

CITY COMMISSION MEETING
December 30, 2020 at 10:00 AM

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

Agenda

Pre-Luncheon Items

- ▶ Review IGNITE Proposal for Public Private Partnership for Housing Proposal.
- ▶ Discuss Update on Fireworks Ordinance.
- ▶ Legislative Update Discussion.
- ▶ Spark Update
- ▶ Review CID Application for Flint Hills Crossing.

Post-Luncheon Items



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

Memo

TO: City Commission

FROM: Jim Witt, Special Projects Coordinator

CC: Department Heads

DATE: December 23, 2020

SUBJECT: IGNITE

IGNITE staff will present an overview of the proposal at the City Commission Study Session on December 30, 2020.

memo



TO: City Commission
CC: Mark McAnarney, City Manager
FROM: Christina Montgomery, City Attorney
DATE: December 21, 2020
SUBJECT: Fireworks Stand Permit Fees

The City of Emporia and Lyon County have a Memorandum of Understanding in place regarding permit fees for fireworks stands within the City and county. The current fees are as follows:

- \$2,500 per stand in City limits,
- \$1,500 per stand outside of City limits but within the metro planning area, and
- \$250 per stand in Lyon County outside of the metro planning area

The in-City permit fee was established by City ordinance in 2011 and the MPA and County fees were established several years later by MOU. City staff recommends the Commission consider increasing fireworks stand permit fees by 5% for 2021 sales and increase fees by 2% every year thereafter.

A proposed ordinance and MOU are attached.

MEMORANDUM OF UNDERSTANDING

This agreement between the City of Emporia, Kansas (hereafter referred to as City) and Lyon County, Kansas (hereinafter referred to as County) delineates the policies and procedures regarding retail firework stands in Lyon County, Kansas and the City of Emporia.

1. The City Clerk shall be responsible for issuing all permits for retail firework stands in the City and the County, and all applications for such permits must be made to the City Clerk. The City Clerk will coordinate with County personnel regarding land use restriction issues and any other issues arising within the County that may affect permit approval status.
2. The fees for retail firework stand permits in the year 2021 shall be as follows: \$2,625.00 per stand in the City limits; \$1,575.00 per stand outside of the City limits but within the Metropolitan Area; and \$262.50 per stand outside of the metropolitan boundaries. The fees for retail firework stand permits shall increase by 2% each calendar year thereafter. The attached map labeled "Lyon County, Kansas Fireworks Permit Map" will be the official map designating the boundaries of each area.
3. All funds collected for firework stand permits shall be placed in a restricted account. These funds shall be utilized for inspection costs and the joint City County fireworks display. This account shall be subject to audit by the City, and the County shall receive a copy of all audit reports of the account.
4. The Emporia Fire Department will be responsible for inspection and enforcement of safety regulations of retail fireworks stands within the City, Metropolitan Area, and County.
5. The sale of fireworks at retail fireworks stands will be authorized between the dates of June 27 and July 5 of each calendar year in the City and the County. No fireworks shall be sold at retail fireworks stands outside of these dates.

IN WITNESS WHEREOF the parties hereto have set their hands this ____ day of _____, 2021.

, Mayor
City of Emporia

Rollie Martin, Chairman
Lyon County Commission

Memo

TO: City Commission

FROM: Christina Montgomery, City Attorney

CC: Mark McAnarney, City Manager

DATE: December 23, 2020

SUBJECT: 2021 Legislative Policy Statement

The following two documents are attached for your review and discussion:

- The City of Emporia 2021 Legislative Policy Statement draft, and
- The 2021 Joint Legislative Statement for Emporia and Lyon County.

CITY OF EMPORIA 2020 LEGISLATIVE POLICY STATEMENT

HOME RULE - We believe the governing of public affairs should be as close to the people as possible and that Home Rule is essential to vigorous, effective and responsible local government under our representative system. Home Rule is crucial to the continued ability of locally elected officials to solve problems in ways most appropriate to local needs and conditions. Legislation which affirms the ability to pass local laws on the same subject is strongly supported.

FUNDING LOCAL GOVERNMENT - Revenue streams designated for specific state aid programs should be directed to those programs without reallocating revenues to the state. Legislative action reducing local revenues must be matched with action to replace the reduced funds.

KDOT - The City supports full restoration of KDOT funding. State highway funds should be used for highway improvements only. The City-County Highway Fund is essential to maintaining local roads and should be fully funded. The City also supports increasing the amount of State funding which supports maintenance of State highways within city limits.

STATE - LOCAL SPENDING LID - Controlling growth of governmental spending is of vital interest to everyone. Arbitrary spending limits that restrict the authority of locally elected officials to make decisions in the best interest of the community should be opposed.

PUBLIC EDUCATION - We believe the state legislature should provide balanced education funding with continued support for K-12, job training, technical colleges and our state universities. Coordination of higher education programs should be encouraged. To support a strong economic future we need a prepared workforce.

HIGHER EDUCATION - The City supports both ESU and the Flint Hills Technical College on their legislative issues and agendas. The City supports increased state funding for higher education in Kansas. Investment in higher education is investment in Kansas cities.

SALES TAX FAIRNESS - We support requiring out of state sellers of goods to pay local sales tax on internet sales. We further generally oppose any further exemptions to the base of state and local sales taxes, including sales of food. Any change in the method of taxing food should be accomplished by a system of income tax credits or direct rebates, rather than complete exemption.

BUDGETING - The statutory timetable for budget preparation, publication, hearing, adoption and certification should be extended by at least one month. The increasingly efficient methods of communication and data transmission should allow such an extension without an undue impact upon county offices and would help ensure the municipality's receipt of accurate assessed valuation information.

EMS/HOSPITAL FUNDING - Emergency medical services and public hospitals must provide medical services without regard to ability of patients to pay. The expansion of Medicaid in Kansas would allow medical providers to be at least partially compensated for some medical services to economically disadvantaged citizens. We support the expansion of Medicaid in Kansas.

ECONOMIC DEVELOPMENT – We support the Department of Commerce economic development and workforce development incentives including Rural Housing Incentive Districts, the PEAK program and the HPIP program.

KPERS – The City supports the continued commitment to stabilize and fully fund the Kansas Public Employees Retirement System (KPERS).

APPROVED by the Emporia City Commission, this _____ day of January 2021.

Rob Gilligan, Vice-Mayor

Becky Smith, City Commissioner

Susan Brinkman, City Commissioner

Jon Geitz, City Commissioner

Danny Giefer, Mayor

“Moving Forward Together!”

2021 Joint Legislative Statement for the Emporia & Lyon County Area

Back Cover:

Include list of partners

Layout to include “conceptual framework” graphic that demonstrates the cycle of Tax Policy – Economic Development – Transportation – Education – Health Care. (Idea: taxes help fuel an expanding economy, which relies on quality transportation. As economies grow, demands for education and health care increase.

Community Overview

- Size: 847 square miles (Lyon County)
- Population: 24,765 (Emporia); 33,406 (Lyon County)
 - 71.6% White
 - 20.9% Hispanic or Latino
- Median age: 32.9
- Median household income: \$42,992
- Four Governor’s Exporter of the Year businesses are located in Emporia
- Six significant highway systems flow through Lyon County
- \$74M invested into downtown improvements over the past 10 years
- \$259M in private sector capital investment in manufacturing sector in the last ten years, and creation of 1,400 new jobs
- 470 new manufacturing jobs in 2020
- USD #253 Timmerman Elementary School was selected as a Blue-Ribbon School. There are only 6 such schools in the State of Kansas.

Safe, Diverse, and Inclusive Communities

Emporia and Lyon County support safety and inclusion for all. The population of our communities is very diverse and we celebrate those differences.

We ask the Kansas Legislature to:

- Support inclusive cultures that encourage, support, and celebrate the diverse voices of our communities;
- Support law enforcement and emergency management entities; and
- Support funding for mental health programs and initiatives.

Tax Policy

Emporia and Lyon County residents recognize the importance of a balanced and fair tax policy for our State. Tax policy can drive job growth and recruit new businesses by building excellent infrastructure, providing high quality education, and enhancing the health and quality of life for our citizens.

We are responsible businesses, citizens, and constituents who understand that tax dollars provide resources for investment. When fairly assessed and properly expended, they produce returns that reflect the quality of State we want for our customers, our employees, our children, and ourselves. Economic development initiatives need positive attention from a legislature focused on job creation. Local retail businesses need a level playing field in order to compete with Internet sales.

We ask the Kansas Legislature to:

- Continue efforts to ensure that all sales tax is collected on out-of-state sales;
- Remove the tax lid on local governments; and
- Support tax policies that generate the revenue necessary to educate and sustain an educated workforce, operate and maintain a safe, top of class transportation system, and develop a business environment to retain existing and attract new businesses to Kansas.

Education

Education is essential to the vitality and dynamism of the Emporia – Lyon County community. From public and private pre-K through 12th grade to a continuum of educational opportunities for post-secondary students, Lyon County citizens invest in education because we understand the critical role education plays in attracting and retaining meaningful employment opportunities across our region and the State of Kansas. To ensure equity, every public-school student in Kansas deserves an opportunity to a high-quality education preparing them to be college and career ready.

Area educational assets include:

- USD 251 – North Lyon County
- USD 252 – South Lyon County
- USD 253 – Emporia Public Schools
- Flint Hills Technical College (FHTC)
- Emporia State University (ESU)

Emporia and Lyon County vigorously support its public schools. All of the school district in Lyon County have made significant investments in recent years:

- USD #252 passed a \$14M bond in 2018 with a margin of 3-1

- USD #253 passed a \$78M bond in 2019 with a margin of 2-1
- USD #251 continues to make capital improvements
- The City of Emporia and Lyon County invest local financial resources in Flint Hills Technical College and Emporia State University.

Combined, ESU and FHTC make a \$390M economic impact annually.

- FHTC has a 98% average placement rate of their graduates in their chosen career fields and approximately 75% of FHTC graduates are employed locally with an average starting wage of \$34,386 per year.
- ESU has a 97% average placement rate of graduates in their chosen career fields over the last three years with approximately 61% of their graduates staying and working in Kansas upon graduation.

Jobs of the future will require a much higher level of skill and training. Without the positive contributions our educational institutions provide, the critical void in our community would ripple across the entire State of Kansas.

We ask the Kansas Legislature to:

- K-12 and Early Education
 - Fully fund the school finance formula;
 - Fully fund three and four-year-old early childhood education;
 - Fully fund special education;
 - Support after school / summer school funding to address academic achievement gaps which increased during the COVID 19 pandemic;
 - Maintain headway on mental health concerns for students;
 - Remove bond improvement cap and reinstate state aid funding levels for bond improvements;
 - Continue supporting initiatives such as Excellence in Career Technical Education (CTE) to assure an educated workforce through college and career-ready standards; and
 - Remove the sunset and continue high-density at-risk weighting.
- Higher Education
 - Support the Kansas Board of Regents unified appropriation request that restores cuts from the 2020-21 year and provides stable funding for FY 22 and beyond.
 - Support ESU's mental health initiative, student success program, the Aquatic Research and Outreach Center and the Center for Forensic Science.

- Oppose shifting a greater share of the financial burden of education to local taxpayers in the form of increasing levies and to students in the form of rising tuition;
- Maintain sustainable funding for KPERS to include:
 - Additional funding for Tier 3 employees;
 - Due to the teacher's shortage, allow retired teachers and administrators to work after retirement; and
 - Include a cost-of-living adjustment.

Health Care

High quality, affordable health care is essential for a thriving and healthy community. We support primary care, behavioral health, dental care, and various wellness initiatives that ensure sufficient funding for providers.

Regional health assets include:

- Central Care Cancer Center
- Crosswinds Counseling & Wellness Center
- Flint Hills Community Health Center
- Lyon County Public Health
- Newman Medical Plaza
- Newman Regional Health, and
- Numerous independent practitioners

The current fiscal environment has put more stress on our local agencies. The funding stream for mental health care does not match current demand. Lack of proper funding has forced the discontinuation of valuable education and prevention programs. Hence, our community and others in the state are facing the more costly alternative of allocating resources to public safety, increased jail time, emergency room visits, and hospital stays. Difficulty recruiting professionals (Physicians, APRN, Psychiatrists, Therapists) also creates a large gap to provide care to our community.

Lyon County Public Health focuses their attention on the health of the community, where they identify and respond to health problems or threats, like COVID-19. Public health keeps our community informed about health issues and healthy choices, engages people and organizations on health issues, along with enforcing public health laws and regulations.

KanCare expansion in Lyon County means:

- \$8.2M per year rise in health care spending; and

- 1,946 residents in Lyon County would have adequate health care coverage;

We ask the Kansas Legislature to:

- Support Medicaid Expansion, without a negative impact on current allocations;
- Support a continuation of Medicaid to allow telemedicine parity for treatment by telephone and televideo;
- Continue to support long-term stable funding of mental health care;
- Support a four percent (4%) increase in Medicaid rates for behavioral health reimbursement;
- Improve our state hospital system; and
- Fund rural recruitment efforts and incentives in the health care industries to assist in retaining and keeping a quality workforce.

Economic Development

Emporia's regional businesses include value-added agriculture processing, pet nutrition, protein processing, and cake products. Other Emporia manufacturing businesses include automotive, plastic products, and pressure vessels for the chemical and petro-chemical industries.

Emporia leverages programs that include:

- High Performance Incentive Program (HPIP)
- Promoting Employment Across Kansas (PEAK)
- Kansas Industrial Training (KIT)
- Kansas Industrial Retraining (KIR)

in order to support the expansions at Simmons Pet Food and Cargill, which created over 1,400 new jobs since 2011, constructed 554,000 sq. ft. of buildings, and invested \$259M in capital projects.

In addition to the manufacturing sector, Emporia has also been a leader in developing niche retail businesses, outdoor activities to promote eco-tourism, and other entrepreneurial businesses.

We ask the Kansas Legislature to:

- Support and enhance the development of rural housing;
- Support Kansas Comprehensive Economic Development Strategies;
- Reauthorize Angel Investors Tax Credits, Rural Opportunity Zone program, and Star Bonds;
- Support proven economic development and workforce development programs (e.g., PEAK and HPIP);

- Support the efforts to return the enterprise zone economic development benefits that were eliminated in 2011 (e.g., sales tax exemption, job creation tax credit, and investment tax credit for the non-metropolitan counties).
- Support legislation that will enhance successful small business development, strengthen small businesses, and encourage entrepreneurial endeavors; and
- Support the exploration of tools, including limited student loan forgiveness and tax credits, which incentivize individuals to reside and work in Kansas.

Transportation

Our transportation systems are the foundation for the efficient movement of goods and people, and this infrastructure is crucial for economic development, business retention/expansion, and job growth. It is imperative that KDOT and other government entities be financially committed to the improvement of roads and bridges in an effort to meet the ever-increasing demands being placed on our aging structures. This includes continuing efforts to streamline the process required for obtaining over-dimensional and overweight permits.

Lyon County has 301 bridges, ranking 2nd in the state. Current major transportation projects include major improvements at the Emporia Regional airport and construction of transcontinental double tracks by BNSF.

Six significant highway systems drive the economy of Lyon County, with Emporia being at the crossroads of four of them:

- Kansas Turnpike
- US Highway 50
- I-35
- I-335
- K-99 is Lyon County's direct route to I-70, Manhattan and Southeast Kansas.
- US 56 is a regional link across north Lyon County and accesses the KTA near Admire, that ties Morris, Lyon, Osage and Franklin counties.
- K-170 is a critical economic link between Lyon and Osage Counties.

We ask the Kansas Legislature to:

- Support funding to assist with economic development projects that include transportation improvements;
- Protect funds allocated to transportation from use in other budgetary areas;
- Continue to support IKE with stakeholder input for projects such as:
 - Fund improvements for a corridor between Emporia and Manhattan to increase commerce and safety in the region;

- Fund improvement of Highway 99 between Highway 54 on the south to I-70 on the north to accommodate truck traffic and to promote general safety;
- Continue to provide KLINK funding to cities for infrastructure maintenance.

Partners

Emporia Area Chamber of Commerce

ESU- Allison Garrett

League of Women Voters – Teresa Briggs

USD 251 - Bob Blair

USD 252 – Mike Agrabright

USD 253 Allison Harder

Memo

TO: City Commission

FROM: Jim Witt, Special Projects Coordinator

CC: Department Heads

DATE: December 23, 2020

SUBJECT: SPARK Update

Staff will present the final update regarding Spark expenditures. The actual financials will not be available until Tuesday due to the holiday.

Memo

TO: City Commission

FROM: Jim Witt, Special Projects Coordinator

CC: Department Heads

DATE: December 23, 2020

SUBJECT: Review CID Application for Flint Hills Crossing

City staff will review status of the application and solicit comments and any concerns the Commission may have. The applicant will be submitting a petition for the initiation of the statutory mandated process for the January 6th formal agenda.