lyon County sales tax is collected within the city limits.

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on March 6, 2024.
- b. Ordinance Number 24-09 Establishing a Common Consumption Area Sponsored by Emporia Main Street.

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE WITHIN THE COMMON CONSUMPTION AREA BOUNDARIES, to which the City Clerk assigned Ordinance Number 24-09, was presented to the Governing Body for their consideration.

- c. Ordinance Number 24-10 Establishing a Common Consumption Area Sponsored by Radius Production, LLC.

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE WITHIN THE COMMON CONSUMPTION AREA BOUNDARIES, to which the City Clerk assigned Ordinance Number 24-10, was presented to the Governing Body for their consideration.

- d. Reschedule April 17, 2024, City Commission Meeting to Tuesday, April 16, 2024, at 11:00 a.m.

The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Giefer, 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 APRIL 3, 2024, MEETING.

- Proclamation Recognizing April 7 – 13th as National Library Week.
- Proclamation Recognizing April as Fair Housing Month.
- Public Hearing for Emporia West Plaza CID.
- Appoint Member to EHRC.
- Bald Eagle Renovation Project.

Study Session:

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 for a potential development project resuming the open meeting in the City Commission Meeting Room, this same date, at 11:50 a.m. and invite Tayler Wash, Director of Special Projects, Jim Ubert, City Engineer, and Jim Witt, Interim RDA President. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 11:50 a.m., this same date, in the City Commission Meeting Room, Commissioner Harter made a motion to continue the Executive Session discussion for the reasons stated previously with all the same people and resuming the open meeting in the City Commissioner Meeting Room this

same date at 12:06 p.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Giefer, aye. Commissioners Brinkman and Commissioner Smith were not present at the time of the vote.

Upon reconvening the meeting in Regular Session, at 12:06 p.m., this same date in the City Commission Meeting Room, Mayor Giefer stated they had discussed confidential matters of a third party for a potential development project and no action was taken.

Commissioner Smith made a motion to recess the meeting until 12:25 p.m. to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

The following items were discussed at Study Session:

1. Amendment to the Memorandum of Understanding by and Among the City of Emporia, The Emporia Recreation Commission, and Emporia Unified School District 253.
2. Review Community Survey.
3. Strategic Visioning Session One.

Study Session Discussion:

**City Commission
Amendment to the Memorandum of Understanding
Emporia Recreation Commission
Emporia Unified School District 253**

City Manager Cocking stated the MOU that was created to establish a Steering Committee to explore options for a new recreational facility was tasked with producing a RFQ for a CMAR for the project by March 15, 2024. That deadline did not happen due to the first meeting of the committee was held on March 11, 2024. The Steering Committee discussed the possibility of amending the current MOU by written agreement of the parties to authorize the Steering Committee to modify the MOU by a unanimous 7 – 0 vote.

Commissioner Harter made a motion to authorize the City Manager to approve the amendments/modifications to the Memorandum of Understanding (MOU) for the

Recreation Steering Committee. Commissioner Smith seconded the motion. Following further discussion the vote follows: Commissioner Harter, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

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

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Memorandum of Understanding and Cooperation with Emporia State University

Title: Memorandum of Understanding and Cooperation with Emporia State University

Agenda Date: April 3, 2024

Presented By: Ed Owens, Police Chief; Christina Montgomery, City Attorney

Background:

Kansas Statutes authorize city and university law enforcement agencies to participate in mutual aid agreements. The City and Emporia State University have had such an agreement in place for many years. The current MOU was signed in 2002. ESU has requested an updated agreement to address changes in the law.

Discussion:

The attached Memorandum of Understanding and Cooperation authorizes ESUPD officers to operate within the jurisdiction of the City in cooperation with EPD, and allows EPD officers to operate within the jurisdiction of ESU in cooperation with ESUPD. The intent of the agreement is to ensure that both agencies have the resources, authority, and flexibility to operate in a manner that provides the greatest benefit to health, safety, and welfare of the citizens and visitors in Emporia as well as the students and faculty of Emporia State University.

Financial considerations:

No City funding is required.

Recommended action:

Approve Memorandum of Understanding and Cooperation with Emporia State University.

Attachments:

Memorandum of Understanding and Cooperation

MEMORANDUM OF UNDERSTANDING AND COOPERATION

Now, on this _____ day of _____, 2024, Emporia State University ("ESU"), an agency and State Educational Institution of the State of Kansas, and the City of Emporia, Kansas, ("City"), a municipal corporation formed and existing under the laws of the State of Kansas, mutually agree as follows:

WHEREAS, the City and the University have a long history of cooperation regarding their shared mutual interests in a strong, safe, and vibrant ESU and Emporia community;

WHEREAS, the principal law enforcement agency in the City of Emporia, Kansas, is the Emporia Police Department ("EPD");

WHEREAS, pursuant to K.S.A. 76-726 and K.S.A. 22-2401a, ESU has established Emporia State University Police and Safety ("ESUPD"), which employs a department of commissioned law enforcement officers in accordance with K.S.A. 74-5607a and 74-5616, who exercise such authority and jurisdiction as granted by the laws of the State of Kansas;

WHEREAS, both parties have a vested interest in the success of the other party and the health, safety, and welfare of the citizens and visitors to Emporia, Kansas which includes the students and faculty of Emporia State University;

WHEREAS, both EPD and ESUPD may occasionally experience a need for additional personnel, equipment, training, or other resources, to respond to calls for service, community events, or critical incidents;

WHEREAS, in addition to and without limitation upon the other statutory grounds for ESUPD officers to exercise the power and authority of law enforcement officers, K.S.A. 76-726 and K.S.A. 22-2401a authorize ESUPD and EPD to enter in to an agreement permitting ESUPD officers to exercise the power and authority of law enforcement officers within the City of Emporia when necessary to protect the health, safety, and welfare of students and faculty of Emporia State University, as specifically provided in K.S.A. 76-726(a)(3) and K.S.A. 22-2401a(c)(3);

WHEREAS, in addition to and without limitation upon the other statutory grounds for ESUPD officers to exercise the power and authority of law enforcement officers, K.S.A. 22-2401a authorizes ESUPD officers to exercise the power and authority of law enforcement officers within the City of Emporia when a request for assistance has been made by EPD, as specifically provided in K.S.A. 22-2401a(h)(1);

WHEREAS, in addition to and without limitation upon the other statutory grounds for ESUPD officers to exercise the power and authority of law enforcement officers, K.S.A. 22-2401a authorizes ESUPD officers to exercise the power and authority of law enforcement officers within the City of Emporia when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property owned, occupied, or operated by ESU, by a board of trustees of ESU, the endowment association of ESU, an affiliated corporation of ESU, an athletic association of ESU, a fraternity, sorority, or other student group associated with ESU, or at the site of a function or academic program sponsored ESU, with appropriate notification of, and coordination with, EPD, to investigate and arrest persons for such a violation, as specifically provided in K.S.A. 22-2401a(c)(4);

WHEREAS, in addition to and without limitation upon the other statutory grounds for EPD officers to exercise the power and authority of law enforcement officers, K.S.A. 22-2401a authorizes EPD officers to exercise the power and authority of law enforcement officers on the property owned and under the control of Emporia State University when a request for assistance has been made by ESUPD, as specifically provided in K.S.A. 22-2401a(h)(1);

WHEREAS, in addition to and without limitation upon the other statutory grounds for EPD and ESUPD officers to exercise the power and authority of law enforcement officers, K.S.A. 22-2401a authorizes any law enforcement officer to exercise the power and authority of a law enforcement officer when: in fresh pursuit of a person; transporting persons in custody to an appropriate facility, wherever such facility may be located; and investigating a crime that occurred within the law enforcement officer's jurisdiction, with appropriate notification to and coordination with a local law enforcement agency with jurisdiction where the investigation is to be conducted, as specifically provided in K.S.A. 22-2401a(h)(2)-(4);

WHEREAS, the parties to this agreement believe that it is in the best interest of the City of Emporia and Emporia State University to enter into an agreement as authorized by K.S.A. 76-726(a)(3), and to provide for certain situations in which the parties agree that ESUPD and EPD have each been deemed to have requested assistance from the other as authorized by K.S.A. 22-2401a(h)(1);

IT IS THEREFORE MUTUALLY AGREED as follows:

1. **Purpose.** The purpose of this agreement is to ensure that both EPD and ESUPD have the resources, authority, and flexibility to operate in a manner that provides the greatest benefit to the health, safety, and welfare of the citizens and visitors in Emporia, Kansas as well as the students and faculty of Emporia State University.
2. **Geographical Scope.** The geographical scope of this agreement shall be the city limits of the City of Emporia, Kansas, including but not limited to all property within said city limits owned or operated by Emporia State University or the Emporia State University Endowment Association.
3. **Mutual Agreement.**
 - a. The parties hereby agree that at any place within the limits of the City of Emporia, Kansas, whenever an ESUPD officer acting within the scope of his or her official duties as an ESUPD officer reasonably believes it is necessary to protect the health, safety and/or welfare of students and/or faculty/staff of Emporia State University, such ESUPD officer is hereby authorized to exercise any and all power and authority of a law enforcement officer as may lawfully be exercised by an EPD officer within the City of Emporia, Kansas. This provision is authorized by K.S.A. 76-726(a)(3) and K.S.A. 22-2401a(c)(3).
 - b. The parties hereby agree that if an ESUPD officer is within the limits of the City of Emporia, Kansas, but not within his or her normal jurisdiction as defined by statute, and has probable cause to believe a violation of state statute or municipal ordinance is occurring, this provision of this agreement shall be deemed a request by EPD for the ESUPD officer to assist EPD by exercising any and all power and authority as may lawfully be exercised by an EPD officer, until such time as EPD is able to respond and assume control of the situation or until the situation is managed by ESUPD. This provision of this agreement is authorized by K.S.A. 22-2401a(h)(1).
 - c. The parties hereby agree that if an ESUPD officer is within the limits of the City of Emporia, Kansas, but not within his or her normal jurisdiction as defined by statute, and is in fresh pursuit of a person, transporting persons in custody to an appropriate facility, wherever such facility may be located, or investigating a crime that occurred within the ESUPD officer's jurisdiction, this agreement shall be deemed appropriate notification of and coordination with EPD to establish full law enforcement officer authority for the ESUPD officer within the limits of the City of Emporia pursuant to K.S.A. 22-2401a(h)(2)-(4).
 - d. The parties hereby agree that if an EPD officer is on property owned and or operated by Emporia State University or the Emporia State University Endowment Association and has probable cause to believe a violation of State Statute or Municipal Ordinance is occurring on such property, this provision of this agreement shall be deemed a request by ESUPD for the EPD officer to assist ESUPD by exercising any and all power and authority as may be lawfully exercised by an ESUPD officer until such time as ESUPD is able to respond and assume control of the situation or until the situation is managed by EPD. This provision of this agreement is K.S.A. 22-2401a(h)(1).
 - e. In the event that either party is involved in a police pursuit, this agreement shall be deemed a request by one party for assistance from the other party, unless specifically indicated otherwise. Both parties' assistance in police pursuits shall be governed by their own policies and procedures and Kansas law relating to police pursuits and emergency vehicle operations. After involvement in the pursuit is terminated by the party who initiated the pursuit, the decision to continue or terminate a pursuit by the assisting party shall be an independent decision by that party and shall be made in accordance with Kansas law and that agency's policies.
 - f. The parties hereby agree to share necessary and pertinent information obtained as a result of any response to a request for police service to any area of concurrent jurisdiction as created by this agreement.
 - g. Nothing contained herein shall be deemed to be a limitation upon or restriction of any power or authority to act as a law enforcement officer granted to ESUPD or EPD officers by any statute or other provision of the law. This provision is intended to extend the jurisdictions of ESUPD and EPD

as provided by law, and is in no way intended to limit any authority or power granted under K. S.A. 22-2401a and K.S.A. 76-726 or any other provision of the law.

- h. Nothing in this agreement shall be construed as authorizing an EPD officer to violate the rules, regulations, policies, orders, or directions of EPD or the City of Emporia, Kansas. Nothing in this agreement shall be construed as authorizing an ESUPD officer to violate the rules, regulations, policies, orders or directions of ESUPD, Emporia State University, or the State of Kansas.
- i. When rendering mutual aid, the law enforcement officer(s) that render the assistance shall not be considered for any purpose to employees of the entity to which the assistance is being rendered. All employment rights, workers compensation, and compensation for work performed in or for any party to this agreement shall be the responsibility of the law enforcement officer's regular employer. It is further understood and agreed that each party to this agreement agrees to defend, indemnify, and hold harmless the other party from claims with respect to the party's own employees, as allowed by applicable law.
- j. Nothing in this agreement shall create a duty or obligation by one party to the other except those established by applicable law.
- k. **Rape and other forms of Sexual Violence.** As set forth herein, the parties agree to confer and cooperate, to the extent permitted by law, regarding incidents of sexual violence involving a University student-victim. For purposes of this MOU sexual violence means rape, non-consensual sodomy, and sexual battery. Nothing in this MOU shall be construed as requiring EPD to share information with the University if EPD reasonably believes that doing so would jeopardize its criminal investigation.
 - i. The University and EPD will communicate regularly during their respective investigations, to the extent permitted by law. The parties recognize the need to balance the interests of the criminal process and ESU's obligations under the federal law.
 - ii. If necessary to prevent interference with its criminal investigation, EPD will notify the appropriate Title IX Coordinator of a report of sexual violence involving a University student-victim. EPD will provide such coordinator with the victim's name and basic information about the incident upon the written consent of the victim(s). In some cases, ESU may need to take immediate interim action to protect the victim(s) and keep the campus safe. However, upon EPD's request, ESU will delay taking action to the extent reasonably possible to prevent interference with the criminal investigation. Upon such notice by EPD, ESU will limit information regarding the incident to only those administrative units with a need to know to protect the campus community. In such cases, EPD will notify ESU when it has completed its initial investigation and notification to the parties by ESU will not interfere with the criminal investigation.
 - iii. When the Title IX Coordinator receives a report of sexual violence, it will inform the victim of ESU's coordination with EPD and inform the victim that, with the victim's written consent, ESU will provide the victim's name and basic information about the incident to EPD to assist in coordination of the administrative and criminal investigations, with no obligation on the victim to pursue the criminal matter. ESU will make the victim aware of the victim's right to make a criminal report, if the victim desires. Upon request, ESU will coordinate and assist the victim in contacting EPD.
 - iv. ESU will provide EPD with a one-page information sheet regarding the University's administrative complaint process, protective measures, and campus resources. EPD agrees that its investigators will strive to provide the information sheet to student-victims interviewed in cases involving sexual violence.
 - v. Upon request, the parties will provide one another with information and records to the extent allowed or required by law and in accordance with applicable policy.
- l. **Domestic Violence and Stalking.** The University agrees to provide EPD information (e.g., office name and contact information) about campus resources for victims of domestic violence and/or stalking for inclusion on EPD's victim resource card. EPD agrees to include such information on its future victim resource cards.

- m. **Collection of Crime Statistics.** The University is required by federal law to collect and publish statistics for reports of certain crimes, including crimes that occur on and around campus. As part of that obligation, the University must request crime statistics from EPD annually. EPD agrees to cooperate with the University and undertake reasonable efforts to respond to the University's request for crime statistics.
 - n. **Emergency Notification and Crime Alerts.**
 - i. The parties acknowledge that the University is required by federal law to have an emergency notification process to alert the campus community about significant emergencies or dangerous situations that pose an immediate threat to the health or safety of students or employees occurring on campus. The University is also required by federal law to issue timely warnings to alert the campus community about crimes that pose a serious or continuing threat to safety when a crime is ongoing or may be repeated.
 - ii. If EPD is aware of a significant emergency, dangerous situation, or ongoing crime that poses an immediate threat to the health and safety of the University's students or its employees, EPD may notify ESUPD so that ESU can determine whether an emergency notification or timely warning should be issued by the University.
 - o. **Training.** The parties agree to collaborate to provide education and training opportunities of interest to the parties. Specific education and training opportunities will be separately agreed to by the parties and may include the following:
 - i. The parties agree to share information on a voluntary basis about education and training opportunities that may be of interest to the other party and to share information from training sessions of mutual interest.
 - ii. The University agrees, at its discretion and upon request, to provide training to EPD personnel regarding the University's obligations under federal law, including Title IX, to respond to incidents of sexual violence involving members of the University community. This training may include information about University policies and procedures, the differences between the University's administrative process and the criminal process, university resources, and other information that would be of value to EPD.
 - iii. EPD agrees to provide training, at its discretion, to University employees, including those with responsibility for investigating and responding to matters of sexual violence and those providing support services to parties involved in matters of sexual violence.
 - iv. Upon mutual agreement by the representatives of the parties who are coordinating an education or training program, the parties may extend invitations to community partners to participate in the program.
4. **Termination.** This agreement may be terminated at any time by providing thirty (30) days advance written notice to the following persons:

For Emporia State University
Office of the President
Emporia State University
1 Kellogg Cir.
Emporia, Kansas 66801

with a copy to:

Director
Emporia State University Police and Safety
Emporia State University
1 Kellogg Cir.
Emporia, Kansas 66801

For the City of Emporia:
Office of the City Manager
City of Emporia
522 Mechanic
Emporia, Kansas 66801

with a copy to:

Chief of Police
City of Emporia
518 Mechanic
Emporia, Kansas 66801

5. **Assignment.** This Contract shall not be assigned without the prior written consent of either party.
6. **Choice of Law.** This Contract shall be governed by the law of the State of Kansas. The proper venue for any actions in regard to this Contract shall be in the District Court of Lyon County, Kansas.
7. **Severability.** If any provision, section, subsection, paragraph, sentence, clause, phrase, or portion of this Contract, or the documents incorporated herein is found to be invalid, unlawful, or unconstitutional, it shall not affect the remainder of the validity of this Contract and the remainder of this Contract shall be enforceable.
8. **Exclusivity.** This agreement exists only between the City of Emporia and Emporia State University and is not intended to benefit any third party, nor shall any person who is not now or in the future a party hereto be entitled to enforce any of the rights or obligations of a party under this MOU.
9. **Amendments.** This Contract and the terms herein, shall not be amended, altered, or changed, except upon written agreement, executed by the duly authorized representative of the City of Emporia and Emporia State University.

The duly authorized representatives of the parties have signed and executed this agreement on the dates subscribed to below:

City of Emporia

Emporia State University

Trey Cocking, City Manager

Cory Falldine, Executive VP of Operations and
Economic Development

Date

Date

Ed Owens, Chief of Police

Jerry Cook, University Police Chief

Date

Date

Approved by:

Danny Giefer, Mayor

Date



Commission Action Report

Informational Items

Title: Informational Items

Agenda Date: April 3, 2024

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 organization's accomplishments.

Discussion:

At the time this Agenda was prepared, the following items were in the works for the tentative Agendas of the upcoming meetings on Tuesday, April 16, 2024.

Commission Meeting :

- Earth Day Proclamation.
- Arbor Day Proclamation.
- Appoint Member to EHRC.
- Eagle Exhibit Repair Project.
- Award South East Transmission Waterline Materials.
- Change Order for Mechanic Street Parking Lot.
- Award 2024 Street Rehab Project.
- Lockwood Heights (W. 6th Avenue) RHID.

Study Session:

- Quaker Park Update.
- Discuss Sewer Ordinance.



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: April 3, 2024

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.

Recommended action:

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

Title: Strategic Visioning Session Two

Agenda Date: April 3, 2024

Presented By: Tayler Wash, Director of Special Projects

Background:

During the first visioning session, the Commission worked to identify a set of priorities for the organization based on community survey results, employee survey results, and their priorities as a Commission.

Discussion:

During this session, we will work together to review themes that came out of that meeting and decide on a vision for the organization. We will also discuss next steps as we work toward a strategic plan.

Financial Considerations:

N/A

Other Considerations:

N/A

Attachments:

Strategic Visioning Session Two PPT

City Commission Strategic Visioning Session Two



Your Feedback from Session One

What is our organization’s main purpose?	• Provide quality of life services • Provide for safety and essential services for our community (police/fire) • Set the community up for success and growth • We are a collective for the common good • Create an environment where families and businesses are able to succeed and flourish
Why does our organization matter?	• We make and enforce the rules in which citizens function by and provide vital day to day services • To avoid chaos • Provide funding and direction to support these goals • To bring services to all citizens • Because we collect tax dollars
What impact do we want our organization to have on the community?	• Our impact is quality of life for all citizens • For all citizens to be able to better their life • That we listen with a positive response • A positive one • Positive: this is measured by data points (surveys, tax collections, etc.)
What do we HAVE to do vs. what do we WANT to do?	• We must be excellent stewards of taxpayer dollars • We must provide services and maintain infrastructure. We want to invest in ourselves and be willing to take risks • We must provide basic life services. We must provide quality and basic life services • Prioritize • We must take care of roads, utilities, police, fire. We want empower Emporians to prosper and grow the city • We want an engaged and educated citizenry
What would it look like if we didn’t exist vs. what would it look like if we were performing at our highest capacity?	• Without it would be unorganized with no direction. With it, it would be listening to all needs and organized • At our highest capacity we are growing and balanced • Without it would be desolate. With it would be a role model city for comparable cities • Without it would be bedlam, with it would be a community people want to live and work in • Without it would be an unincorporated township. With it would be a destination draw for residential living

Common Themes from the Exercise



Developing a Strategic Vision

Potential Vision Statements

The City of Emporia is a vibrant and thriving community where every citizen enjoys a high quality of life. Through responsible stewardship of resources and a commitment to excellence, we provide essential services, prioritize infrastructure development, and foster an environment where families and businesses flourish.

The City of Emporia embraces its role as a catalyst for change, leading by example in fostering a safe, prosperous and interconnected community. Through collaborative efforts and transparent governance, we prioritize the well-being of all citizens, ensuring that Emporia remains a vibrant and desirable place to live, work, and thrive.

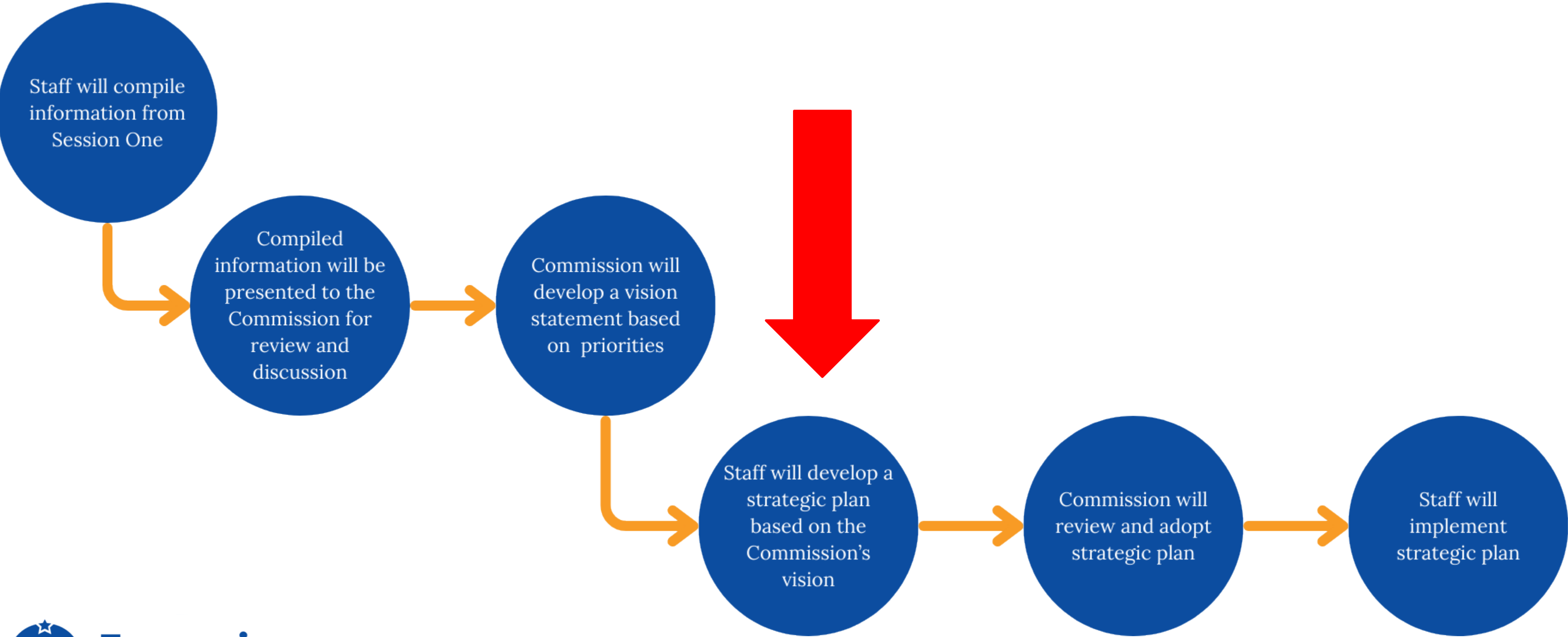
In the City of Emporia, we aspire to be a beacon of growth and prosperity, driven by our collective dedication to the common good. With a focus on safety, fiscal responsibility, and engagement, we ensure that all citizens have the opportunity to prosper and contribute to our dynamic and balanced community.

In the City of Emporia, we see a dynamic and inclusive community where opportunity flourishes and diversity is celebrated. Through strategic investment in safety, infrastructure, and essential services, we cultivate an environment where families thrive, businesses prosper, and innovation flourishes. Guided by fiscal responsibility and a dedication to collective well being, we strive to become a beacon of resilience, growth, and inspirations for cities near and far, ensuring that Emporia remains a place where dreams take flight, and bright futures are realized.

At the heart of the City of Emporia's vision lies a commitment to building a sustainable and inclusive community where every voice is heard and valued. By investing in essential services, infrastructure, and education, we empower Emporians to realize their full potential, creating a model city admired for its resilience and opportunity.

Developing a Strategic Vision

Next Steps





Emporia
Kansas

Executive Summary

Overview

- Distributed through January and February of 2024
- Intended to gather resident feedback on city priorities and quality of services
- This is the second survey conducted by ETC

Methodology

- Paper copies were mailed to a random sample of 400 households
- Residents had the option to complete via paper or online
- The goal was to get feedback from 400 residents. We received 481 responses.



Strategic Vision/Planning Background

Where Did We Start?

On May 18, 2022, a set of strategic goals were unanimously adopted by the Commission. Consultants met with Commissioners individually then conducted a strategic work session with the full Commission. Finally, they compiled information from individual meetings and the work session to present a written work plan to the Commission for adoption. An update regarding progress on these strategic goals was given on April 5, 2023.

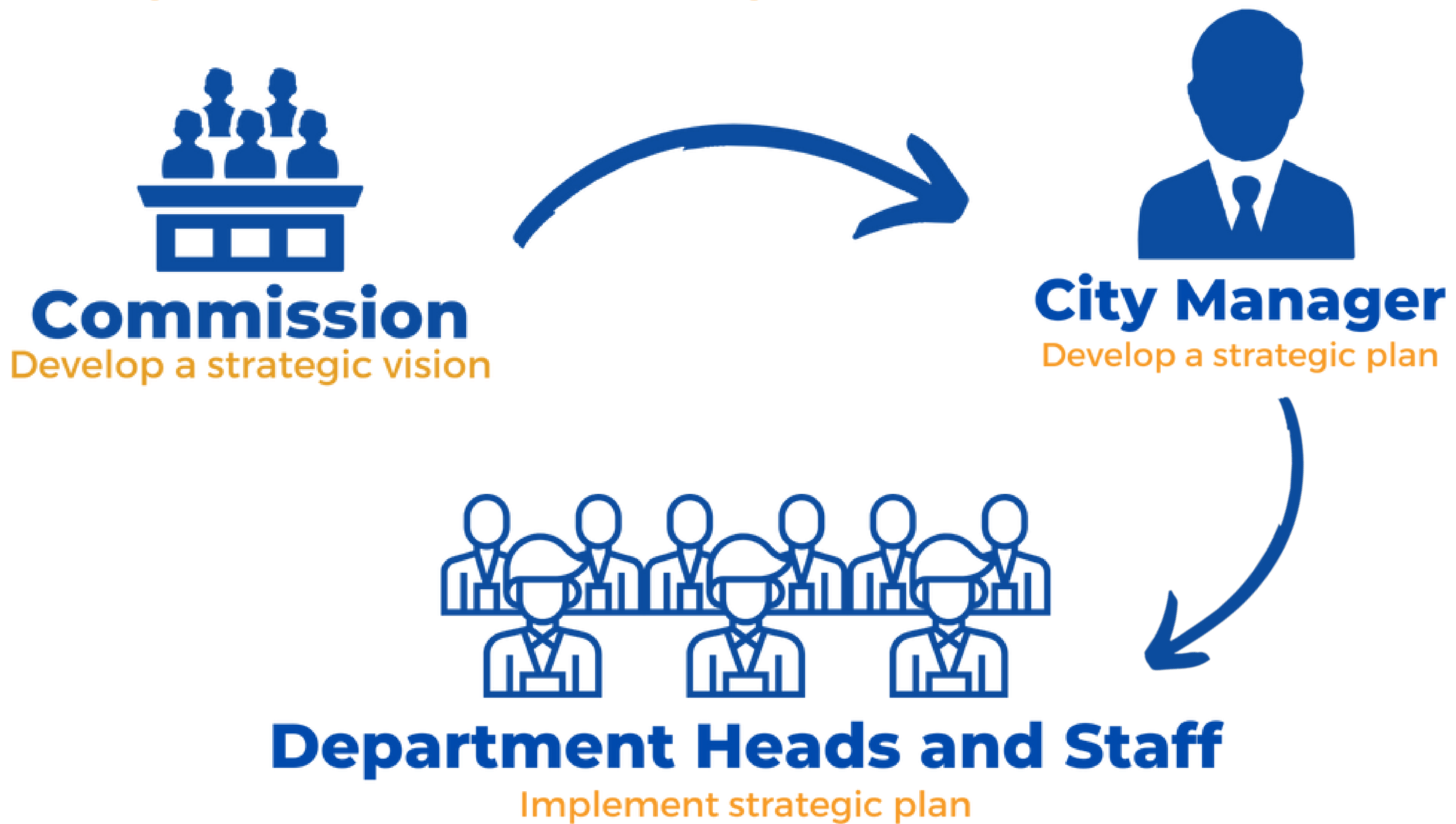
Where Are We Now?

The City has made a considerable amount of progress on the strategic goals that were established in 2022. That progress will be detailed further in this presentation.

Where Are We Going?

As we grow and develop as a City, it is important to re-evaluate our strategic goals and ensure that they align with the needs of our residents and the capacity of our staff. Opportunities for moving forward will be discussed during this presentation.

Strategic Vision/Planning Framework



Strategic Goals: Current Status

Completed	In-Progress	Not Started
• Water Rate Study with Burns and McDonnell • Compensation study • New budget format • Monthly budget at-a-glance • RHID process for new developments • Continued use of federal and state funds to encourage residential rehabilitation (MIH) • Use social media to recruit more diverse individuals for boards and commissions • Streamline boards/commissions application process • Retool and revamp City website • Create a business card for recruiting new members to boards and commissions • Create a handout to put into bills to recruit people for boards and commissions • Newspaper ads to recruit new people for boards and commissions	• Fire Station #1 Rebuild • Fire Station #2 Updates • Prioritize funding and park design for park improvements related to disc golf • Establish task force to study the integration of the Library and Recreation Center into the City • Evaluate ROI for each economic development agency in the city • Preserve Cottonwood River Rights • Review/create MOU with each economic development agency in the city to require city participation on boards and regular reporting • Communicate to community economic development agencies the importance of cycling and disc golf in the growth of our city • Assess potential of city/county owned properties for residential developments	• Working Committee of City/County Officials regarding facility improvements • Prioritize funding and park design for park improvements related to cycling • City Business Disc Golf League • More events for disc golf and cycling • Housing plan for infill housing opportunities

City Commission Strategic Visioning Session One



Developing a Strategic Vision

The strategic vision describes what an organization desires to achieve in the long-run. It depicts a vision of what things will look like in the future and sets a defined direction for the planning and execution of corporate level strategies. It should encompass all the priorities and essential functions of the organization. A strategic vision should be:

- Inspirational and aspirational
- Forward-looking
- Reflective of a community's culture and core values
- Dedicated to the overall betterment of the organization
- Ambitious and attainable (like a tangible dream)

Things to consider in the development of our strategic vision:

- Essential functions
- Community priorities
- Commission priorities

Note: a strong strategic vision is the foundation for the development of a strategic plan and a mission statement. Helps to conceptualize the identity of our organization. Will guide all of the work we do.

Developing a Strategic Vision

Municipal Examples

Manhattan aspires to be a dynamic place of progress as a leading community in the Midwest with a high quality of life and unparalleled university and military partnerships

Manhattan, KS

The City of Lawrence—supporting an unmistakably vibrant community with innovative, equitable, transparent, and responsible government.

Lawrence, KS

The City of Wichita is a leading-edge organization serving a dynamic and inclusive community. As an exceptionally well-run city, we will keep Wichita safe, grow our economy, build dependable infrastructure and provide conditions for living well.

Wichita, KS

The mission of Lyon County government is to create an environment of economic growth within a framework of fiscal responsibility and transparency to the people of Lyon County.

Lyon County, KS

Our mission is to apply business-like principles to the values of public service to get a great community built on quality neighborhoods and engaged individuals. The ‘products’ made by our ‘company’ include water, wastewater service, residential trash collection, public safety services of police and fire protection, streets, parks, support for tourism amenities, community planning and enforcement of property standards, and the management services that make all of this happen.

Atchison, KS

As the capital city of Kansas, Topeka is recognized as a vibrant community where people choose to live, work, learn, and play, and of which Kansans are proud.

Topeka, KS

Developing a Strategic Vision

Essential Functions

What is our organization's main purpose?

Why does our organization matter?

What impact do we want our organization to have on the community?

What do we HAVE to do vs. what do we WANT to do?

What would it look like if we didn't exist vs. what would it look like if we were performing at highest capacity?

Staff Priorities



Developing a Strategic Vision

Community Priorities

This is not an exhaustive summary of the Community Survey. This is a ranking of the major city services that are most important to constituents.

This is not necessarily reflective of the efficacy of these services, but a ranking of how important they are to the population:

1. Condition of Streets and Bridges
2. Quality of Water and Wastewater Utility Services
3. Quality of Police Department Services
4. Enforcement of City Codes/ Ordinances
5. Quality of Parks and City Facilities
6. Quality of Fire Department Services
7. Customer Service Experience with City Employees
8. Quality of City Trash and Recycling Services

Developing a Strategic Vision

Community Place

Making Results



Developing a Strategic Vision

Commission Priorities

Based on the last strategic session, these are the priorities that were identified and haven't been met yet. Have these priorities changed at all? Are these ALL of the priorities? How can we work these items into a strategic vision?

- ☐ Working Committee of City/County Officials regarding facility improvements
- ☐ Prioritize funding and park design for park improvements related to cycling
- ☐ City Business Disc Golf League
- ☐ More events for disc golf and cycling
- ☐ Housing plan for infill housing opportunities

Developing a Strategic Vision

New Commission Priorities

Based on the information covered here today, what are some top priorities for the Commission moving forward?

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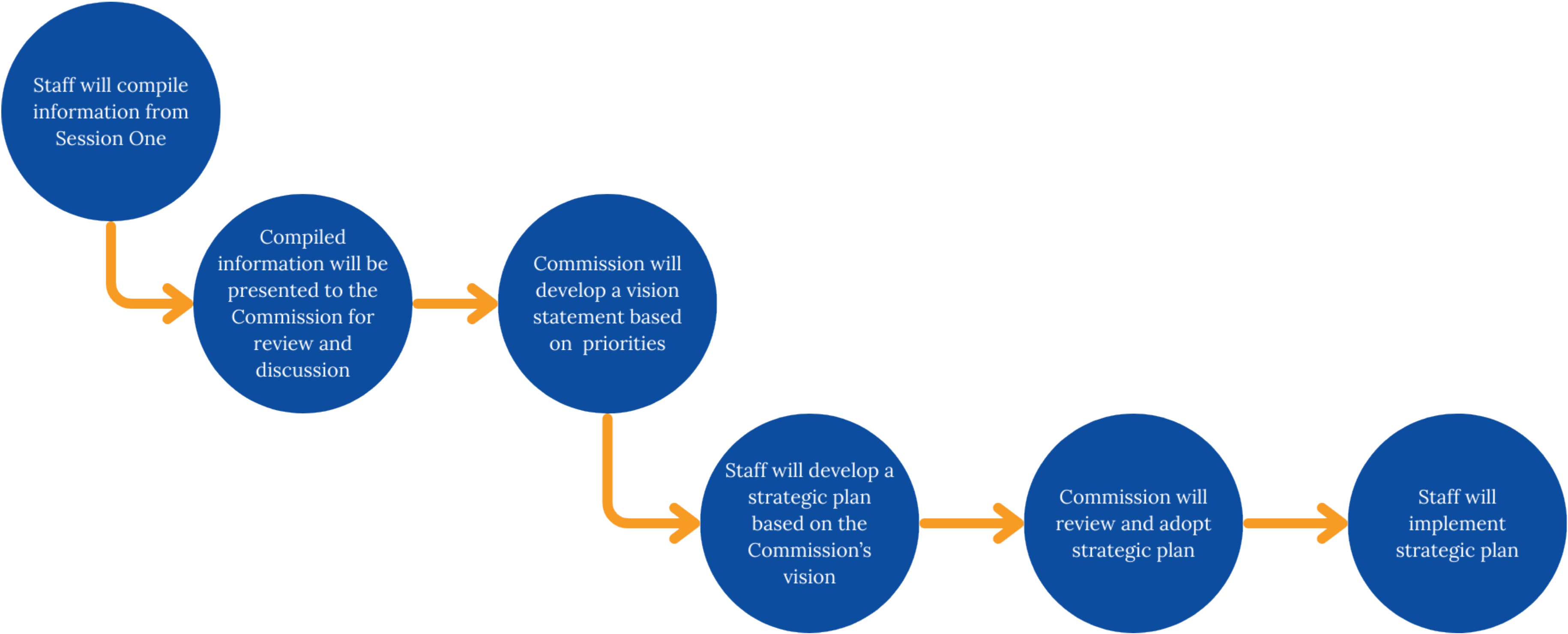
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Developing a Strategic Vision

Next Steps



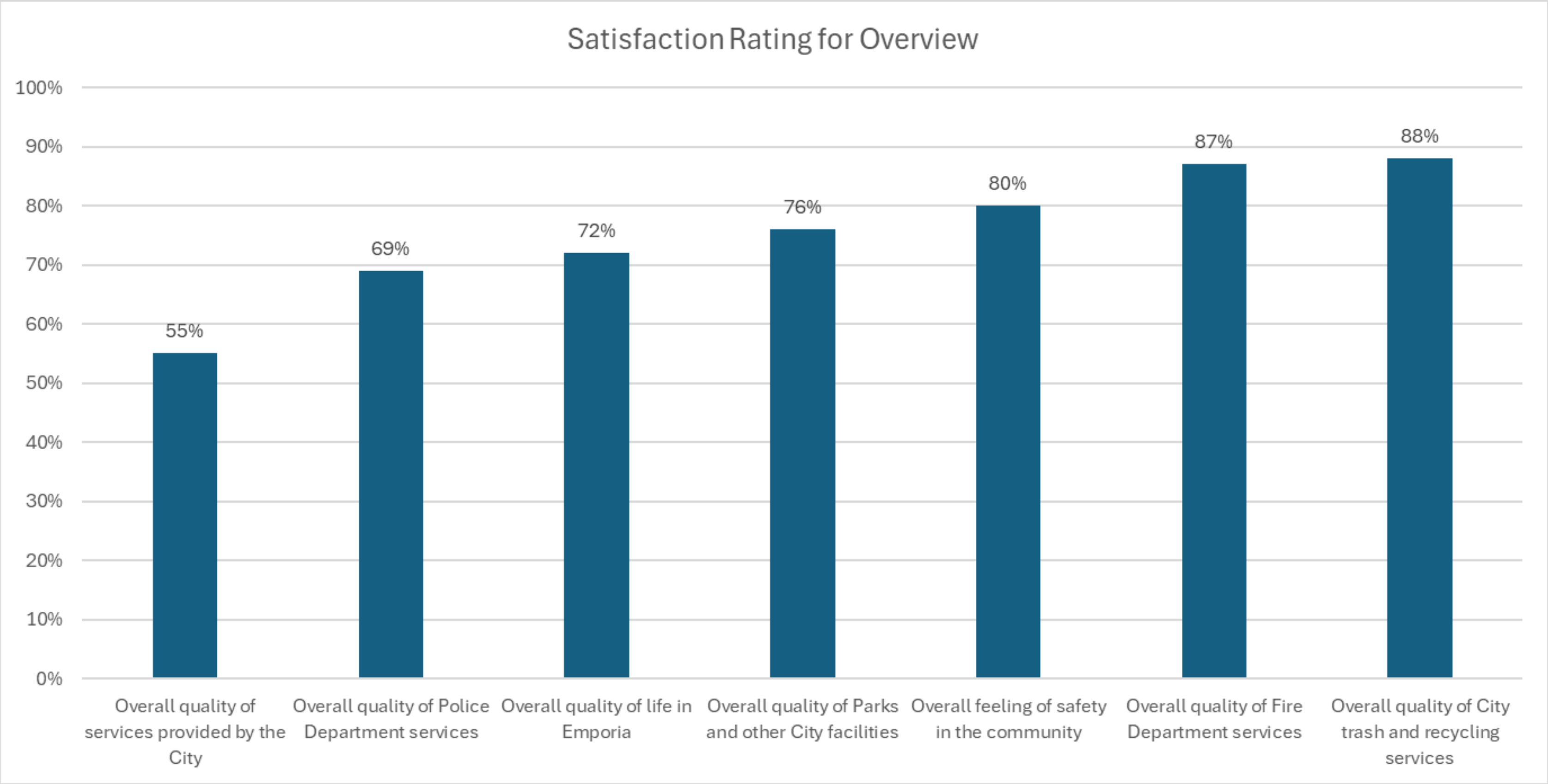


Community Survey

Overview of Results



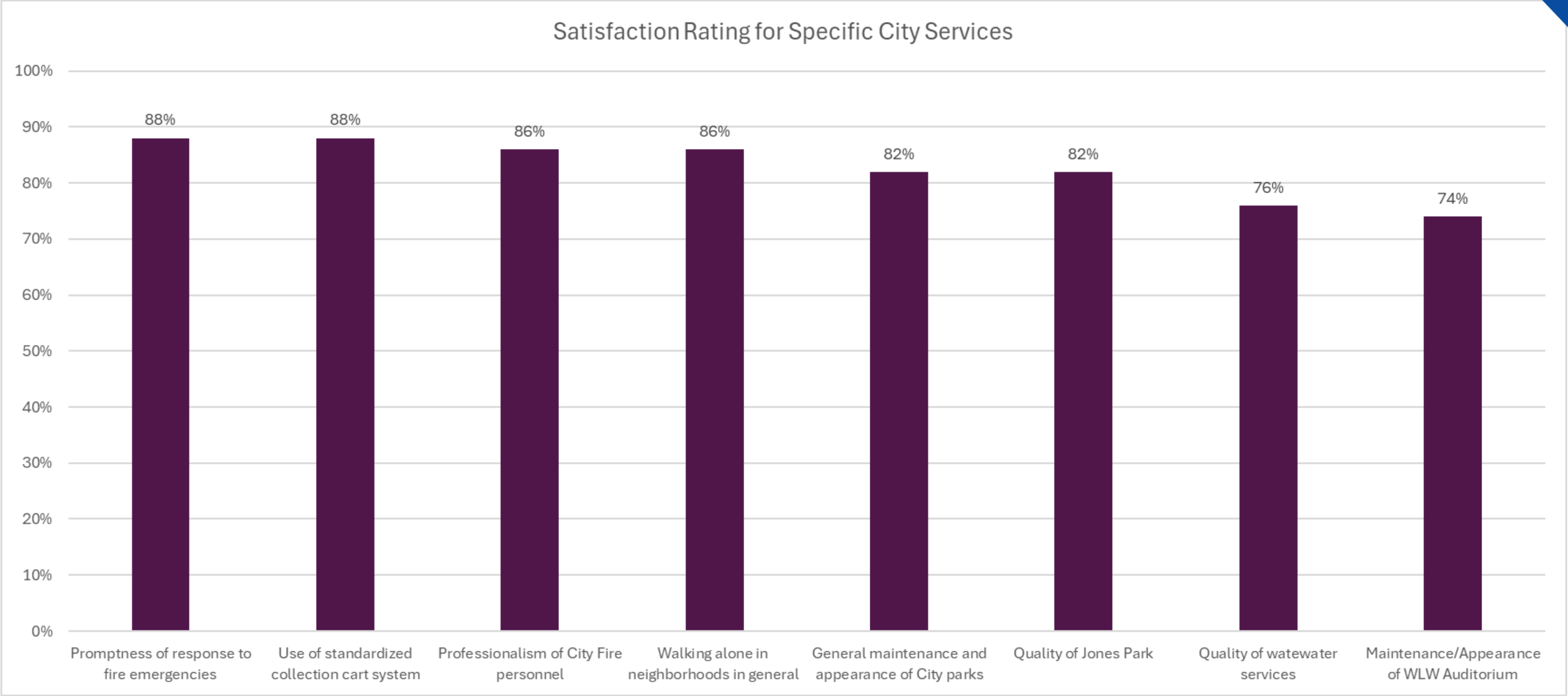
Executive Summary



Executive Summary

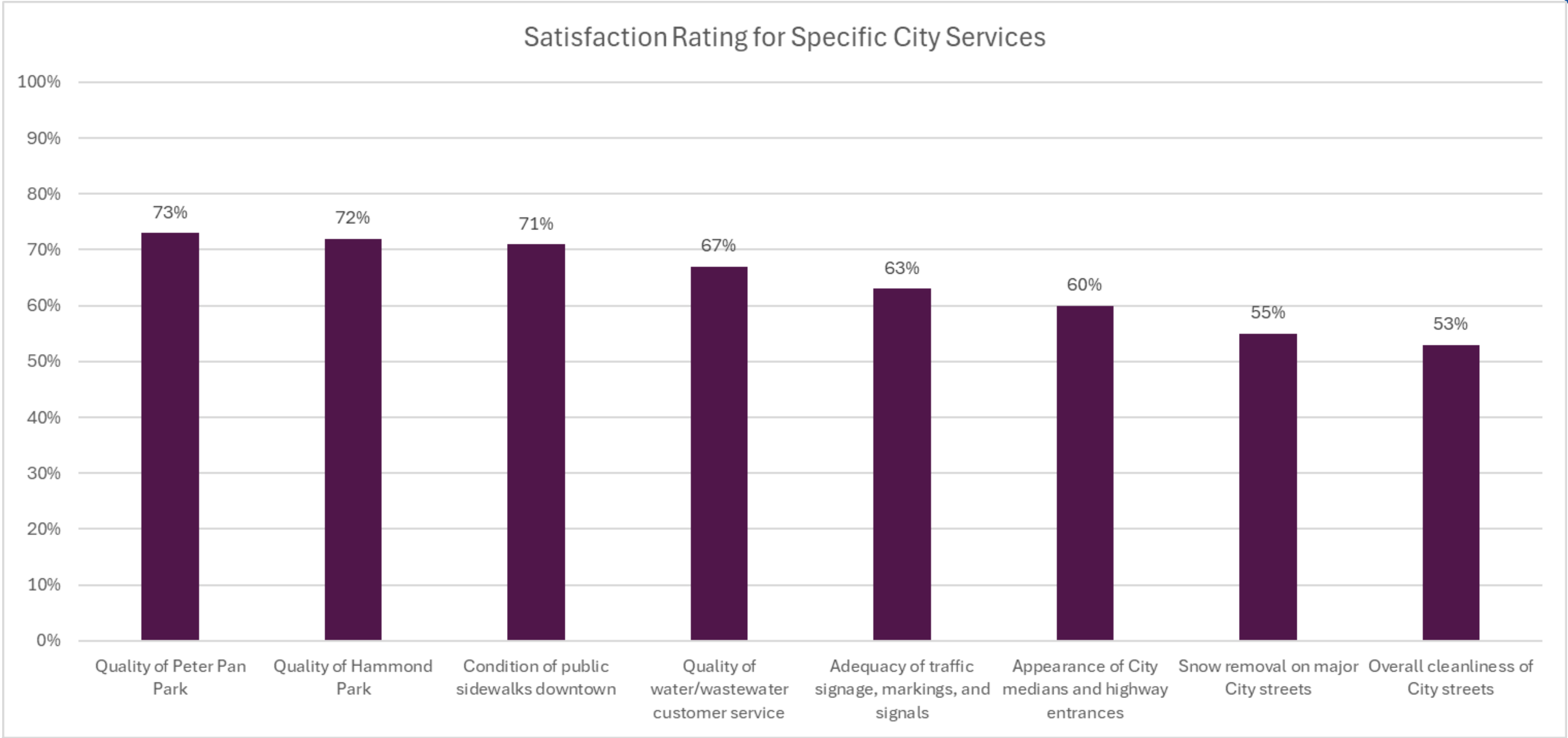


Executive Summary

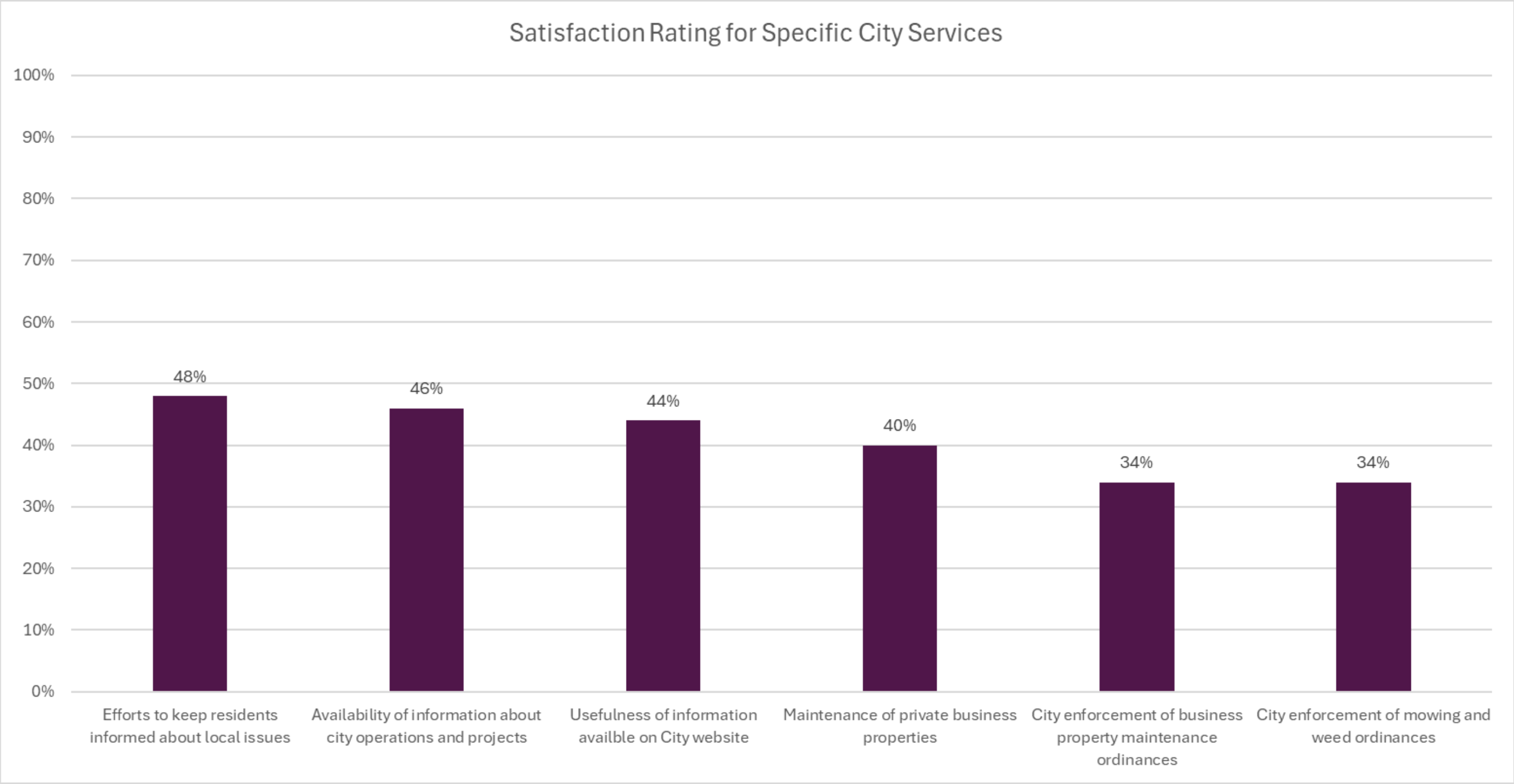


Executive Summary

Satisfaction Rating for Specific City Services

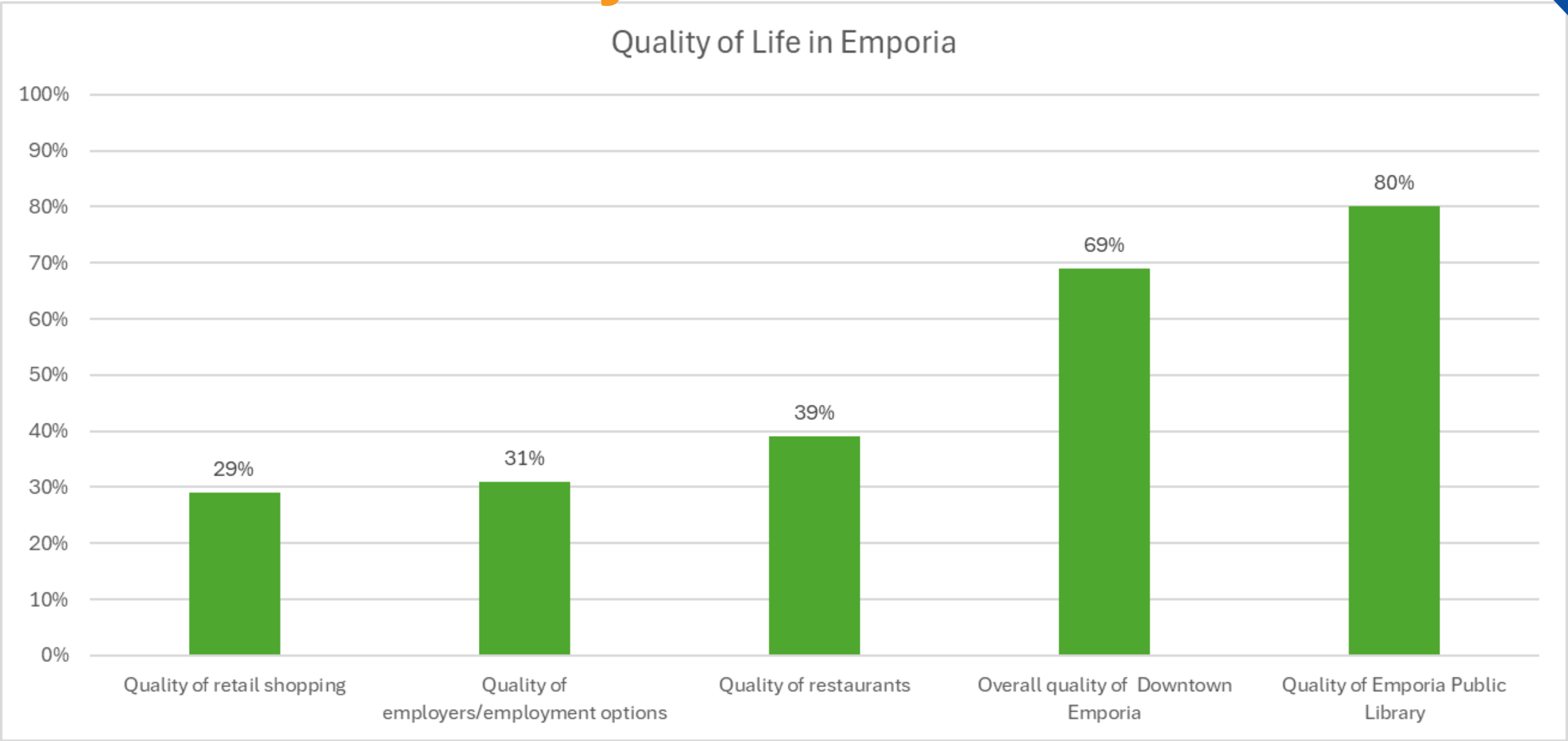


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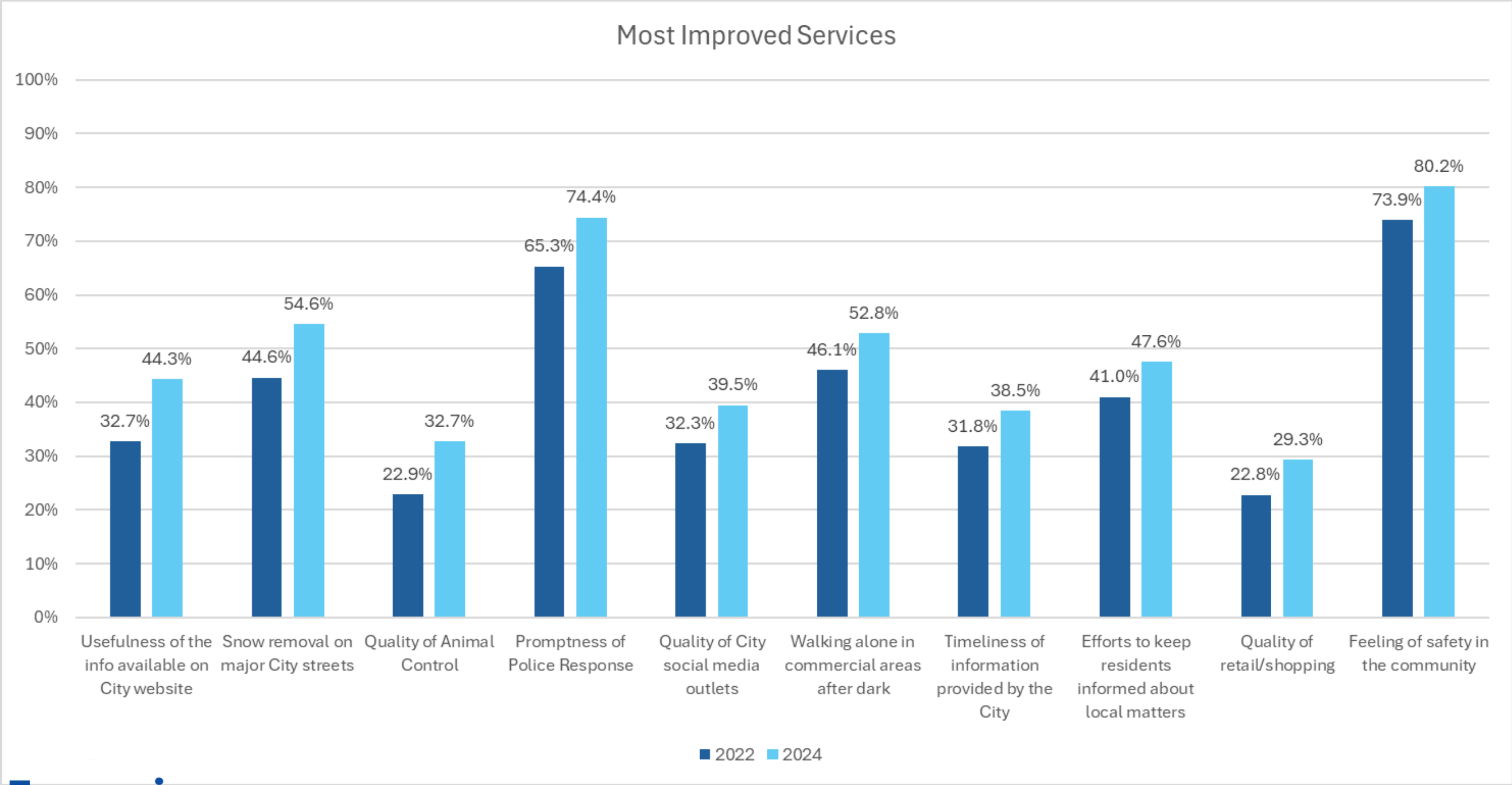


Executive Summary

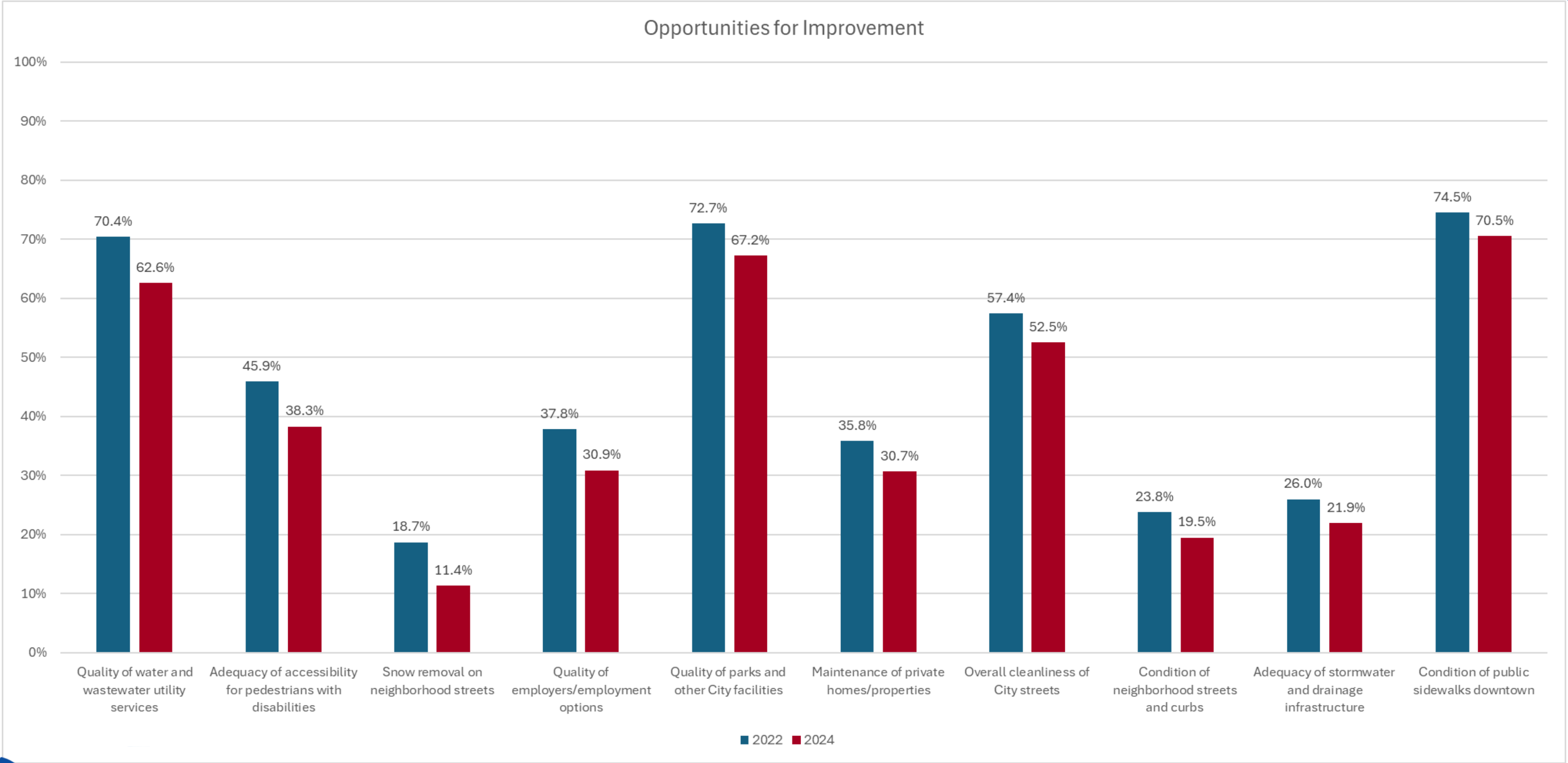
Quality of Life in Emporia



Executive Summary



Executive Summary



Executive Summary



Executive Summary-Priorities



Executive Summary-Other Findings

- **Sixty-three percent (63%)** of residents thought Emporia stayed the same with regard to **safety** in the past three years.
- **Fifty-five percent (55%)** of residents think the City should increase efforts to ensure **private property** is well maintained.
- **Forty-five percent (45%)** of residents were “very supportive” or “somewhat supportive” of approving a **new sales tax** to fund replacement of the Emporia Recreation Center.
- **More than two-thirds (68%)** of the residents surveyed would be “very supportive” or “somewhat supportive” of **funding a higher level of service** for parks and public facilities improvements, including, but not limited to new playground facilities.
- The **top sources** residents currently use to obtain or receive information about the City are **KVOE Radio** (86%), **The Emporia Gazette** (68%), and **Facebook** (64%).
- **Fifty-one percent (51%)** of the residents surveyed think the City does a good job supporting the **local business community**.
- **Sixty percent (60%)** of the residents surveyed think **Downtown Emporia** is more successful and vibrant compared to five years ago and seventy-percent (70%) think the appearance of downtown has improved.