

# CITY COMMISSION MEETING

## AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM  
518 MECHANIC, EMPORIA, KS  
April 1, 2020 at 1:30 pm

1. Members present: Mayor Giefer

<u>Vice Mayor Gilligan</u>	<u>Commissioner Geitz</u>
<u>Commissioner Smith</u>	<u>Commissioner Brinkman</u>
<u>City Manager McAnarney</u>	<u>City Clerk Sull</u>
<u>Asst. City Mgr. Massey</u>	<u>City Attorney Montgomery</u>
2. Consent Agenda
3. Public Comment
  - a. Proclamation Naming April as National Child Abuse and Neglect Prevention Month.
4. Public Hearing for the establishment of a Rural Housing Incentive District for the Riverside Addition.
5. Consider Approval of Ordinance Establishing the Riverside Addition as Rural Housing Incentive District.
6. Consider Approval of Ordinance for Enforcement of Public Health Orders.
7. Report from City Manager on Activities.
8. City Commission Reports and Comments.



*\*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](mailto:jlynch@emporia-kansas.gov)*

# AGENDA ITEM SUMMARY

**MEETING DATE:** April 1, 2020

**TEM NUMBER:** Consent Agenda

**SUBJECT:**

Consent agenda:

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

- a. Consider minutes of the Regular Meeting held on March 18<sup>th</sup> and the Special Meeting on March 25, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on March 27, 2020 .

**RECOMMENDATION:**

- a. Approve Minutes
- b. Approve Payroll

**BACKGROUND SUMMARY:**

**ACTION RECORD**

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Abstained: \_\_\_\_\_ Vote: \_\_\_\_\_  
GEITZ \_\_\_\_\_ GIEFER \_\_\_\_\_ GILLIGAN \_\_\_\_\_ SMITH \_\_\_\_\_ BRINKMAN \_\_\_\_\_

# AGENDA ITEM SUMMARY

**MEETING DATE:** April 1, 2020

**ITEM NUMBER:** 3

**SUBJECT:** Public Comment

**RECOMMENDATION:**

**BACKGROUND SUMMARY:**

- Proclamation Naming April 2020 as National Child Abuse and Neglect Prevention Month the City of Emporia Mayor Danny Giefer will accept on the behalf of SOS Services.

## Citizen Appearance Procedures

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

## ACTION RECORD

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Abstained: \_\_\_\_\_ Vote: \_\_\_\_\_  
GEITZ \_\_\_\_\_ GIEFER \_\_\_\_\_ GILLIGAN \_\_\_\_\_ SMITH \_\_\_\_\_ BRINKMAN \_\_\_\_\_



## PROCLAMATION

**WHEREAS**, child abuse and neglect is a serious problem 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;

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

**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.

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

**THEREFORE**, be it resolved, that the City of Emporia hereby proclaims the month of April 2020 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 1<sup>st</sup> Day of April 2020

ATTEST:

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Danny Giefer, Mayor

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Kerry Sull, City Clerk

# AGENDA ITEM SUMMARY

**MEETING DATE:** April 1, 2020

**ITEM NUMBER:** 4

**SUBJECT:** Public Hearing for the establishment of a Rural Housing Incentive District for the Riverside Addition.

**RECOMMENDATION:** Conduct Public Hearing

**BACKGROUND SUMMARY:**

This is the last hearing in the RHID process. The Commission by Resolution called the hearing on February 19th as required and it has been published in the Emporia Gazette in accordance with Kansas Statutes.

Attached is a copy of Resolution #3627 and the Affidavit of Publication.

## ACTION RECORD

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Abstained: \_\_\_\_\_ Vote: \_\_\_\_\_  
GEITZ \_\_\_\_\_ GIEFER \_\_\_\_\_ GILLIGAN \_\_\_\_\_ SMITH \_\_\_\_\_ BRINKMAN \_\_\_\_\_

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT; ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING.

*(Riverside Subdivision/Riverside Court LLC)*

**WHEREAS**, K.S.A. 12-5241 et seq. (the "Act") authorizes any city incorporated in accordance with the laws of the state of Kansas (the "State") with a population of less than 60,000 located in a county with a population of less than 80,000 to designate rural housing incentive districts within such city; and

**WHEREAS**, the City of Emporia, Kansas (the "City") has an estimated population of approximately 24,560, is located in Lyon County, Kansas (the "County"), which has an estimated population of approximately 33,690, and therefore constitutes a city as said term is defined in the Act; and

**WHEREAS**, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

**WHEREAS**, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein;

**WHEREAS**, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the "Secretary") requesting that the Secretary agree with the finding contained in such resolution; and

**WHEREAS**, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development of housing and public facilities in the proposed district; and

**WHEREAS**, the Governing Body of the City has performed an amended Housing Needs Analysis dated August 2019 (the "Analysis"), a copy of which is on file in the office of the Community Development Coordinator; and

**WHEREAS**, the Governing Body of the City has heretofore adopted Resolution No. 3577 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution and Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

**WHEREAS**, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated February 10, 2020, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the "District"); and

**WHEREAS**, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the "Plan"); and

**WHEREAS**, the Plan includes:

1. The legal description and map required by subsection (a) of K.S.A. 12-5245;
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows the public benefits derived from such District will exceed the costs and that the income therefore, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such District; and

**WHEREAS**, the Governing Body of the City proposes to continue proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters.

**THEREFORE, BE IT RESOLVED** by the Governing Body of the City of Emporia, Kansas as follows:

**Section 1.** Proposed Rural Housing Incentive District. The Governing Body hereby declares an intent to establish within the City a Rural Housing Incentive District. The District is proposed to be formed within the boundaries of the real estate legally described in *Exhibit A* attached hereto, and shown on the map depicting the existing parcels of land attached hereto as *Exhibit B*. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as *Exhibit C*.

**Section 2.** Proposed Plan. The Governing Body hereby further declares an intent to adopt the Plan in substantially the form presented to the Governing Body this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, are as described herein:

Housing Facilities- The housing facilities will be composed of 11 single-family homes.  
Public Facilities- Public improvements will include the construction of infrastructure improvements located within the boundaries of the District, including water, sanitary sewer, and electric improvements. Infrastructure improvements will be constructed concurrently with the project.

**Section 3.** Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on April 1, 2020 in the City Commission Meeting Room of the Civic Auditorium , 515 Mechanic St., Emporia , Kansas; the public hearing is to commence at 1:30 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

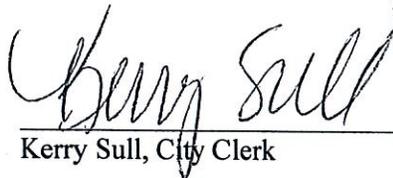
**Section 4.** Notice of the Public Hearing. The City Clerk is hereby y authorized and directed to provide for notice of the public hearing by taking the following actions;

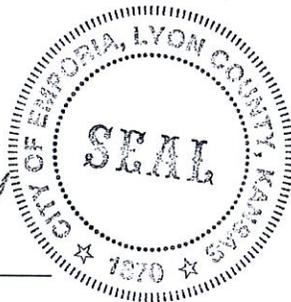
- a. A certified copy of this resolution shall be delivered to:
  - (i) The Board of County Commissioners of Lyon County, Kansas;
  - (ii) The Board of Education of U.S.D. No. 253; and
  - (iii) The Emporia/Lyon County Metropolitan Area Planning Commission
- b. This Resolution, specifically including *Exhibits A thru C* attached hereto, shall be published at least once in the official newspaper of the City not less than one week or more than two weeks preceding the date of the public hearing.

**Section 5.** Further Action. The Mayor, City Clerk, city officials and employees, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

**Section 6.** Effective Date. This Resolution shall take effect after its adoption by the Governing Body.

Adopted by the Governing Body of the City of Emporia this 19<sup>th</sup> of February 2020.

  
Kerry Sull, City Clerk



  
Danny Giefel, Mayor

Riverside Subdivision

A TRACT IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼SE¼) OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 20 RODS SOUTH OF THE NE CORNER OF SAID SE¼SE¼ AS MARKED BY A ½ REBAR INSIDE A 2 INCH PIPE;  
THENCE S.01° 01' 50"E. (GRID BEARINGS) ON THE EAST LINE OF SAID SE¼SE¼ FOR 180.00 FEET;  
THENCE S.88° 34' 59"W. FOR 440.00 FEET;  
THENCE S.01° 01' 50"E. FOR 30.00 FEET;  
THENCE S.88° 34' 59"W. FOR 140.00 FEET;  
THENCE S.01° 01' 50"E. FOR 40.00 FEET;  
THENCE S.88° 34' 59"W. FOR 105.00 FEET;  
THENCE N.57° 40' 13"W. FOR 257.41 FEET;  
THENCE N.01° 01' 50"W. FOR 107.00 FEET TO THE SOUTH LINE OF THE USD 253 TRACT;  
THENCE N.88° 34' 59"E. ON SAID SOUTH LINE FOR 900.00 FEET TO THE POINT OF BEGINNING,

CONTAINING 4.0 ACRES.



\$175,000 avg. sale price per home

RHID- RIVERSIDE ADDITION

COMPREHENSIVE FINANCIAL FEASIBILITY ANALYSIS

Unimproved Tax Calculation

Parcel #1951604007037030 (tax yr. 2020 est. value for land only)

Value	Assessed Value	Mill Levy	Base Year Tax	Years in Program	Total Base Year Tax
12,960	1,490.40	0.167035	248.95	20	4,978.98
	0.115				

TOTAL

Home Value	No. of Homes Taxed	Assessed Value	Assessment Rate	Gross Tax Increase	School Tax Exemp.	State Exemption	Tax Increase per Year	Program Year	Year Taxes Rec'd	Yrs. in Program	Tax Generated For Program Period*
0	0	-	0.115	-	-	-	-	1	2020	1	-
175,000	3	525,000	0.115	10,084.74	138	1,298.06	8,648.68	2	2021	16	138,378.81
175,000	2	350,000	0.115	6,723.16	92	865.38	5,765.78	3	2022	17	98,018.32
175,000	2	350,000	0.115	6,723.16	92	865.38	5,765.78	4	2023	18	103,784.11
175,000	2	350,000	0.115	6,723.16	92	865.38	5,765.78	5	2024	19	109,549.89
175,000	2	350,000	0.115	6,723.16	92	865.38	5,765.78	6	2025	20	115,315.68
								7			
								8			
								9			
								10			
								11			
								12			
								13			
								14			
								15			
Total	11						31,711.81				

Pre-Project Tax =	565,046.81
Estimated Tax Increase Generated =	4,978.98
Estimated Eligible Infrastructure Costs =	\$ 560,067.83
Total Construction Project Period= 6 years	\$ 530,000.00
Payback Period= approx. 20 years from 1st year of construction	

\*Rebate starts in tax year following year of completion when new home values are added to tax roll

# enotice

## AFFIDAVIT OF PUBLICATION

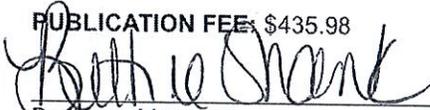
See Proof on Next Page

The Emporia Gazette  
517 Merchant St.  
(620) 342-4800

I, Bettina Shank, of lawful age, being duly sworn upon oath, deposes and says that I am the Business Manager of The Emporia Gazette, a publication that is a "legal newspaper" as that phrase is defined for the city of Emporia, for the County of Lyon, in the state of Kansas, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

**PUBLICATION DATES:**  
Mar. 19, 2020

**PUBLICATION FEE:** \$435.98

  
Business Manager

VERIFICATION

STATE OF KANSAS  
COUNTY OF LYON



LISA M. STUEVE  
NOTARY PUBLIC  
STATE OF KANSAS  
My Appt. Exp. 4-10-2023

Signed or attested before me on this

19<sup>th</sup> day of March, A.D. 2020

  
Notary Public

(The dashed border below is for reference)

Resolution 3627

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS DETERMINING THAT THE CITY IS CONSIDERING ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH PROPOSED DISTRICT, ESTABLISHING THE DATE AND TIME OF A PUBLIC HEARING ON SUCH MATTER, AND PROVIDING FOR THE GIVING OF NOTICE OF SUCH PUBLIC HEARING;

(Riverside Subdivision/Riverside Court LLC)

WHEREAS, K.S.A. 12-5241 et seq. (the "Act") authorizes any city incorporated in accordance with the laws of the state of Kansas (the "State") with a population of less than 60,000 located in a county with a population of less than 80,000 to designate rural housing incentive districts within such city; and

WHEREAS, the City of Emporia, Kansas (the "City") has an estimated population of approximately 24,560, is located in Lyon County, Kansas (the "County"), which has an estimated population of approximately 33,690, and therefore constitutes a city as said term is defined in the Act; and

WHEREAS, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

WHEREAS, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein;

WHEREAS, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the "Secretary") requesting that the Secretary agree with the finding contained in such resolution; and

WHEREAS, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development of housing and public facilities in the proposed district; and

WHEREAS, the Governing Body of the City has performed an amended Housing Needs Analysis dated August 2019 (the "Analysis"), a copy of which is on file in the office of the Community Development Coordinator; and

WHEREAS, the Governing Body of the City has heretofore adopted Resolution No. 3577 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution and Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

WHEREAS, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated February 10, 2020, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the "District"); and

WHEREAS, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the "Plan"); and

WHEREAS, the Plan includes:

- 1. The legal description and map required by subsection (a) of K.S.A. 12-5245;
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, which shows the public benefits derived from such District will exceed the costs and that the income therefore, together with all public and private sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such District; and

WHEREAS, the Governing Body of the City proposes to continue proceedings necessary to create a Rural Housing Incentive District, in accordance with the provisions of the Act, and adopt the Plan, by the calling of a public hearing on such matters;

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

Section 1. Proposed Rural Housing Incentive District. The Governing Body hereby declares an intent to establish within the City a Rural Housing Incentive District. The District is proposed to be formed within the boundaries of the real estate legally described in Exhibit A attached hereto, and shown on the map depicting the existing parcels of land attached hereto as Exhibit B.

A list of the names and addresses of the owners of record of all real estate parcels within the proposed District and the existing assessed valuation of said real estate, listing the land and improvement values separately, is attached hereto as Exhibit C.

Section 2. Proposed Plan. The Governing Body hereby further declares an intent to adopt the Plan in substantially the form presented to the Governing Body this date. A copy of the Plan shall be filed in the office of the City Clerk and be available for public inspection during normal business hours. A description of the housing and public facilities projects that are proposed to be constructed or improved in the proposed District, as described herein:

Housing Facilities- The housing facilities will be composed of 11 single-family homes.

Public Facilities- Public improvements will include the construction of...

Section 3. Public Hearing. Notice is hereby given that a public hearing will be held by the Governing Body of the City to consider the establishment of the District and adoption of the Plan on April 1, 2020 in the City Commission Meeting Room of the City Auditorium, 515 Mechanic St., Emporia, Kansas (the public hearing is to commence at 1:30 p.m. or as soon thereafter as the Governing Body can hear the matter. At the public hearing the Governing Body will receive public comment on such matters, and may, after the conclusion of such public hearing, consider the findings necessary for establishment of the District and adoption of the Plan, all pursuant to the Act.

Section 4. Notice of the Public Hearing. The City Clerk is hereby authorized and directed to provide for notice of the public hearing by taking the following actions:

- a. A certified copy of this resolution shall be delivered to:
(a.i) The Board of County Commissioners of Lyon County, Kansas;
(a.ii) The Board of Education of U.S.D. No. 253; and
(a.iii) The Emporia/Lyon County Metropolitan Area Planning Commission.
b. This Resolution, specifically including Exhibit A, shall be published at least once in the official newspaper of the City not less than one week or more than two weeks preceding the date of the public hearing.

Section 5. Further Action. The Mayor, City Clerk, city officials and employees, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate or desirable to accomplish the purposes of this Resolution.

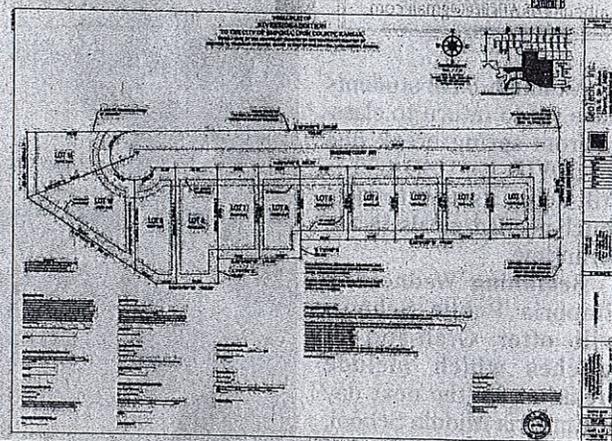
Section 6. Effective Date. This Resolution shall take effect after its adoption by the Governing Body.

Adopted by the Governing Body of the City of Emporia this 19th of February 2020.

Denny Grier, Mayor

Kerry Sull, City Clerk

LEGAL DESCRIPTION
A TRACT IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SECTION 16, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 9TH P.M., LYON COUNTY, KANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT 20 FEET SOUTH OF THE NE CORNER OF SAID BENCHMARK AS MARKED BY A 4x4 REBAR INSIDE A 2 INCH PIPE; THENCE S. 81° 01' 30" E. (ORD. BEARING) ON THE EAST LINE OF SAID BENCHMARK FOR 160.00 FEET; THENCE S. 21° 01' 30" E. FOR 30.00 FEET; THENCE S. 81° 01' 30" E. FOR 140.00 FEET; THENCE S. 01° 01' 30" E. FOR 40.00 FEET; THENCE S. 81° 01' 30" E. FOR 106.00 FEET; THENCE N. 01° 01' 30" E. FOR 80.00 FEET; THENCE N. 01° 01' 30" E. FOR 107.00 FEET TO THE SOUTH LINE OF THE USRD 283 TRACT; THENCE N. 81° 01' 30" E. ON SAID SOUTH LINE FOR 300.00 FEET TO THE POINT OF BEGINNING.
CONTAINING 4.0 ACRES.



Real Property Owner/Developer: Riverside Court LLC, 409 Oak Street, Cottonwood Falls, Kansas 66845-2824
Individuals with Specific Interests:
Lynn A. Cunningham
409 Oak
Cottonwood Falls, KS 66845
James K. Hernandez
8815 NE 80th Terrace
Kansas City, MO 64158
Carlos E. Hernandez
628 W 49th
Kansas City, MO 64111
Assessed Valuation 2019 \$81

Table with columns for Parcel No., Area, Value, Assessed Value, and Assessed Valuation. Includes a summary row at the bottom with totals for land, improvements, and total assessed value.

# AGENDA ITEM SUMMARY

**MEETING DATE:** April 1, 2020

**ITEM NUMBER:** 5

**SUBJECT:** Consideration of an Ordinance establishing the Riverside Addition as a Rural Housing Incentive District.

**RECOMMENDATION:** Approve Ordinance

## BACKGROUND SUMMARY:

This is the final step in the RHID process and once published completes the state requirements. The development consists of eleven homes south of Riverside Elementary. The Commission has previously approved the plat and established a Public Hearing date of April 1st for the project along with the adoption of a Development Plan for the district.

Recent information from a local agent for the development group targets the price range for the eleven homes to be constructed is \$175,000 to \$200,000.

## ACTION RECORD

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Abstained: \_\_\_\_\_ Vote: \_\_\_\_\_  
GEITZ \_\_\_\_\_ GIEFER \_\_\_\_\_ GILLIGAN \_\_\_\_\_ SMITH \_\_\_\_\_ BRINKMAN \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS  
ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND  
ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC  
FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN  
CONJUNCTION THEREWITH (RIVERSIDE ADDITION)

---

**WHEREAS**, K.S.A. 12-5241 et seq. (the “Act”) authorizes any city incorporated in accordance with the laws of the state of Kansas (the “State”) with a population of less than 60,000 located in a county with a population of less than 80,000 to designate rural housing incentive districts within such city; and

**WHEREAS**, the City of Emporia, Kansas (the “City”) has an estimated population of approximately 24,560, is located in Lyon County, Kansas (the “County”), which has an estimated population of approximately 33,690, and therefore constitutes a city as said term is defined in the Act; and

**WHEREAS**, prior to such designation the governing body of such city shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community; and

**WHEREAS**, after conducting such analysis, the governing body of such city may adopt a resolution making certain findings regarding the establishment of a rural housing incentive district and providing the legal description of property to be contained therein;

**WHEREAS**, after publishing such resolution, the governing body of such city shall send a copy thereof to the Secretary of Commerce of the State (the “Secretary”) requesting that the Secretary agree with the finding contained in such resolution; and

**WHEREAS**, if the Secretary agrees with such findings, such city may proceed with the establishment of a rural housing incentive district within such city and adopt a plan for the development of housing and public facilities in the proposed district; and

**WHEREAS**, the Governing Body of the City has performed a Housing Needs Analysis dated August 2019 (the “Analysis”), a copy of which is on file in the office of the Community Development Coordinator; and

**WHEREAS**, the Governing Body of the City has heretofore adopted Resolution No.3621 which made certain findings relating to the need for financial incentives relating to the construction of quality housing within the City, declared it advisable to establish a Rural Housing Incentive District pursuant to the Act and authorized the submission of such Resolution and Housing Needs Analysis to the Kansas Department of Commerce in accordance with the provisions of the Act; and

**WHEREAS**, the Secretary of the Kansas Department of Commerce, pursuant to a letter dated, February 10, 2020, authorized the City to proceed with the establishment of a Rural Housing Incentive District pursuant to the Act (the “District”); and

**WHEREAS**, the City has caused to be prepared a plan for the development or redevelopment of housing and public facilities in the proposed District in accordance with the provisions of the Act (the “Plan”); and

**WHEREAS**, the Plan includes:

1. The legal description and map required by subsection (a) of K.S.A. 12-5245;
2. The existing assessed valuation of the real estate in the proposed District listing the land and improvement values separately;
3. A list of the names and addresses of the owners of record of all real estate parcels within the proposed District;
4. A description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed District, and the location thereof;
5. A listing of the names, addresses and specific interests in real estate in the proposed District of the developers responsible for development of the housing and public facilities in the proposed District;
6. The contractual assurances, if any, the Governing Body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed District;
7. A comprehensive analysis of the feasibility of providing housing tax incentives in the proposed District as provided in the Act, set forth the boundaries of the proposed District, provided a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for April 1, 2020 and provided for notice of such public hearing as provided in the Act; and

**WHEREAS**, the Governing Body of the City has heretofore adopted Resolution No. 3627 which made a finding that the City is considering the establishment of the proposed District and adopting the proposed Plan pursuant to the Act, set forth the boundaries of the proposed District, provides a summary of the proposed Plan, called a public hearing concerning the establishment of the proposed District for

**WHEREAS**, a public hearing was held on April 1, 2020, after due published and delivered notice in accordance with the provisions of the Act; and

**WHEREAS**, upon considering the information and public comments received at the public hearing, the Governing Body of the City hereby deems it advisable to make certain findings to establish the proposed District and to adopt the proposed Plan.

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

**Section 1. Findings.** The Governing Body hereby finds that due notice of the public hearing conducted April 1, 2020, was made in accordance with the provisions of the Act.

**Section 2. Creation of the Rural Housing Incentive District.** A Rural Housing Incentive District is hereby created within the City in accordance with the provisions of the Act, which shall consist of the following described real property in the Development, in the City of Emporia, Lyon County, Kansas: RIVERSIDE ADDITION

LEGAL DESCRIPTION:

A TRACT IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) OF SECTION 16, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 20 RODS SOUTH OF THE NE CORNER OF SAID SE $\frac{1}{4}$ SE $\frac{1}{4}$  AS MARKED BY A  $\frac{1}{2}$  REBAR INSIDE A 2 INCH PIPE;  
THENCE S.01° 01' 50"E. (GRID BEARINGS) ON THE EAST LINE OF SAID SE $\frac{1}{4}$ SE $\frac{1}{4}$  FOR 180.00 FEET;  
THENCE S.88° 34' 59"W. FOR 440.00 FEET;  
THENCE S.01° 01' 50"E. FOR 30.00 FEET;  
THENCE S.88° 34' 59"W. FOR 140.00 FEET;  
THENCE S.01° 01' 50"E. FOR 40.00 FEET;  
THENCE S.88° 34' 59"W. FOR 105.00 FEET;  
THENCE N.57° 40' 13"W. FOR 257.41 FEET;  
THENCE N.01° 01' 50"W. FOR 107.00 FEET TO THE SOUTH LINE OF THE USD 253 TRACT;  
THENCE N.88° 34' 59"E. ON SAID SOUTH LINE FOR 900.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.0 ACRES.

**Section 3. Approval of Development Plan.** The Plan for the development or redevelopment of housing and public facilities in the District as presented to the Governing Body this date, is hereby approved.

**Section 4. Adverse Effect on Other Government Units.** If, within thirty (30) days following the conclusion of the public hearing on April 1, 2020, any one of the following occurs, the Governing Body shall take action to repeal this Ordinance:

1. The Board of Education of U.S.D. 253 determines by resolution that the District will have an adverse effect on such school district; or
2. The Board of County Commissioners of Lyon County, Kansas determines by resolution that the District will have an adverse effect on such county.

As of this date, the City has not received a copy of any such resolution and is not aware of the adoption of any such resolution by the governing body of Unified School District 253 or Lyon County.

**Section 5. Reimbursement.** The Act authorizes the City to reimburse the developer for all or a portion of the costs of implementing the Plan through the use of the property tax increments allocated to the City under the provisions of the Act.

**Section 6. Further Action.** The Mayor, City Clerk and other officials and employees of the City, including the City Attorney, are hereby further authorized and directed to take such other actions as may be appropriate to accomplish the purposes of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall be effective upon its passage by the Governing Body of the City of Emporia, Kansas and publication one time in the official City newspaper.

Passed by the Governing Body of the City of Emporia, Kansas and signed by the Mayor on April 1, 2020.

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Danny Giefer Mayor

ATTEST

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Kerry Sull, City Clerk

# AGENDA ITEM SUMMARY

**MEETING DATE:** April 1, 2020

**ITEM NUMBER:** 6

**SUBJECT:** Consider Approval of Ordinance for the Enforcement of Public Health Orders.

**RECOMMENDATION:** Approve Ordinance

**BACKGROUND SUMMARY:**

City staff has prepared an ordinance proposal which would create a new offense in the City Code called "Violating a Public Health Order." This ordinance would make it unlawful to disobey an order of the Lyon County Health Officer, Lyon County Board of Health, or Lyon County Director of Health. This offense would be a Class C misdemeanor punishable by a fine up to \$500, a jail term of up to one month, or both. These proposed penalties mirror the penalties that could be imposed through state law for disobeying the rules or regulations of the secretary of health and environment. This ordinance would enable prosecution of this offense through Emporia Municipal Court

**ACTION RECORD**

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Abstained: \_\_\_\_\_ Vote: \_\_\_\_\_  
GEITZ \_\_\_\_\_ GIEFER \_\_\_\_\_ GILLIGAN \_\_\_\_\_ SMITH \_\_\_\_\_ BRINKMAN \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE RELATING TO THE ENFORCEMENT OF PUBLIC HEALTH ORDERS; AMENDING CHAPTER 9 OF THE MUNICIPAL CODE OF THE CITY OF EMPORIA, KANSAS BY THE ADDITION OF NEW SECTION 9-17.1 VIOLATING A PUBLIC HEALTH ORDER.**

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

Section 1. New Section 9-17.1 of the Emporia Municipal Code is hereby added and is enacted to read as follows:

**“9-17.1 –Violating a Public Health Order.**

(a) It shall be unlawful for any person to violate, refuse, or fail to comply with a written order of the Lyon County Health Officer, Lyon County Board of Health, or the Lyon County Director of Health issued under their respective authorities.

(b) Violating a Public Health Order is a class C misdemeanor.”

Section 2. All other provisions of the Municipal Code of the City of Emporia, Kansas shall remain in full force and effect except as specifically amended herein. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 3. Should any section, clause, sentence, or phrase of this ordinance be found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any remaining provisions herein.

Section 4. This Ordinance shall take effect and be in force from and after its passage and publication of the ordinance once in the City’s official newspaper as provided by State law.

Section 5. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, KS as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 1<sup>st</sup> day of April 2020.

\_\_\_\_\_  
Danny Giefer, Mayor

ATTEST:

\_\_\_\_\_  
Kerry Sull, City Clerk

# AGENDA ITEM SUMMARY

**MEETING DATE:** April 1, 2020

**ITEM NUMBER:** 7

**SUBJECT:** Report from the City Manager on City Activities

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

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

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

## Tentative Agenda for April 8th Study Session

- Update on Commission Goals.
- City Financial Review and Update.

### ACTION RECORD

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Abstained: \_\_\_\_\_ Vote: \_\_\_\_\_  
GEITZ \_\_\_\_\_ GIEFER \_\_\_\_\_ GILLIGAN \_\_\_\_\_ SMITH \_\_\_\_\_ BRINKMAN \_\_\_\_\_

# AGENDA ITEM SUMMARY

**MEETING DATE:** April 1, 2020

**ITEM NUMBER:** 8

**SUBJECT:** City Commissioners Reports and Comments

**RECOMMENDATION:**

**BACKGROUND SUMMARY:**

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

## ACTION RECORD

Action: \_\_\_\_\_

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Abstained: \_\_\_\_\_ Vote: \_\_\_\_\_  
GEITZ \_\_\_\_\_ GIEFER \_\_\_\_\_ GILLIGAN \_\_\_\_\_ SMITH \_\_\_\_\_ BRINKMAN \_\_\_\_\_

**COMMISSION MEETING**

**7:00 P.M.**

**MARCH 18, 2020**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 18, 2020, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Brinkman, Geitz and Smith present. Commissioner Gilligan was present via phone. Also present were City Manager McAnarney, Assistant City Manager Massey and City Clerk Sull City Attorney Montgomery was present via phone at 7:02 p.m.

**MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS**

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

1. Monthly Local Retail Sales Tax Receipts Update

	2019	2020	Increase of \$22,887.37 for the month, and
	\$444,258.69	\$467,146.06	Overall decrease of 0.74% from year 2019
<b>YTD</b>	<b>\$ 869,501.19</b>	<b>\$ 863,100.58</b>	

2. City Share from County Tax

	2019	2020	Decrease of \$5,634.70 for month, and
	\$ 245,172.19	\$239,537.49	Overall decrease of 2.36% from year 2019
<b>YTD</b>	<b>\$ 455,489.04</b>	<b>\$ 444,734.76</b>	

3. Building Permits issued from 2/1/2020 to 2/29/2020 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	31
Total of valuations associated with those building permits:	\$ 357,576.00
Total number of dollars collected for Building Permit Fees:	\$ 3,803.00
Construct - single family dwellings	0
Demo - single family dwellings	0

Flint Hills Mall CID for February	\$ 21,650.62
Year to Date Total	\$ 40,556.22

**Consent Agenda**

Commissioner Geitz requested that item d, Consider Set Bid Time and Date for the Peyton Street Water Main Improvements Project No. WM1902, be removed from the Consent Agenda.

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

- a. Consider minutes of the Regular Meeting held on March 4, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending

on March 13, 2020.

- c. Consider Set Bid Time and Date for 2020 Street Rehabilitation Project No. PV2001.
- e. Consider Set Bid Time and Date for Emporia Municipal Airport Runway Seal Coat Project.
- f. Consider Set Bid Time and Date for Slurry Seal Chip Seal Project.

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

**CONSENT AGENDA  
(Item d.)**

- d. Consider Set Bid Time and Date for the Peyton Street Watermain Improvements Projects WM1902.

Commissioner Geitz stated the Commission was informed that this item needed a 30 day notification. He made a motion changing the date to accept bids from April 7, 2020 to April 28, 2020. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Public Comment)**

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

**JONES AQUATIC COMPLEX  
(Agreement b/w City of Emporia & Recreation Commission)  
(2020 Season)**

City Manager McAnarney requested this item be tabled.

Commissioner Geitz made a motion to table this item. Commissioner

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

**ENGINEERING**  
**(2020 Sidewalk Improvements Project No. 19pathg)**  
**(Bid)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated one bid was received for the 2020 Sidewalk Improvements Project No. 19pathg. He stated this project consists of installing sidewalks and ADA curb ramps in the three separate locations: 12<sup>th</sup> Avenue from Lakeview to Peyton Streets and US-50 Highway from Industrial to the west entrance of Bluestem Supply; US-50 Hwy from the west entrance drive of Bluestem to Anderson Street; and Intersection of 24<sup>th</sup> Avenue and W. Ridge Road, to allow better pedestrian access to local grocery food stores. The bid is as follows:

<b>Contractor</b>	<b>Base Bid</b>	<b>Add Alternate</b>	<b>Total</b>
<b>Emporia Construction &amp; Remodeling, Inc.</b>	<b>\$85,798.000</b>	<b>\$15,738.00</b>	<b>\$101,176.00</b>
Engineer's Estimate	\$71,166.00	\$12,910.00	\$ 84,076.00

He stated this project will be funded by a Blue Cross & Blue Shield of Kansas "Safe Routes to Healthy Food" grant awarded to the City of Emporia in April 2019. Due to the City's desire to construct the project solely within the budget money awarded from Blue Cross & Blue Shield, the project scope for the base bids has been revised to take out the portions of US-50 Hwy from the west entrance drive of Bluestem to Anderson Street and at the intersection of 24<sup>th</sup> Avenue and W. Ridge Road for the amount of \$82,708.00. He stated as funds become available the portion in the add alternate may be completed at a later date. He stated staff was recommending awarding the bid to Emporia Construction & Remodeling, Inc., for the revised base bid of \$82,708.00.

Commissioner Geitz made a motion to award the 2020 Sidewalk Improvements Project No. 19pathg to Emporia Construction & Remodeling, Inc. for the revised base bid in the amount of \$82,708.00. Commissioner

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

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

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

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

**TENTATIVE AGENDA FOR MARCH 25TH STUDY SESSION**

Review of Downtown Parking Enforcement

City Manager McAnarney requested the Commission adjourn to an Action Meeting on Wednesday, March 25, 2020 at 9:30 a.m. to discuss RHID for the Riverside Subdivision/Riverside Court, LLC.

Commissioner Smith made a motion to adjourn to Wednesday, March 25, 2020 at 9:30 a.m., in the City Commission meeting room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

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Danny Giefer, Mayor

ATTEST:

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Kerry Sull, City Clerk

**ADJOURNED**

**COMMISSION MEETING**

**9:30 A.M.**

**MARCH 25, 2020**

The Governing Body of the City of Emporia, Kansas, met in Adjourned Session, Wednesday, March 25, 2020, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Geitz and Smith present. Commissioners Brinkman and Gilligan were present via phone. Also present were City Manager McAnarney, Assistant City Manager Massey and City Clerk Sull. City Attorney Montgomery was present via phone.

**CITY COMMISSION  
(Consider Development Agreement)  
(Riverside Court, LLC)**

Jim Witt, Special Project Manager, was recognized and addressed the Governing Body. He stated staff is recommending approval of the Riverside Development Agreement to allow the Developer to proceed with final financing for the project. This Agreement was compiled by the City Attorney along with Special Projects Manager and City Engineer. The Agreement covers essential engineering, financial and administrative procedures related to the project as an Rural Housing Incentive District (RHID) pursuant to K.S.A. 12-5219. The purpose of the Agreement is to provide the Developer and the City with an agreement which outlines the responsibilities, duties and obligations of each party regarding infrastructure improvements and funding reimbursement. He stated all infrastructure improvements eligible under this agreement to benefit the Riverside Subdivision shall be constructed in accordance with the City of Emporia construction specifications as of March 25, 2020. Infrastructure improvements shall be subject to final review by the City Engineering Department before improvements are accepted as the responsibility of the City.

Following further discussion Commissioner Geitz made a motion to approve the Development Agreement with Riverside Court, LLC for the Riverside Addition. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

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

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Danny Giefer, Mayor

ATTEST:

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Kerry Sull, City Clerk