



RUSSELL CITY COUNCIL MEETING
CITY HALL - 133 W. 8TH STREET - RUSSELL, KANSAS
Date: TUESDAY, MAY 4, 2021 – Time: 4:30 PM

To allow for proper social distancing to limit the spread of COVID-19, a limited number of people may attend the meeting in person. If you cannot attend in person or choose not to, you can watch the live-streamed event at <http://www.russellcity.org/274/GoTo-Meeting>.

1. CALL TO ORDER

2. INVOCATION/PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

4. PUBLIC COMMENTS *Members of the public are welcome to use this time to make comments about City matters. (A maximum of five minutes) Public Comments may be presented in person or can be submitted in writing and sent to: City Clerk, 133 W. 8th Street, Russell, KS 67665. Please include your full name and address when submitting your written comment.*

5. PRESENTATIONS AND PUBLIC HEARINGS

- a. Staff Introduction - Alese Hageman, 911 Communications Director
- b. Water Source Status
 - [US Drought Monitor April 29 2021](#)
 - [NOAA Three Month Temperature Probability May - June 2021](#)
 - [NOAA Three Month Precipitation Probability May - June 2021](#)

6. CONSENT AGENDA

- a. Consent Agenda Items
 - [April 20, 2021 City Council Minutes](#)
 - [Contractor Licenses](#)

7. EXECUTIVE SESSION

- a. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship

8. UNFINISHED BUSINESS

- a. Kansas Department of Health and Environment - Consent Agreement and Final Order

9. NEW BUSINESS

- a. General Nuisance Abatement at 858 E. 3rd

[Resolution Authorizing Removal of Nuisances - 858 E. 3rd](#)
[Nuisance Notice - 858 E. 3rd](#)
[Notice Mailing](#)
[Notice Publication](#)
[858 E. 3rd Photo 1](#)
[858 E. 3rd Photo 2](#)
[858 E. 3rd Photo 3](#)
[858 E. 3rd Photo 4](#)

- b. Sewer Tap Permits and Charges
[Sewer Tap Permits and Charges Ordinance \(DRAFT\)](#)
- c. Community Development Block Grant - CV3 Program
[CDBG-CV3 Overview](#)
[CDBG-CVB3 Public Hearing Notice](#)
[Business Questionaire to gauge interest for COVID CDBG funds.pdf](#)
- d. Agreement with Northwest Kansas Planning and Development for CDBG-CV3 Grant Administration
[NWKDPC Administration Contract](#)
- e. Remote Participation Policy
[Remote Participation in Council Meetings Policy](#)

10. DEPARTMENT REPORTS

1. Economic and Community Development Activities - Assistant City Manager

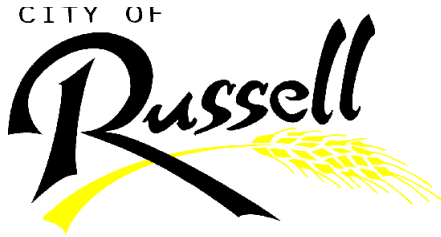
11. PUBLIC COMMENTS II *Members of the public are welcome to use this time to make comments about City matters. (A maximum of five minutes) Public Comments may be presented in person or can be submitted in writing and sent to: City Clerk, 133 W. 8th Street, Russell, KS 67665. Please include your full name and address when submitting your written comment.*

12. EXECUTIVE SESSION

- a. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship

13. GOVERNING BODY/CITY MANAGER COMMENTS

14. ADJOURNMENT



CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021

Agenda Item Title: Staff Introduction - Alese Hageman, 911 Communications Director

Department: City Manager

Presenter: Jon Quinday

Background:

Alese began her dispatching career for the City of Russell in 2008 and was promoted to assistant 911 director in 2017. On May 1st Alese Hageman began her duties as 911 Communications Director.

Alese's knowledge of Russell County's emergency service agencies, the communication network, and NG-911 coupled with her commitment to the community and citizens make Alese the ideal person to move the department forward.

Since 1996, Russell County has contracted with the City of Russell to manage and operate county-wide emergency communications and 911 services. The 911 Dispatch Center operates 24 / 7 every day of the year, provides 911 service to all of Russell County, and dispatches for the Russell County Sheriff's, Russell County EMS, Russell Police, Russell City Fire, Gorham Fire, Russell-Grant Fire, Dorrance Fire, Rural Fire District #5, Paradise Fire, Waldo Fire, Natoma Fire, Lucas Fire, Luray Fire, and provides support to our local state troopers and Department of Wildlife and Parks officers.

Funding Source: N/A

City Attorney Review/Comment: N/A

Options: Welcome Alese to her new position as 911 Communications Director

Staff Recommendations: Welcome Alese to her new position as 911 Communications Director

Attachments:



CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021
Agenda Item Title: Water Source Status
Department: City Manager
Presenter: Jon Quinday

Background: The U.S. Drought Monitor remains unchanged; Russell County, and most of Kansas, out of drought conditions. The National Weather Service Climate Prediction Center's outlook shows the probability of higher temperatures and less moisture during the summer (May - July). Our water sources remain stable, we continue to monitor them closely, and we do not anticipate a change in water conservation status in the next 14 days.

Funding Source: N/A

City Attorney Review/Comment: N/A

Options: Informational Item

Staff Recommendations: Informational Item

Attachments:

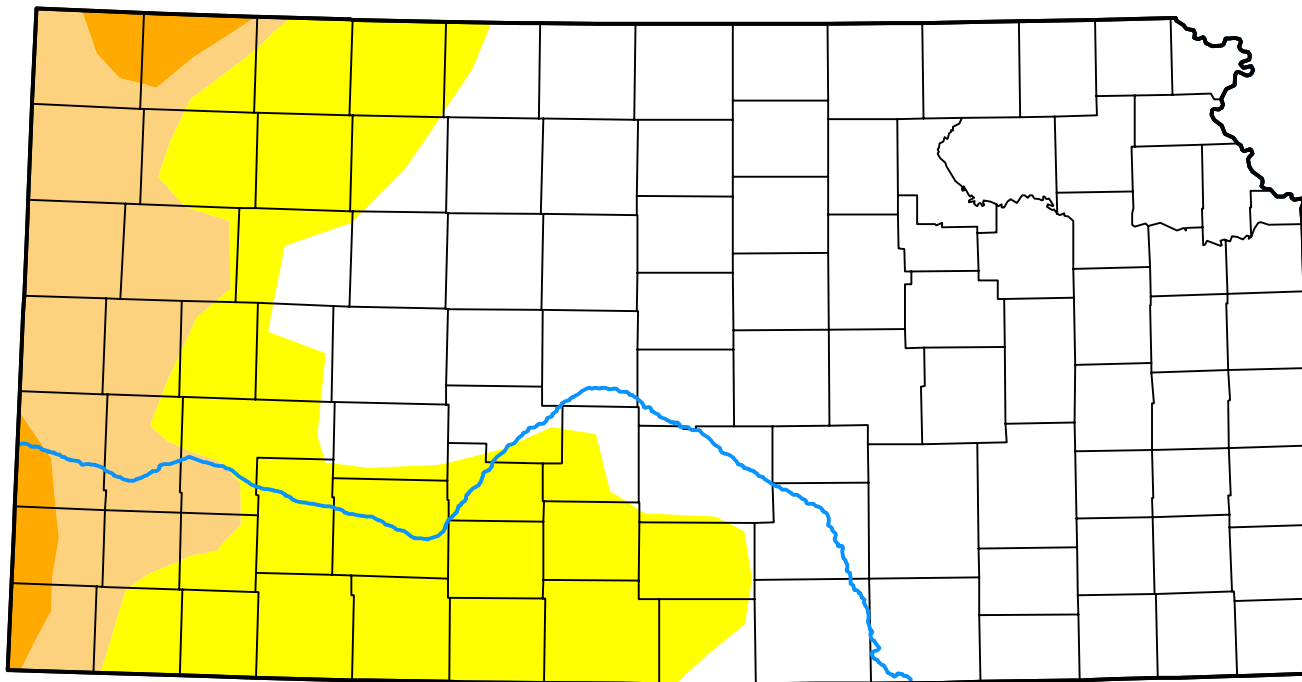
[US Drought Monitor April 29 2021](#)

[NOAA Three Month Temperature Probability May - June 2021](#)







[NOAA Three Month Precipitation Probability May - June 2021](#)

U.S. Drought Monitor Kansas

April 27, 2021
(Released Thursday, Apr. 29, 2021)
Valid 8 a.m. EDT



Intensity:

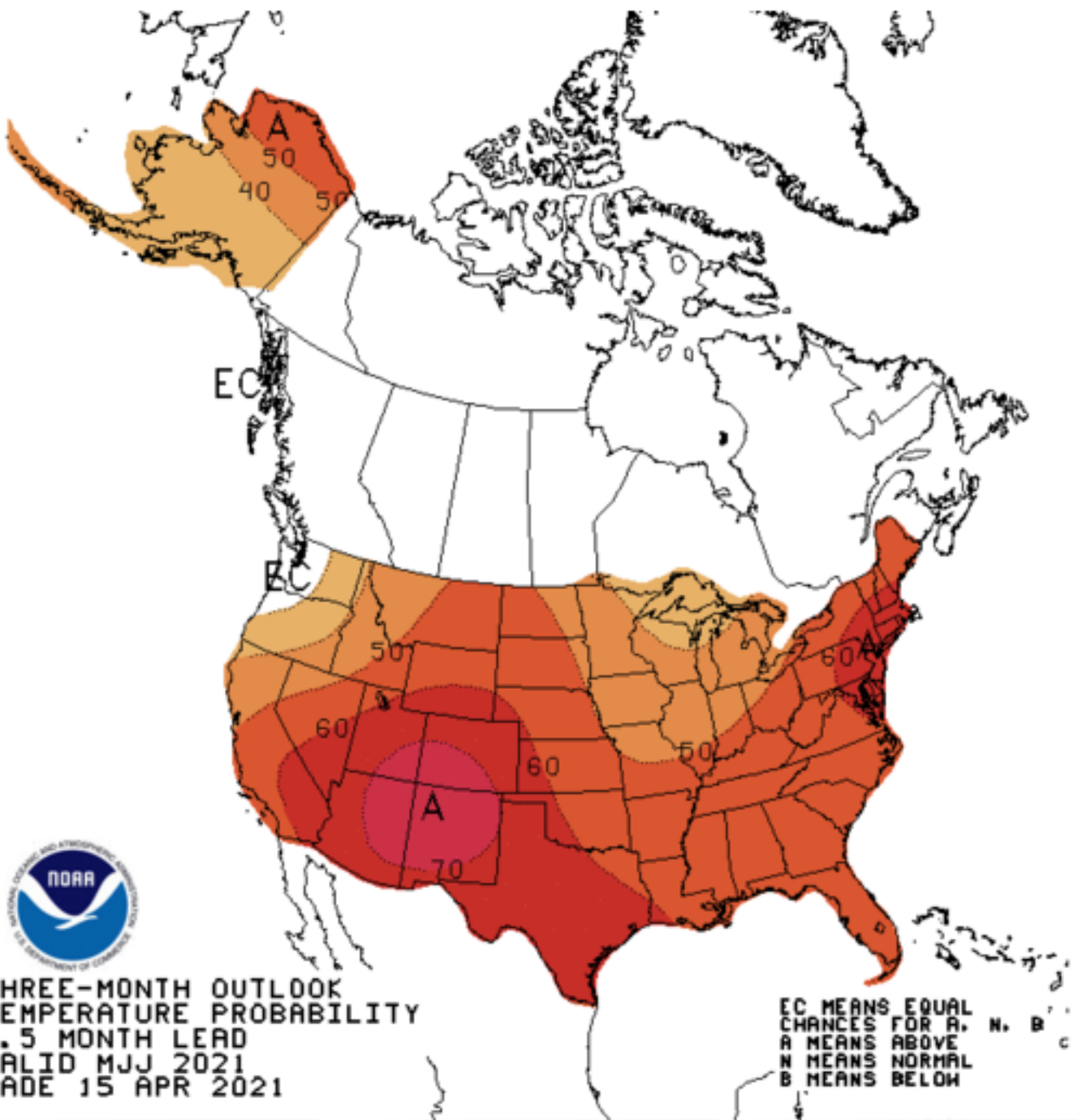
-  None
-  D0 Abnormally Dry
-  D1 Moderate Drought
-  D2 Severe Drought
-  D3 Extreme Drought
-  D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

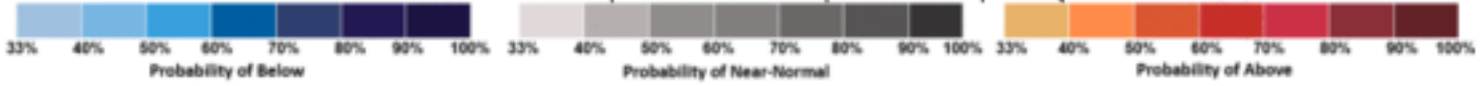
Author:

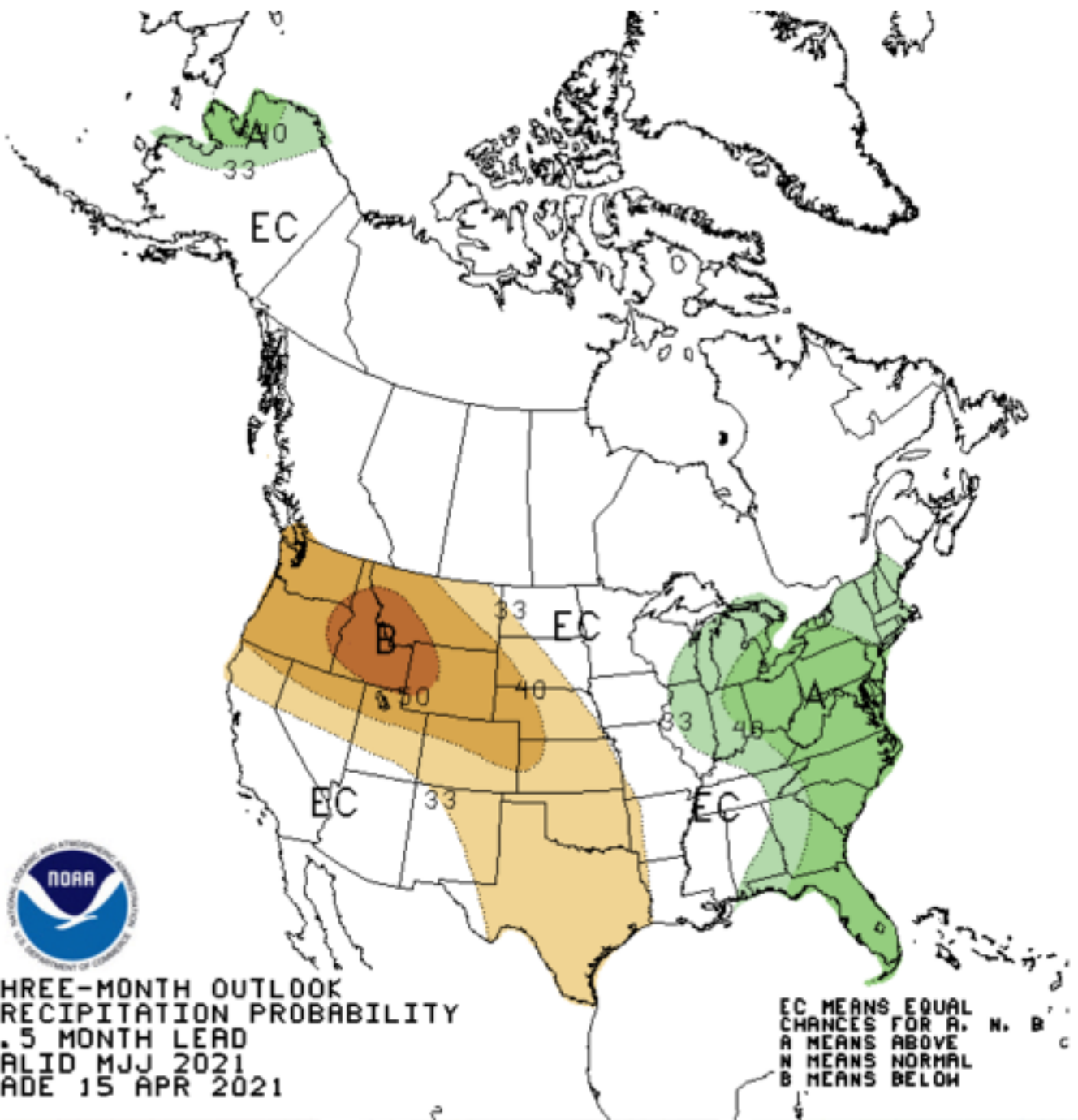
Richard Heim
NCEI/NOAA



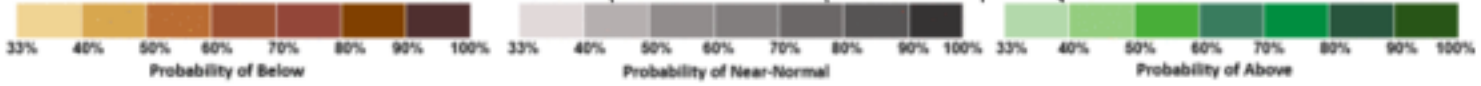


THREE-MONTH OUTLOOK
 TEMPERATURE PROBABILITY
 0.5 MONTH LEAD
 VALID MJJ 2021
 MADE 15 APR 2021





**THREE-MONTH OUTLOOK
 PRECIPITATION PROBABILITY
 0.5 MONTH LEAD
 VALID MJJ 2021
 MADE 15 APR 2021**





CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021
Agenda Item Title: Consent Agenda Items
Department: City Clerk
Presenter: Jon Quinday

Background: Items to approve:
1. April 20, 2021 Council Meeting Minutes
2. Contractor Licenses

Funding Source: N/A

City Attorney Review/Comment: N/A

Options:
1. Approve the consent agenda as presented
2. By motion, separate items for individual consideration

Staff Recommendations: Approve the consent agenda as presented

Attachments:
[April 20, 2021 City Council Minutes](#)
[Contractor Licenses](#)

Tuesday, April 20, 2021

Russell City Council Meeting - Minutes

City Hall

Russell, KS

Present: Councilmember Aaron Talbott, Councilmember Blaine Stoppel, Councilmember Dustin Madden, Mayor Jim Cross, Councilmember Lonnie Whitten, Councilmember Mitch Driscoll, Councilmember Monty Morrill, Councilmember Michelle Wagner arrived at 4:57pm

Absent: Councilmember Lisa Schreiner

1. CALL TO ORDER

Mayor Jim Cross called the meeting to order at 4:30pm with the following members in attendance: City Manger Jon Quinday, City Attorney Ken Cole, Public Works Director Rich Krause, Police Chief Jordan Harrison, Fire Chief Dylan Riedel, Electric Director Duane Banks, Finance Director/City Clerk Katrina Woelk.

2. INVOCATION/PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

Councilmember Blaine Stoppel made a motion to approve the agenda. Councilmember Lonnie Whitten seconded. The motion carried unanimously.

4. PUBLIC COMMENTS I

None

5. PRESENTATIONS AND PUBLIC HEARINGS

5.a 911 Director Deanise Howard Retirement

911 Director Deanise Howard was recognized for her retirement.

5.b Performance Public Hearing - CDBG St. John Waterline Project

Mayor Cross opened the Public Hearing for the CDBG St. John Waterline Project. Corina Cox, Northwest Planning gave an overview of the project. No public comments were made. Mayor Cross closed the Public Hearing.

5.c Water Source Status

City Manger Quinday gave an update on the status of Pfiefer wells and Big Creek.

6. CONSENT AGENDA

6.a Consent Agenda Items

Councilmember Blaine Stoppel made a motion to approve the consent agenda. Councilmember Aaron Talbott seconded. The motion carried unanimously.

7. UNFINISHED BUSINESS

7.a Request for Interest - Development Plan for 830 N. Main Street

Councilmember Dustin Madden made a motion to approve the Request for Interest document and direct staff to disseminate the document.

Councilmember Blaine Stoppel seconded. The motion carried unanimously.

7.b Neighborhood Revitalization Plan

No Action taken

7.c CDBG St. John Waterline Project Draw Down #8 Final/Close out

Councilmember Blaine Stoppel made a motion to approve the CDBG St. John Waterline Project Draw Down #8 in the amount of \$2,012.03 and authorize the Mayor to sign the close out documents for the grant. Councilmember Dustin Madden seconded. The motion carried unanimously.

8. EXECUTIVE SESSION

8.a Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship

Councilmember Dustin Madden made a motion to recess into executive session, to include the city manager, assistant city manager, and city attorney, to discuss on-going litigation pursuant to the consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship exception, K.S.A. 75-4319(b)(2). The open meeting will resume in the city council chamber at 5:12pm. Councilmember Blaine Stoppel seconded. The motion carried unanimously.

The open meeting resumed at 5:12pm with no action taken

9. NEW BUSINESS

9.a Request to Purchase Two Acres of City Land

No action taken

9.b Kansas Department of Health and Environment - Consent Agreement and Final Order

No action taken

10. DEPARTMENT REPORTS

10.a Department Reports

1. Swimming Pool Operations - Asst. City Manager
2. Department Monthly Activity Reports

11. PUBLIC COMMENTS II

None

12. EXECUTIVE SESSION

12.a Preliminary Discussion of the Acquisition of Real Property

Councilmember Blaine Stoppel made a motion to adjourn into executive session, to include the city manager, assistant city manager and the electric utility director to discuss real property acquisition pursuant to the preliminary discussion of the acquisition of real property exception, KSA 75-4319(b)(6). The open meeting will resume in the city council chamber at 5:42pm. Councilmember Aaron Talbott seconded. The motion carried unanimously.

The meeting resumed at 5:42pm with no action taken.

Councilmember Blaine Stoppel made a motion to adjourn into executive session, to include the city manager, assistant city manager and the electric utility director to discuss real property acquisition pursuant to the preliminary discussion of the acquisition of real property exception, KSA 75-4319(b)(6). The open meeting will resume in the city council chamber at 5:52pm. Councilmember Aaron Talbott seconded. The motion carried unanimously.

The meeting resumed at 5:52pm with no action taken.

Councilmember Blaine Stoppel made a motion to adjourn into executive session, to include the city manager, assistant city manager and the electric utility director to discuss real property acquisition pursuant to the preliminary discussion of the acquisition of real property exception, KSA 75-4319(b)(6). The open meeting will resume in the city council chamber at 5:57pm. Councilmember Aaron Talbott seconded. The motion carried unanimously.

The meeting resumed at 5:57pm with no action taken.

12.b Discussion of Non-Elected Personnel

Councilmember Dustin Madden made a motion to approve into executive session, to include the City Manager and Assistant City Manager, to discuss individual employee's performance pursuant to the non-elected personnel matter exception, KSA 75-4319(b)(1). The open meeting will resume in the city council chamber at 6:10pm. Councilmember Lonnie Whitten seconded. The motion carried unanimously.

The meeting resumed at 6:10pm with no action taken.

Councilmember Dustin Madden made a motion to approve into executive session, to include the City Manager and Assistant City Manager, to discuss individual employee's performance pursuant to the non-elected personnel matter exception, KSA 75-4319(b)(1). The open meeting will resume in the city council chamber at 6:20pm. Councilmember Lonnie Whitten seconded. The motion carried unanimously.

The meeting resumed at 6:20pm with no action taken.

13. GOVERNING BODY/CITY MANAGER COMMENTS

14. ADJOURNMENT

Councilmember Blaine Stoppel made a motion to adjourn the meeting.
Councilmember Aaron Talbott seconded. The motion carried unanimously.

Katrina Woelk, City Clerk



May 4, 2021

Contractors

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
<u>Building</u>				
Hale Construction LLC	4504 Van Buren	Hays	KS	67601
<u>Lawn Sprinkler/Irrigation</u>				
G & L Landscape LLC	402 E 14th St	Hays	KS	67601



CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021

Agenda Item Title: Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship

Department: City Manager

Presenter: Ken Cole

Background: Closed sessions may be called under the Kansas Open Meetings Act after a formal motion has been made, seconded and carried to recess into executive session. The use of an executive session requires the subject matter be one of the specified justifications in K.S.A. 75-4319(b)

Funding Source: N/A

City Attorney Review/Comment: 04/12/2021

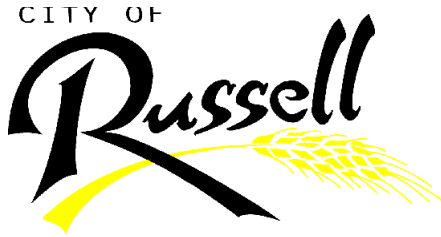
Options:

1. Enter into Executive Session
2. Take no action and move to the next agenda item

Staff Recommendations: Enter into executive session to include the City Manager, Assistant City Manager and City Attorney.

Sample motion: Mr. Mayor, I move the city council recess into executive session, to include the city manager, assistant city manager, and city attorney, to discuss pending litigation pursuant to the consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship exception, K.S.A. 75-4319(b)(2). The open meeting will resume in the city council chamber at _____p.m.

Attachments:



CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021

Agenda Item Title: Kansas Department of Health and Environment - Consent Agreement and Final Order

Department: City Manager

Presenter: Jon Quinday

Background: On December 24, 2020 the City received an Administrative Order from the Kansas Department of Health and Environment (KDHE) alleging unapproved discharges of wastewater into the unnamed tributary commonly referred to as Fossil Creek with a monetary penalty of \$32,500. The first alleged unapproved discharge was on October 30, 2019 and came from the cooling towers at the power plant. The second alleged unapproved discharge came from the sedimentation basin at the water production facility. KDHE stated neither facility has a National Pollution Elimination Discharge System permit, as such was not permitted to discharge wastewater.

Staff was aware of the discharge in October 2019 and November 2019 as we were on the ground with KDHE after each release. City staff made physical changes at both locations, only allowing discharge to the sanitary sewer. KDHE was notified, in writing of these changes, on November 15, 2019. The receipt of this Order predicated on a notice of potential violation, discussion, clarification and resolution.

City staff reviewed the Order and reached out to KDHE to discuss the allegations, findings of fact and conclusions of law within the order. Specifically, the discharge from the water production plant was raw water from Big Creek and the discharge from the cooling towers has been the standard of

practice since the early 1900s. City staff requested supporting documentation related to the allegations from KDHE. On December 17, 2020, following our discussions with KDHE and a review of supplemental documentation, the City filed a Notice of Appeal and Request for Hearing. The city received notice of a pre-hearing conference scheduled for February 18, 2021. In the interim, city staff reviewed KDHE's internal Water Quality Guidance Memorandum and proposed a settlement agreement where:

1. The cooling tower discharge remain in an administrative order but change the Willfulness and Cooperation factor from "Normally cooperating" to "Exceptionally cooperative. Achieved compliance immediately on their own initiation. No indication of willful violation".

2. The water production facility discharge of raw water be removed from the Order and replaced with a warning or directive letter. Directives can be used to correct minor problems that do not warrant an administrative order.

On April 12, 2021 the City received a Consent Agreement and Final Order as a settlement in the matter that is in the best interest of the Parties. The settlement includes a penalty reduction from \$32,500 to \$17,350 - which is in line with the proposal submitted by the City.

Funding Source: Electric Production Operating Fund

City Attorney Review/Comment: 01/06/2021
04/12/2021

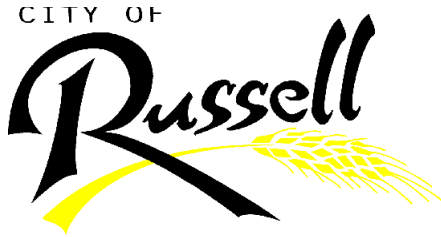
Options:

1. Approve the Consent Agreement and Final Order KDHE #20-E-007 BOW and authorize the Mayor to sign the documents.
2. Provide staff with alternate direction.
3. Take no action

Staff Recommendations: Approve the Consent Agreement and Final Order KDHE #20-

E-007 BOW and authorize the Mayor to sign the documents.

Attachments:



CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021
Agenda Item Title: General Nuisance Abatement at 858 E. 3rd
Department: Building, Planning, and Zoning
Presenter: Kim Grizzle

Background: A resolution authorizing the removal of nuisances at 858 E. 3rd. These nuisances include Trash & Debris, and tree limbs. The required notification has been provided and the property owner has failed to abate the nuisance(s) or request a hearing before the governing body as required.

Upon approval of the Resolution if the nuisance(s) are not abated in the required time, the city will have the nuisances abated and the city will have the nuisances abated and the property brought into compliance. Costs of the abatement will be charged to the property.

Funding Source: General Fund.

City Attorney Review/Comment: May 3rd, 2021

- Options:**
1. Approve the Resolution authorizing the removal of the nuisance (s) from 858 E. 3rd.
 2. Provide alternate direction to staff.
 3. Take no action-the abatement process is halted.

Staff Recommendations: Approve the Resolution authorizing the removal of the nuisance(s) from 858 E. 3rd and providing the abatement costs. If any, incurred by the city shall be charged against the lots or parcels of ground on which the nuisance is located.

Attachments:

Resolution Authorizing Removal of Nuisances - 858 E. 3rd

Nuisance Notice - 858 E. 3rd

Notice Mailing

Notice Publication

858 E. 3rd Photo 1

858 E. 3rd Photo 2

858 E. 3rd Photo 3

858 E. 3rd Photo 4

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE REMOVAL OF A NUISANCE FROM CERTAIN PROPERTY IN THE CITY OF RUSSELL, KANSAS.

WHEREAS, the Governing Body of the City of Russell has declared it unlawful for any person to maintain a nuisance on private property within the City of Russell; and

WHEREAS the owners(s) of the private property at the address listed herein have been notified pursuant to Chapter VIII, Article 2, Section 8-207 of the Code of Ordinances of a violation of the Ordinance and have not requested a hearing before the Governing Body.

WHEREAS the public officer in charge of administration and enforcement of this ordinance has provided the Governing Body with information regarding the condition of the property which is alleged to be a nuisance and after due consideration the Governing Body adopted the following resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF RUSSELL, KANSAS:

Section 1. Upon proper notice and consideration of information provided by the enforcement officer, it was determined that the following condition on the property is a nuisance in violation of Chapter VIII, Article 2, Section 8-201:

858 E. 3rd Doris Anthony
Trash & tree limbs

Section 2. Ten (10) days after passage of this resolution the public officer is authorized to enforce the abatement of this condition by abatement of the nuisance if the owner has not previously done so.

Section 3. The abatement costs, if any, incurred by the City shall be charged against the lots or parcels of ground on which the nuisance is located.

Section 4. A copy of this resolution shall be served on the owner of the land as provided in the city's Code of Ordinance.

PASSED AND APPROVED by the Governing Body of the City of Russell, Kansas, on this 4th day of May, 2021.

Jim Cross, Mayor

ATTEST:

Katrina Woelk, City Clerk

10 Day General Nuisance Notice

City of Russell

133 West 8th Street

Russell, KS. 67665

785-483-6311

Case Number: 20210023

CITY OF



03/29/2021

ANTHONY DORIS

858 E 3RD ST RUSSELL, KS 67665-2338

Subject Property: 858 E 3RD ST, Russell, KS 67665, ,
Property ID Number: 084-147-26-0-30-29-00200-0-01

Dear Property Owner:

An inspection by our Division has determined the property listed above is in violation of City Ordinance Article 2; Section 8-201

The following action must be taken to correct the above stated violation:

Remove rubbish & tree limbs.

Fines, liens or special assessments may be placed on the property for noncompliance and/or the costs of abatement, repair or demolition by the City.

Nuisances as defined in Section 8-201 include without limitation: Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal, articles or things whatsoever caused, kept, maintained or permitted by any person to the injury, annoyance or inconvenience of the public or of any neighborhood. You have ten (10) days from the receipt of this notice to either abate these violations, or request a hearing, in writing, before the Governing Body as provided by The Code of the City of Russell. Failure on your part to either abate these violations or request a hearing within the time allowed will result in a complaint being filed as provided by Section 8-208 and/or abatement as provided by Section 8-209 or Chapter VIII of the Code of the City of Russell. If the city abates the nuisance pursuant to section 8-209, the cost of abatement shall be charged against the lot or parcel of ground on which the nuisance was located. A copy of Chapter VIII of the Code of the City of Russell is available for your inspection at the City Building, 133 W. 8th Russell, Ks.

For further information, you may contact me at (785) 483-6311.

Date Served:

Tracking#: 7019 0700 00016639 3428

Sincerely,

Kim Grizzle
Code Enforcement Officer

Received By

CERTIFIED MAIL

City of Russell
P.O. Box 112
Russell, Ks 67665



7019 0700 0001 6639 3428

FIRST-CLASS



PRITNEY BOWES
US POSTAGE
02 7H \$ 006.96⁰
0001304597 MAR 29 2021
MAILED FROM ZIP CODE 67665

Doris Anthony
858 E. 3rd
Russell, Ks. 67665

NMR
3/29

4/1

NIXIE 672 DC 1 0003/31/21
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 67665011212 *1860-03003-31-24

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STATE OF KANSAS
 RUSSELL COUNTY
 ss. Publication

Frank Mercer, being first duly sworn, deposes and says: That he is publisher of the Russell County News, a weekly newspaper printed in the State of Kansas and published in and of general circulation in Russell County, Kansas, with a general paid circulation on a weekly basis in Russell County, Kansas, and that said newspaper is not a trade, religious or financial publication.

Said newspaper is a weekly published one day a week and has been published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted to the post office of Russell, Kansas, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive sheet the first publication thereof being made as aforesaid on the 24 day of April 2021 with subsequent publications being made on the following dates:

- _____ 20 _____ 20
- _____ 20 _____ 20
- _____ 20 _____ 20

Signed: 

Subscribed and sworn to before me this 24 day of April 2021

ROCHELLE TWENTER
 Notary Public, State of Kansas
 My commission expires: _____

Publisher Fee \$ 91.09
 Affidavit, Notary's Fee \$ 1.00
 Additional copies @ \$ _____
 Total Publication Fee: \$ 92.09

(Published in the Russell County News Thursday, April 08, 2021)

NOTICE OF GENERAL NUISANCE

TO: Doris Anthony and ALL Other Persons Concerned

Notice is hereby given to the above-identified owner(s), occupants and all other interested persons that the property described below is in violation of City Code Chapter 8 Article 2 which prohibits general nuisances.

Nuisances, as defined in Section 8-201 include without limitation: Filth, excrement, lumber, rocks, dirt, cans, paper, trash, metal, articles or things whatsoever caused, kept, maintained or permitted by any persons to the injury, annoyance or inconvenience

nuisance is to be abated within ten (10) days of the date of this notice. You are also notified that you may request

a hearing before the governing body concerning this notice, but such request must be submitted in writing to the City Clerk within five (5) days of the date this notice is published in the newspaper.

If the nuisance is not abated within the allotted time and no hearing is requested, the City or its authorized agent will abate or remove the nuisance and assess the cost of abating the same, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property. The owner, occupant or agent in charge of the property will have the opportunity to pay the assessment and, if it is not paid within thirty (30) days of

The properties upon which violations have been found are as follows: Rubbish & Tree limbs.

Legal Description: 858 E. 3rd., FAIRVIEW-RUSSELL, BLOCK 5, Lot 3, SECTION 26 TOWNSHIP 13 RANGE 14W 084-148-27-0-40-37-004.00-0 084-147-26-0-30-29-002.00-0

No further notice will be given prior to removal of the nuisance from the property described above for the current or subsequent violations during the calendar year 2021.

If you have questions, the Public Officer Kim Grizzle, Code Service Officer, should be contacted at 785-483-6311.

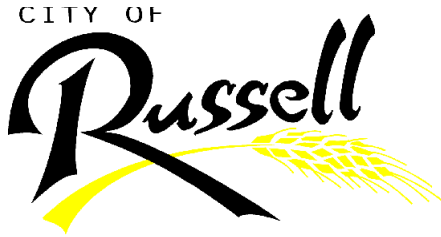
City of Russell
 Kim Grizzle
 Code Service Officer and Public Officer











CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021
Agenda Item Title: Sewer Tap Permits and Charges
Department: City Manager
Presenter: Jon Quinday

Background: The fee for sewer taps and the cost for the opening or digging of a ditch or trench in a city street or alley was set in 2013 with Ordinance 1839. The cost for street excavation was estimated by city staff. When the final costs were determined it did not always match the estimate due to some unforeseen circumstance. To streamline the process and provide total costs up front to customers, city staff recommends adopting a four-tier cost schedule based on the depth of the excavation and type of road surface. The four tiers include: 0-5 feet, 6 - 10 feet, 11 - 14 feet, and all depths over 14 feet.

The city attorney has prepared an ordinance reflecting the recommended changes.

Funding Source: N/A

City Attorney Review/Comment: 04/27/2018

Options:

1. Approve the Ordinance amending Section 15-607 of the Code of the City of Russell for Sewer Tap Permits and Charges
2. Provide staff with alternate direction
3. Take no action

Staff Recommendations: For review and discussion. Council will be asked to consider

approving the Ordinance at the May 18, 2021 meeting.

Attachments:

[Sewer Tap Permits and Charges Ordinance \(DRAFT\)](#)

AN ORDINANCE AMENDING SECTION 15-607 OF THE CODE OF THE CITY OF RUSSELL,
KANSAS, FOR SEWER TAP PERMITS AND CHARGES FOR THE SAME

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

SECTION 1. That Section 15-607 of the Code of the City of Russell is hereby amended to read as follows:

15-607. ISSUING PERMIT; CHARGES. Upon application to the city building official for such a permit and upon approval of the tap by the city inspector, the city clerk shall issue a permit for a new or replacement tap into any existing public main sanitary sewer line. The city clerk, for issuing such a permit, shall make the following charges based on the depth that the city's main sanitary sewer line is connected to the sewer manhole. This charge includes top dressing restoration, and if needed the new tap opening and tapping saddle:

(a) Alley excavation of dirt or gravel and compaction for new service or repairs:

1. 0' to 5' deep - \$665.00
2. Over 5' to 10' deep - \$1,190.00
3. Over 10' to 14' deep - \$3,460.00
4. Over 14'-Excavation and compaction to be completed at owner's expense by owner's contractor licensed by City of Russell and in accordance with all state and federal laws and regulations.

(b) Street excavation of asphalt, brick or concrete and replacement for new service or repairs:

1. 0' to 5' deep - \$1,115.00
2. Over 5' to 10' deep - \$2,540.00
3. Over 10' to 14' deep - \$5,885.00
4. Over 14'-Excavation and compaction to be completed at owner's expense by owner's contractor licensed by City of Russell and in accordance with all state and federal laws and regulations.

(c) Depth and Deep defined. For purposes of this section "depth" and "deep" means the measured distance from the surface of the manhole to the bottom of the sewer mainline tapped into the manhole.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED by the Governing Body of the City of Russell, Kansas, this _____ day of May, 2021.

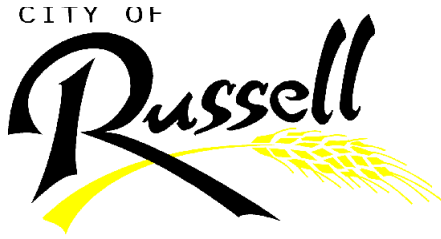
APPROVED by the Mayor of the City of Russell, Kansas, this _____ day of May, 2021.

Jim Cross, Mayor

ATTEST:

Katrina Woelk, City Clerk

(Seal)



CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021

Agenda Item Title: Community Development Block Grant - CV3 Program

Department: City Manager

Presenter: Jon Quinday

Background: The Kansas Department of Commerce, Community Development Block Grant - CV3 was awarded an additional \$4.5 million in addition to CARES Act funding. This program has helped Kansas communities retain jobs and businesses during the pandemic. Eligibility is limited to community economic development projects that are retaining jobs, and cities that have not previously received funding from rounds one and two.

A specific project application to be discussed is funding for micro/economic development grants and administration in an area generally bounded by the city limits of Russell, Kansas. The estimated project cost is \$150,000 with the grant request for 100% of the project cost.

Funding Source: CDBG Funds

City Attorney Review/Comment:

- Options:**
1. Set a public hearing for Tuesday, May 18, 2021 at 4:30 pm in the City Council Chambers for the purpose of considering an application to be submitted for Community Development Block Grant funds under the CDBG-CV3 category.
 2. Provide staff with alternate direction
 3. Take no action - an application is not submitted.

Staff Recommendations: Set a public hearing for Tuesday, May 18, 2021 at 4:30 pm in the City Council Chambers for the purpose of considering an application to be submitted for Community Development Block Grant funds under the CDBG-CV3 category.

Attachments:

[CDBG-CV3 Overview](#)

[CDBG-CVB3 Public Hearing Notice](#)

[Business Questionnaire to gauge interest for COVID CDBG funds.pdf](#)



CDBG-CV3 OVERVIEW

Department of Commerce





CDBG-CV3 OVERVIEW

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ALL REGULAR CDBG PROGRAM REQUIREMENTS APPLY UNLESS OTHERWISE STATED IN THESE GUIDELINES.

The State of Kansas, Community Development Block Grant – CV3 (CDBG-CV3) program has been awarded \$4.5 million from the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Awards will be made for issues triggered by the COVID-19 virus and when no other funds are available.

ELIGIBLE APPLICANTS

The CARES Act funds will be available for a city or county in the State of Kansas, which are defined as “general purpose units of government.”

The cities and counties ineligible include Kansas City, Wichita, Topeka, Lawrence, Leavenworth, Manhattan, Overland Park and all of Johnson County; those that received CV1 or CV2 monies; and those that have a balance in their CDBG Local Revolving Loan Funds. These entities will not be eligible to apply.

APPLICATION SUBMISSION REQUIREMENTS

Applications will be submitted online beginning May 1, 2021 with an application deadline of June 1, 2021.

FUNDING AMOUNT

Maximum funding per county or city is \$150,000. All grants will be for Economic Development job retention and administration only.

REIMBURSABLES

Costs can be reimbursed from March 1, 2020 or used for future working capital. Each expense must be documented with an invoice and proof of payment (receipt, bank statement or copy of check).

PROCEDURAL CHANGES

Procedural changes with CARES Act funds include, the processing of the grantee’s Grant Agreements, Request for Release of Funds and Certification (HUD-7015.15), and Grant Close-out agreements. Based on HUD guidance from April 13, 2020, the grantee can use electronic signatures, scans or fax. These amendments would only be applied to awarded CARES Act funds. All other CDBG requirements apply.

OTHER REQUIREMENTS

The other requirements of the CDBG-CV3 are not fully described in this application. However, they still apply and include: National Objective Requirements, Pre-selection of Professional Services, Administrative Requirements for the Program, Citizen Participation Requirements (Public Hearings), Applicable Laws and Regulations - Federal Laws and Regulations, State Law Requirements, State Laws which may be available or applicable, Grant Definition, and Environmental Review Process. Details of these requirements can be found in the [2021 CDBG General Application Guidelines](#).

APPLICATION RATING CRITERIA

Should any document be missing, incorrect or otherwise have deficiencies we will contact the applicant for corrections. Applications will be awarded approximately on July 1, 2021.

THRESHOLD REQUIREMENTS

The applicant must be eligible and the application must include a public hearing notice.

ELIGIBLE ACTIVITIES FOR CDBG-CV3

Economic Development

- a. For businesses to purchase needed inventory to reopen or stay open. This is considered working capital making the environmental level of review as Categorically Excluded Not Subject To (CENST).
- b. All awards are distributed as grants to cities and counties.

- c. The National Objective is Job Retention and over 51 percent of employees must meet LMI per company
- d. Inventory purchases and working capital expenses (non-city owned utilities, payroll, inventory.)
- e. \$25,000 maximum per job retained for businesses under 5 employees, including owner, for a maximum grant of \$30,000 per company
- f. \$35,000 maximum per job retained for businesses with 6-50 employees for a maximum grant of \$50,000 per company
- g. For profit businesses only
- h. Company must have been in operation prior to March 1, 2020

STATE COMPLIANCE CRITERIA

The following administrative and financial guidelines apply to the Kansas Small Cities CDBG-CV3 program:

1. Timeliness: Grantees will have a signed contract with the state within 30 days of award announcement. Project implementation will be initiated within 60 days of the award announcement. Fifty percent of the money awarded must be expended in 90 days. All projects must be scheduled to be completed within 12 months of the project award date.
2. Administration Allowance: For the purpose of budgeting, applicants may not propose more than \$15,000 or 10 percent, whichever is less. CDBG-CV3 will not replace any existing employee’s salaries for administration. NOTE: No city or county employee, elected or employed, can separately contract with the grantee to perform any portion of the grant either through an outside firm or directly.
 - a. Commerce will release 25 percent administration funds after receipt of the grantee’s signed state grant agreement, 50 percent after first drawdown of funds, 75 percent after 50 percent has been drawn and 90 percent administrative costs prior to receipt of close-out paperwork and clearance of monitoring findings.
 - b. For grantees providing administration funds out of local monies, a five percent retainage will be held on the total grant monies until the final paperwork is received and all monitoring findings are cleared.
3. Professional Assistance: The use of professional services is governed by the provision of OMB Circular A-87 and applicable state, federal and local laws. The selection of services must be done according to CDBG procurement regulations if grant funds will be used for payment. Written agreements shall be executed between the parties detailing the responsibilities, standards and fees.
4. Environmental Impact: All CDBG-CV3 projects are subject to the Federal Environmental Regulations.
5. CDBG-CV3 Policy when Applicant Discovers Error after Award Announcement:
 - a. In the CDBG-CV3 application process, unless the State has made a calculation or procedural error, there is no provision to correct applicant error after grant award announcements. The State would be in violation of its own Program Requirements if any application were reconsidered.
 - b. In all cases, it is the applicant’s responsibility to proofread and double-check the accuracy of the information submitted in the application.
 - c. The mayor/county commission chairman (chief elected official) accepts the responsibility that the information in the application is correct by signing the grant application submitted.
6. Kansas Small Cities CDBG-CV3 Administrative Procedure for Request for Information:
 - a. Kansas Open Records Law
 - (1) All requests for information from the Small Cities (CDBG-CV3) program will be subject to the Kansas Open Records Law (K.S.A. 1983 Supp. 45-206 et. seq.). The Kansas law requires that all records

of a public agency be open to inspection. Kansas Small Cities (CDBG-CV) applications are, as defined by K.S.A. 1983 Supp. 45-207, public records and as such are open for inspection, except as otherwise provided by the Act. All requests must be specifically made in writing.

- (2) Copies of file information will not be made due to cost of copying, staff time and constraints.
- (3) File information, such as grant applications, may be reviewed in the office during normal working hours.
- (4) File information, such as grant applications, may be obtained for private off-site photocopying by use of a “sign out” sheet during normal working hours.
- (5) Consensus rating information will be made available under the above procedures. Individual staff notes are not a part of the body of “public information” and, therefore, will not be made available [K.S.A. 45-211(a)(20)].

TECHNICAL ASSISTANCE

Communities can request technical assistance from any staff person at kdc_cdbg_inbox@ks.gov or (785) 296-3004.

APPLICATION CHECKLIST FOR CDBG–CV3 ACT APPLICATION

Applications must be submitted in the following order:

- _____ Application Summary
- _____ Community Needs Form
- _____ Project Budget Form
- _____ CDBG-CV Narrative
- _____ Resolution of Governing Body to File Application
- _____ Statement of Assurances and Certification
- _____ Disclosure Report
- _____ Anti-displacement Plan
- _____ Affidavit of Public Hearing Notice

NOTE: Do not include letters of support in the application.



1000 SW Jackson St., Suite 100
Topeka, Kansas 66612-1354
kansascommerce.gov

Public Hearing Notice

The City of Russell will hold a public hearing on Tuesday, May 18, 2021 at 4:30 p.m. in the City Hall, 133 W. 8th Street, Russell, Kansas, for the purpose of considering an application to be submitted to the Kansas Department of Commerce for Small Cities Community Development Block Grant funds under the CDBG-CV3 category. A specific project application to be discussed is funding for micro/economic development grants and administration in an area generally bounded by the city limits of Russell, Kansas. The estimated project cost is \$150,000 with the grant request for \$150,000 of the project cost. Other project proposals introduced at the hearing will be considered. Oral and written comments will be recorded and become part of the City of Russell's CDBG citizen participation program. Reasonable accommodations will be made available to persons with disabilities. Requests should be submitted to Katrina Woelk, City Clerk, by Monday, May 17, 2021.

Business Questionnaire for COVID relief through CV3 CDBG funds

Business Name/Address: _____
Type of Business: _____
How many owners? _____ How many employees? _____
Date the Business opened? _____

Eligibility - To be eligible to receive a CDBG-CV grant:

- Business must be a for-profit business and retain at least one job for low-to-moderate-income (LMI) people.
- 51% or more of the jobs retained must be for persons from LMI households. The attached income figures determine eligibility in general - these do not have to be completed now; they are only included to verify eligibility. The confidential employee certification form is used to document household income per family size at the time the form is completed.
- Business must be in the city limits of Russell, have been in existence prior to 3/1/20 and currently remain open with the same owners.
- Business must be current on all taxes.
- Business must have a valid DUNS number
- Government businesses, non-profits, home businesses (Mary Kay, Avon, etc.), farmers and ranchers are not eligible. Businesses that have received CV 1 or CV2 funds are not eligible.

How many jobs would be retained? _____ How many of these jobs meet the LMI requirement? _____
Note: Not all of your employees have to be counted – only the jobs that will be retained.

If you received any other COVID related funding, please know that you cannot “double dip” the same type of funding during the same timeframe. (for example, PPP, EIDL, CARES) – If your firm applied for and received PPP for August and September, you can still request funds for October and November.

CV3 grants can be used to pay for any working capital (W/C) expenses such as wages, inventory, utilities, rent, etc. and costs can be retroactive from today back to 3/1/20. The City should find out if they are awarded a CV3 on 7/1/21. The City will have a short window to accept applications and make awards, therefore it is a good idea to gather the information just in case. Quick Book printouts or statements listing invoice numbers will not work – it must be a dated invoice that shows what was purchased and proof of payment (check or bank statement). Ineligible W/C expenses include city/county owned utilities, contract labor and existing debt.

For businesses with 1-5 employees, up to \$25,000 per FTE can be awarded, with a maximum funding of \$30,000 per company.

For businesses with 6-50 employees, up to \$35,000 per FTE can be awarded, with a maximum funding of \$50,000 per company.

Please discuss your need (tie it to COVID), estimate your eligible expenses and what category of W/C expenses would be included. How will the funds help to reduce the setbacks?

Please return this completed form by 5/10/2021 to: City of Russell, 133 W. 8th St., Russell, KS 67665 or via email kayla@russellcity.org

Note: If the City of Russell is awarded CV3 funds, a business must complete a CV application and submit necessary documentation to prove eligibility. Completing this form is not considered the CV Application – rather it is to document the need for assistance exists and will help the City increase the chance of getting funded.

**STATE OF KANSAS
DEPARTMENT OF COMMERCE
EMPLOYEE CERTIFICATION FORM**

Name of Company: _____ Project #: Russell County CDBG #20-CV-057

Date Employed: _____

Family Income-Total income from all family members during the prior year from all sources. This includes but is not limited to wages, salary, interest, dividends, royalties, and farm income.

In the left column below, check off the box that indicates your family size. Using the income limits on the line corresponding to your family size, check off the appropriate income box on the right side.

FAMILY SIZE	Section 1: INCOME LIMITS			
	A (30%)	B (50%)	C (80%)	
1 <input type="checkbox"/>	<u>13,600</u> TO	<u>22,650</u> TO	<u>36,200</u>	<input type="checkbox"/> Income below Column A
2 <input type="checkbox"/>	<u>17,240</u> TO	<u>25,850</u> TO	<u>41,400</u>	<input type="checkbox"/> Income between Column A & B
3 <input type="checkbox"/>	<u>21,720</u> TO	<u>29,100</u> TO	<u>46,550</u>	<input type="checkbox"/> Income between Column B & C
4 <input type="checkbox"/>	<u>26,200</u> TO	<u>32,300</u> TO	<u>51,700</u>	<input type="checkbox"/> Income Above Column C
5 <input type="checkbox"/>	<u>30,680</u> TO	<u>34,900</u> TO	<u>55,850</u>	
6 <input type="checkbox"/>	<u>35,160</u> TO	<u>37,500</u> TO	<u>60,000</u>	
7 <input type="checkbox"/>	<u>39,640</u> TO	<u>40,100</u> TO	<u>64,150</u>	
8+ <input type="checkbox"/>	<u>42,650</u> TO	<u>42,650</u> TO	<u>68,250</u>	

RACE/ETHNICITY & DISABILITY STATUS

Do you have a handicap or disability? Yes No
 Are you Hispanic? Yes No
 Are you a female head of household? Yes No

RACE

<input type="checkbox"/> White	<input type="checkbox"/> American Indian/Alaskan Native & White
<input type="checkbox"/> Black/African American	<input type="checkbox"/> Asian & White
<input type="checkbox"/> Asian	<input type="checkbox"/> Black/African American & White
<input type="checkbox"/> American Indian/Alaskan Native	<input type="checkbox"/> American Indian/Alaskan Native & Black/African American
<input type="checkbox"/> Native Hawaiian/Other Pacific Islander	<input type="checkbox"/> Other

Does your employer offer a health care plan for this job? Yes No
 Were you unemployed before taking this job? Yes No

To the best of my knowledge, the above information is true and can be verified if requested by proper officials of the city/county or the State of Kansas. I also certify that I am authorized to work in the United States and can produce evidence of work authorization.

Job Title

Date

Print Name

Signature Required



CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021

Agenda Item Title: Agreement with Northwest Kansas Planning and Development for CDBG-CV3 Grant Administration

Department: City Manager

Presenter: Jon Quinday

Background: This agreement is for the consulting services to administer the CDBG-CV3 grant. NWKPDC are certified CDBG grant administrators. The use of certified grant administrators is required by the Kansas Department of Commerce. The cost of the NWKPDC administrative services will not exceed \$13,400 or 10% of the CV award and will be paid with grant funds. The agreement is contingent upon CDBG funding and will be considered null and void if CDBG funding is not awarded.

Funding Source: CDBG Funds

City Attorney Review/Comment: 4/26/2021

Options:

1. Approve the agreement with Northwest Kansas Planning and Development Commission for administrative consulting services of Community Development Block Grant Funds.
2. Take no action - the grant process is halted

Staff Recommendations: Approve the agreement with Northwest Kansas Planning and Development Commission for administrative consulting services of Community Development Block Grant Funds.

Attachments:
[NWKDPC Administration Contract](#)

AGREEMENT FOR ADMINISTRATIVE CONSULTING SERVICES
OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

THIS AGREEMENT made this **18th day of May, 2021** by and between THE NORTHWEST KANSAS PLANNING AND DEVELOPMENT COMMISSION (NWKP&DC), hereinafter referred to as “ADMINISTRATIVE CONSULTANT”, and **the City of Russell** of the State of Kansas, hereinafter referred to as “City”.

Whereas, City is submitting a Small Cities Community Development Block Grant Application for the purpose of **CDBG-CV**.

Whereas, if funded, the project requires Community Development Block Grant Funds for completion;

Now, therefore, City engages the services of an Administrative Consultant upon the following terms and conditions:

1. TERMINATION OF CONTRACT FOR CAUSE

If, through any cause, either party shall fail to fulfill in timely and proper manner their obligations under this Contract, or if either party shall violate any of the covenants, agreements, or stipulations of this Contract, the Parties shall thereupon have the right to terminate this Contract by giving written notice to the other of such termination and specifying the effective date thereof. This notice shall not be less than thirty days prior to the effective date. In such event, all finished or unfinished documents, studies and reports prepared by the Administrative Consultant under this Contract shall become the property of the Administrative Consultant, who shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder, in accordance with this Contract.

2. CHANGES

The City may, from time to time, request changes in the scope of the services of the Administrative Consultant to be performed hereunder. Such changes, including any increase or decrease in the amount of the Administrative Consultant’s compensation, which are mutually agreed upon by and between the City and the Administrative Consultant, shall be incorporated in written amendments to this Contract.

3. PERSONNEL

- A. The Administrative Consultant represents that he has, or will secure at his own expense, all personnel required in performing the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with the City.
- B. All of the services required hereunder will be performed by the Administrative Consultant or under his/her supervision and all personnel shall be fully qualified to perform such services.
- C. None of the work or services covered by this Contract shall be subcontracted without the prior written approval of the City. Any work or services

subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Contract.

4. SERVICES OF THE ADMINISTRATIVE CONSULTANT

Services outlined in this proposal are those necessary to effectively administer a CDBG Grant for Community Improvement. The following summary of services is not intended to limit the scope of service but is intended to illustrate the work and services to be provided by the NWKP&DC. The service is divided into phases which are Grant Award, Procurement of Professional Services, Civil Rights/Procurement Policy, Financial Management, Bidding, Construction, and Close-Out.

Grant Award

1. Handles and furnishes any details that the Kansas Department of Commerce (KDOC) may require.
2. Provides file labels for grantees files.

Environmental Procedures

1. Determine and discuss with KDOC the environmental category that applies to the project.
2. Prepares the required Environmental Review for the project.
3. If an Environmental Impact Statement is required, assist the City in the securing of professional services for the report.
4. Send all required agencies the environmental information so that the environmental review can be cleared. Refers all questioned responses to the proper party.
5. Drafts and furnishes the City all legal notices required to meet KDOC's environmental publication requirements.
6. Instructs the City staff throughout the environmental review process.
7. Conducts with the City any public hearings that may be necessary.
8. Prepares for the City the Request for Release of Funds Notice.
9. Prepares for the City the Finding of No Significant Impact Notice.
10. Prepares for the City the Environmental Certification Form.
11. Processes all forms and mails to KDOC field representative.

Procurement of Professional Services

1. Assist the City in the procurement of architectural or engineering services if necessary.
2. Send Requests for Qualifications to Engineers or Architects, including minority bidders.
3. Answer project questions raised by professionals.
4. Attend opening and award of professional services by the City.
5. Educate local officials about the rating system and provide rating form.
6. Notify all firms of the outcome.
7. No member of the NWKP&DC staff will participate in the selection of the professional.

Civil Rights/Procurement Policy

1. Complete Civil Rights Demographics Form prior to the first Quarterly Report.
2. Prepare Notice of Fair Housing/Civil Rights Contact Person Form prior to the first Quarterly Report.
3. Assist the City in identifying the proper Civil Rights Activity to be performed by the City. NWKP&DC will not conduct this Civil Rights Activity; it is the responsibility of the City.
4. Assists the City in the development and adoption of the required local Procurement Policy, if necessary.
5. Assist the City in adopting a procedure in handling Fair Housing complaints.

Financial Management

1. Assists City in the establishment of a Financial Management System (Grant Accounting System).
2. Prepares all Requests for Funds (Drawdowns) for City action. Presents drawdowns to the City on an as-needed basis. If not presented, drawdowns will be mailed or faxed to the City for approval and signatures.
3. Prepares the Actual Cash Disbursements Reports along with Drawdown requests.
4. Prepares Quarterly Reports.
5. Reviews all payment requests including back-up invoices to assure compliance with the grant.
6. Delivers or mails all back-up invoices to the City for record retention.
7. Prepares for the City a disbursement sheet for each pay request to assist in bill payment.

Bidding

1. Will apply for and furnish Davis-Bacon wage rates for all required contracts.
2. Assists in the preparation of bid documents. Furnishes required Labor, Civil Rights, and other federal standards.
3. Reviews bid documents for federal compliance.
4. Review legal notices and monitors to assure bid procedure compliance.
5. Attends bid opening when possible to review and confirm General Contractor eligibility.
6. Reviews all contracts for compliance with CDBG standards.

Construction

1. Attends pre-construction conference and reviews Labor Standard Requirements. Prepare minutes of this conference for City's file.
2. Prepares and forwards all notices and forms to KDOC covering bids, pre-construction conference, awards, start dates, and contracts.
3. Trains and assists the appointed Labor Standards Officer. Assists officer in the maintenance of records and files.
4. Receive and review employee payroll and interview sheets. Review for Labor Standards Compliance and deliver to the City for the pertinent file.
5. Maintains constant contact with KDOC. Attends all KDOC monitoring visits and assists City with KDOC compliance letters.

6. Reports any major changes in schedule to the City.
7. Coordinates payments and schedules with engineer/architect.

Close-Out

1. Upon completion of the project, the Administrative Consultant shall complete the KDOC close-out packet.
2. Assure that a final inspection is made.
3. Assist the City in the procurement of a qualified auditing firm if necessary.
4. Prepare the Legal Notice for the Performance Public Hearing and attends the hearing.

5. RECORDS AND AUDITS

The Administrative Consultant and the City shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Contract and such records as may be deemed necessary by the City to assure proper accounting for all project funds, both Federal and non-Federal shares. These records will be made available for audit purposes to the City or any authorized representative. Following completion of the audit and the closing of the grant, the records will be returned to the City Clerk for the City's retention.

The Administrative Consultant shall assist the City in developing a Financial Management System which will meet the KDOC standards and in particular those which will comply with Common Rule. This will include the designation of a local depository for grant funds and the establishment of the letter-of-credit fund drawdown system.

The City will be responsible for having the records audited by a Certified Public Accountant at the completion of the construction project, if required. The expense for this audit will be a responsibility of the City.

6. COMPLIANCE WITH LOCAL LAWS

The Administrative Consultant shall comply with all applicable laws, ordinances and codes of the State and local governments.

7. EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the Administrative Consultant agrees as follows:

- A. The Administrative Consultant will not discriminate against any employee or applicant for employment because of race, creed, sex, color, religion, age, national origin, or family status. The Administrative Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, sex, color, religion, age, national origin, or family status. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Administrative Consultant agrees to post in conspicuous places, available to

employees and applicants for employment, notices to be provided by the City setting forth the provisions of this non-discrimination clause.

- B. The Administrative Consultant will, in all solicitation or advertisements for employees placed by or on behalf of the Administrative Consultant; state all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, religion, age, national origin, or family status.
 - C. The Administrative Consultant will cause the forgoing provisions to be inserted in all subcontracts for any work covered by this Contract so said provisions will be binding upon each subcontractor.
 - D. The Administrative Consultant will comply with all provisions of the Davis-Bacon Act, and of the rules, regulations and relevant orders of the Secretary of Labor.
8. The Administrative Consultant will comply with Title VI of the Civil Rights Act of 1964; no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
9. The Administrative Consultant will comply with Title VIII of the Civil Rights Act of 1968, as amended by the Housing Act of 1974 as amended, prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin.
10. The Administrative Consultant will comply with Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR Section 570.601).
11. The Administrative Consultant will comply with Section 504 of the Rehabilitation Act of 1973 (Pub. L. 83-112), as amended and implementing regulations when published for effect.
12. The Administrative Consultant will comply with the Age Discrimination Act of 1975, as amended, (Pub. L. 94-135), and implementing regulations when published or effect.
13. The Administrative Consultant will comply with all provisions of the Fair Housing Amendments Act of 1988, which establishes an administration enforcement mechanism, provides stiffer penalties than the present act, and expands its coverage to include handicapped persons and families with children.
14. The Administrative Consultant will comply with Executive Order 11063 as amended by Executive Order 12259 and implementing regulations as 24 CFR Part 107.
15. The Administrative Consultant will comply with the provisions of the Kansas Act Against Discrimination, and shall not discriminate against any persons in the performance of work done under this contract or not provide full and equal housing because of race, religion, color, sex, physical handicapped, national origin, ancestry, or family status. In all solicitations or advertisement to employees, the Debtor shall include the phrase, "Equal Opportunity Employer", or a similar phrase to be approved by the State Civil Rights Commission.

16. The Administrative Consultant will comply with Section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 1701u.
17. The Administrative Consultant will comply with Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60.
18. Section 912 of the Cranston-Gonzales National Affordable Housing Act of 1990, amended Section 109 (a) of the HCD Act to prohibit discrimination on the basis of religion.
19. Section 503 of Rehabilitation Act of 1973, as amended, provides for the nondiscrimination in contractor employment.
20. The Administrative Consultant will comply with Title I of the Housing and Community Development Act of 1974, as amended.
21. The Administrative Consultant will comply with Section 519, Public Law 101-144 (the 1990 HUD Appropriation Act).
22. Restriction on Lobbying Contracts over \$100,000, NWKP&DC has not paid, or agreed to pay, to any firm, organization of persons (other than a bonafide employee working solely for the NWKP&DC any fee, contribution, donation, or consideration of any kind for, or in consideration with, procuring or carrying out this agreement.

23. INTEREST OF MEMBERS OF A CITY

No members of the governing body of the City and no other officer, employee, or agent of the City, who exercises any functions or responsibilities in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this Contract; and the Administrative Consultant shall take appropriate steps to ensure compliance.

24. INTEREST OF AMINISTRATIVE CONSULTANT AND EMPLOYEEES

The Administrative Consultant covenants that he presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The Administrative Consultant further covenants that in the performance of this Contract, no person having any such interest shall be employed.

25. FEES

The City agrees to pay the Administrative Consultant a fee for the services outlined on a per item basis. This contract does not include publication costs (city expense).

Receipt of Signed State Grant Agreement	25% of \$15,000K CDBG
First Drawdown of funds	25% of \$15,000K CDBG
50% Drawdown of CDBG funds	25% of \$15,000K CDBG
Final Drawdown of funds	15% of \$15,000K CDBG
Close-out, when monitoring findings are cleared	<u>10% of \$15,000K CDBG</u>
PROJECT COMPLETED	100.00%

Total Fee under this contract **will not exceed \$13,400 or 10% of the CV award.** This contract does not include publication costs or any environmental review fees other than exempt or CENST.

This contract is contingent upon CDBG-CV funding and will be considered null and void if CDBG funding is not awarded,

IN WITNESS WHEREOF, the parties have signed this Agreement **May 18, 2021.**

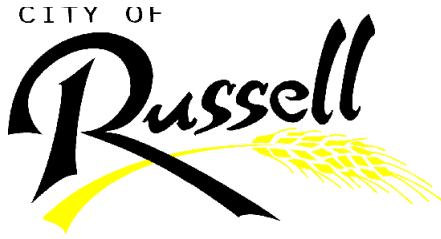
By _____
Jim A. Cross, Mayor

Attest: (Seal)

Katrina Woelk, City Clerk

ADMINISTRATIVE CONSULTANT

By _____
Randall J. Hrabe, Executive Director



CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021
Agenda Item Title: Remote Participation Policy
Department: City Manager
Presenter: Jon Quinday

Background: The Council has a policy establishing guidelines for Councilmembers to attend and participate in council meetings remotely. The policy, adopted in 2015, limits the Councilmembers to joining remotely to two (2) times per calendar year, and they may not participate in executive sessions.

At the April 7, 2020 council meeting to facilitate social distancing and to allow Councilmembers to participate remotely during the public health emergency Council suspended the "Remote Participation in City Council Meetings" policy dated March 17, 2015 until rescinded or until the statewide State of Disaster Emergency ended. Although the State of Disaster is extended until May 28, 2021, the use of masks is no longer required and social distancing standards are regularly in flux.

Funding Source: N/A

City Attorney Review/Comment: N/A

- Options:**
1. Reinstate the Remote Participation in City Council Meetings policy, dated March 15, 2017.
 2. Reinstate the Remote Participation in City Council Meetings policy, dated March 15, 2017 with changes.

3. Take no action - the Remote Participation in City Council Meetings policy remains suspended until rescinded or the statewide State of Disaster Emergency ends.

Staff Recommendations:

For information and discussion purposes. Council is asked to provide staff with direction related to the Remote Participation in City Council Meetings policy.

Attachments:

[Remote Participation in Council Meetings Policy](#)

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
REMOTE PARTICIPATION IN CITY COUNCIL MEETINGS	CITY COUNCIL	3-17-15	

POLICY STATEMENT:

The intent of this policy is to establish reasonable guidelines for councilmembers to remotely attend and participate in official legislative functions when they are unable to be physically present at a meeting. It is not the intent of this policy to require remote participation during every absence; rather, it is to preserve the ability of councilmembers to participate in important decision-making despite personal circumstances.

Procedure:

Participating Remotely:

Councilmembers may participate remotely when their physical attendance is unreasonably difficult due to:

- Personal illness, injury, or disability;
- Emergencies, or;
- Geographic distance.

Council members may remotely participate in a maximum of two (2) meetings each calendar year.

Remote participants act as full participants in public meetings. They are considered present and in attendance, and may cast votes. They may not participate in executive sessions.

Technology:

Remote participants may use any method that allows them to clearly hear and be heard by all participants in a meeting, including the public. They may additionally elect to use a method that allows them to send and receive video. Such video will be visible to all participants in the meeting, including the public.

All communications made during a public meeting remain subject to the Kansas Open Meetings Act. Accordingly, other forms of communication (such as typed messages) are prohibited unless part of an accommodation for a disability, such as a TIY relay service.

Procedures:

Councilmembers who intend to participate remotely should notify the City Manager as early as possible to allow for any necessary preparations. Unless there is an emergency, councilmembers should provide at least 24 hours notice.

At the beginning of the meeting, the City Clerk will state the names of remote participants. The City Clerk will explicitly note remote participants in the minutes, as well as when remote participants enter or leave the meeting (for example, due to a technical issue).

In the event that a remote participant experiences technical difficulties, the chair should suspend discussion until the remote participant is again present. The chair may remove remote participants if repeated or prolonged technical issues hinder the progress of the meeting. In general, delays collectively lasting longer than five (5) minutes are considered to hinder the progress of the meeting.



CITY COUNCIL AGENDA FORM

Meeting Date: May 4, 2021

Agenda Item Title: Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship

Department: City Manager

Presenter: Ken Cole

Background: Closed sessions may be called under the Kansas Open Meetings Act after a formal motion has been made, seconded and carried to recess into executive session. The use of an executive session requires the subject matter be one of the specified justifications in K.S.A. 75-4319(b)

Funding Source: N/A

City Attorney Review/Comment: 04/27/2021

Options:

1. Enter into Executive Session
2. Take no action and move to the next agenda item

Staff Recommendations: Enter into executive session to include the City Manager, Assistant City Manager and City Attorney.

Sample motion: Mr. Mayor, I move the city council recess into executive session, to include the city manager, assistant city manager, and city attorney, to discuss potential litigation pursuant to the consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship exception, K.S.A. 75-4319(b)(2). The open meeting will resume in the city council chamber at _____p.m.

Attachments:

