

Commission Meeting

11:00 a.m.

July 17, 2024

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, July 17, 2024, with Mayor Harter presiding and Commissioners Brinkman and Smith present. Commissioner Sauder was present via phone. Also present were City Manager Cocking, Assistant City Manager Detter, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Selection of Vice Mayor)**

Effective today, the City Commission recognizes the death of Mayor Danny Giefer.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated resolution number 3693 established the procedure for selection and replacement of the mayor and vice mayor. When the office of mayor is vacated, the vice mayor serves as the mayor for the remainder of the year. After the advancement of the vice mayor, a new vice mayor must be elected from the members of the City Commission to serve the remainder of the year. She stated after the loss of Mayor Danny Giefer, former Vice Mayor Erren Harter will serve as mayor for the remainder of the year. The Commission is tasked with choosing a new vice mayor to serve for the remainder of the year.

Commissioner Smith made a motion to appoint Susan Brinkman to serve as Vice Mayor for the remainder of the year. Mayor Harter seconded the motion. The vote follows: Commissioner Smith, aye; Mayor Harter, aye; Commissioner Sauder, aye; and Commissioner Brinkman, aye.

**BUILDING AND NEIGHBORHOOD DEVELOPMENT
(Adopting the Building and Construction Regulations, 2024 Edition)
(Adopting the International Residential Code, 2015 Edition)
(Adopting the International Building Code, 2015 Edition)
(Adopting the National Electrical Code, 2020 Edition)
Adopting the Uniform Mechanical Code, 2021 Edition)
(Adopting the Uniform Plumbing Code, 2021 Edition)
(Ordinance Number 24-19)**

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE THE
BUILDING AND CONSTRUCTION REGULATIONS, 2024 EDITION; THE

INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION; THE INTERNATIONAL BUILDING CODE, 2015 EDITION; THE NATIONAL ELECTRICAL CODE, 2020 EDITION; THE UNIFORM MECHANICAL CODE, 2021 EDITION; AND THE UNIFORM PLUMBING CODE, 2021 EDITION; AMENDING SECTION 8-3 OF THE CODE OF THE CITY OF EMPORIA, KANSAS. to which the City Clerk assigned Ordinance Number 24-19, was presented to the Governing Body for their consideration.

Kory Krause, Director of Building and Neighborhood Development, was recognized and addressed the Governing Body. He stated the proposed ordinance will adopt the 2020 National Electrical Code which will replace the current 2011 National Electrical Code. The 2020 NEC will complement the upcoming adoption of the 2021 International Residential Code and the 2021 International Building Code. He stated it takes approximately four to five months to review each separate code in a code cycle, residential, building, electrical, plumbing and mechanical codes. It takes about two years to adopt a code cycle, such as 2021 codes. He stated staff recommends approval of Ordinance Number 24-19, adoption of the 2020 National Electrical Code.

Commissioner Smith made a motion to approve Ordinance Number 24-19, an ordinance adopting the 2020 National Electrical Code. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder aye; and Mayor Harter, aye.

POLICE DEPARTMENT

(Agreement with Prairie Paws Animal Shelter, Inc. for 2024 - 2026) (Agreement for Lease of Facilities and Animal Shelter Services for 2024 - 2026)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Prairie Paws Animal Shelter, Inc. was selected to operate the Emporia Animal Shelter after expiration of the current contract. City staff and Prairie Paws have prepared contract terms for the lease and operation of the Emporia Animal Shelter. Under the terms of the agreement, the City will lease the facility to Prairie Paws and provide water, sewer, trash, phone, and internet service. Prairie Paws will pay for electricity and gas. Prairie Paws will be responsible for general maintenance of the facility. Prairie Paws may request City assistance for large improvement projects, however, the City will not be obligated to

contribute. She stated Prairie Paws will operate the animal shelter and provide core services including EPD impounds, owner surrenders, bite quarantines, routine veterinary care, and adoptions. Prairie Paws will be responsible for maintaining shelter licensing, maintaining adequate staff, maintaining a shelter volunteer program and provide public hours of operation at least 5 days per week including weekend and evening hours. Prairie Paws will maintain financial records and submit an annual report and presentation to the City Commission. She stated additional services beyond the scope of the RFP provided by Prairie Paws include, assist with implementation of the pet registration program; subcontract with a vet clinic to provide stabilizing emergency care for animals seized by EPD; and house animals subject to court hold order of impoundment pending trial on charges of vicious animal or animal cruelty. She stated the City will pay for additional services as follows: stabling emergency veterinary care for animals seized by EPD up to \$500.00 per occurrence; and \$20/day boarding fees for court hold animals in the event an owner is not ordered to pay shelter fees. The transition date will be August 4, 2024, for Prairie Paws to acquire ownership of any shelter animals owned by the City of Emporia. The City will pay Prairie Paws an annual fee for provision of Core Services at the following rates:

Initial Transition Service fee:	\$4,533.00	
Remainder of 2024	\$ 64,500.00	monthly: \$12,900.00
2025 annual:	\$157,896.00	monthly: \$13,158.00 (2% increase)
2026 annual:	\$161,054.00	monthly: \$13,421.16 (2% increase)

Staff recommends approval of the Lease of Facilities and Animal Shelter Services with Prairie Paws Animal Shelter Inc.

Commissioner Smith stated she had concerns with Section III, item 6, Sick and Injured Animal Impoundments. She stated the language states the city will pay for stabilizing emergency treatment over \$500.00 per occurrence. When some animals are left at the shelter they can be in need of emergency or stabilizing treatment when they come to the shelter. She felt a limit needed to be in the agreement and not per occurrence, which would be per animal.

Following further discussion, Mayor Harter made a motion to approve the agreement for Lease of Facilities and Animal Shelter Services with an amendment to Section III, Subsection A, Item 6, to include: City shall reimburse PPAS up to \$500 per

occurrence for stabilizing emergency treatment or euthanasia as recommended by a veterinary professional, upon receipt of invoice up to a maximum amount of \$10,000.00 per calendar year. PPAS shall be responsible for additional or ongoing care and for stabilizing emergency treatment over \$500 per occurrence. Should expenses for such emergency veterinary services to be reimbursed by the City exceed \$10,000.00 per calendar year, PPAS and the Chief of Police shall negotiate payment arrangements for such additional expenses in excess of \$10,000.00. Commissioner Smith seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; and Commissioner Sauder, aye.

**SANITATION DEPARTMENT
(Rear Load Solid Waste Collections Truck)
(Equipment Purchase)**

Mark Detter, Assistant City Manager, was recognized and addressed the Governing Body. He stated Solid Waste Collections currently has a 2010 truck with a Crane Carrier and a 2016 Pak Mor body which has 132,487 miles and over 16,000 hours on it. Pursuant to the City of Emporia Purchasing Policy, this purchase would be made utilizing a cooperative agreement through Sourcewell. This agreement has been made through a competitive procurement process of Request for Proposals and/or Invitation for Bids. He stated two (2) quotes for this replacement were received. Both trucks would utilize the Battle Motors chassis, with the other company quoting a Pak-Mor body. He stated staff recommend the purchase of a new Battle Motors chassis with a Leach Alpha III rear load body from Key Equipment. The budgeted amount for this purchase is \$360,000.00 in Solid Waste CIP for the purchase of the truck and will be paid for by the Solid Waste Fund. The purchase price is \$320,359.40 with an estimated delivery for the new truck in late 2024 or early 2025.

Commissioner Brinkman made a motion to approve the purchase of a new rear-load truck from Key Equipment in the amount of \$320,359.40. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

CITY COMMISSION
(Emporia State University Community Support Fund)
(Memorandum of Understanding)

City Manager Cocking stated, Emporia State University (ESU) and the City of Emporia have established a Memorandum of Understanding (MOU) to support the ongoing use of community spaces and public areas. ESU occasionally provides housing on campus to short-term guests, and the City wishes to encourage this usage and collaborate with ESU. He stated the MOU is to achieve mutual objectives through the implementation of the ESU Community Support Fund (ECSF). Under the terms of the MOU, ESU will charge a 10% fee on its usual housing charges, labeled as the "ESU Community Support Fund" (ECSF). This charge will apply to all short-term housing guests except ESU students, persons completing coursework, participants in ESU-sponsored events, or those involved in activities aligned with ESU's academic mission. The ECSF will be based on the gross rental receipt for overnight housing and will exclude charges for incidental services. He stated ESU will pay the ECSF each calendar quarter to the City by the last day of the month following the quarter in which it was collected. The City will use the ECSF payments to generate economic growth, maintain and improve public areas, and fund businesses and marketing initiatives. He stated staff recommend approval of the Memorandum of Understanding for the ESU Community Support Fund between Emporia State University and the City of Emporia.

Following further discussion, Commissioner Smith made a motion to approve the Memorandum of Understanding for the ESU Community Support Fund (ECSF) between Emporia State University and the City of Emporia. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

CITY COMMISSION
(Public Comment)

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.

No comments were made at this time.

**CITY MANAGER'S REPORT
(Financials & Building Permits)**

This is the time for the City Manager to make comments and reports to the public.
The following is general information for the month of June 2024 for community:

1. Monthly Local Retail Sales Tax Receipts Update

	2023	2024	
	\$ 508,563.60	\$ 537,867.09	Increase of \$29,303.49 for the month, and
YTD	\$3,184,478.60	\$3,159,599.09	Overall decrease of 0.79% from year 2023.

2. City Share from County Tax

	2023	2024	
	\$ 263,461.79	\$ 277,143.84	Increase of \$13,682.05 for the month, and
YTD	\$1,674,600.26	\$1,612,787.80	Overall decrease of 3.83% from year 2023.

Building Permits issued from 6/1/2024 to 6/30/2024 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	56
Total of valuations associated with those building permits:	\$14,558,158.42
Total number of dollars collected for Building Permit Fees:	\$ 44,984.00

Construct – Single-family dwellings	0
Demo – Single-family dwellings	1

Flint Hills Mall CID for June 2024	\$ 20,484.39
YTD	\$ 118,998.86

Pavilions CID for June 2024	\$ 12,602.11
CID #2	\$ 12,602.11
YTD	\$ 189,065.49

Fairview Hotel CID for June 2024	\$ 6,519.79
YTD	\$ 6,519.79

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on July 2, 2024.
- b. Vacant Housing Rehabilitation Bid.
- c. Accept Sidewalk Easement for Industrial Park IV Project No. PV1907.

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

CITY COMMISSION (City Manager's Report)

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

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

TENTATIVE AGENDA FOR AUGUST 7, 2024, MEETING.

- Commission Candidate Presentations
- Public Hearing and Ordinance to Adopt RHID for The Gazette Building Development, LLC.
- Recyclables and Marketing Agreement with Hamm's.
- Change Order for Industrial Park III Watermain Project No. WM2202.

Study Session:

Discuss Emporia Safe Routes to School Concept.
Discuss Budget/Utility and Stormwater.
Discuss Updates on Animal Code.

CITY COMMISSION (Public Comment)

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

No comments were made at this time.

EXECUTIVE SESSION

Commissioner Smith made a motion to recess into Executive Session to discuss confidential matters of a third party for a potential development project resuming the open meeting in the City Commission Meeting Room, this same date, at 12:00 p.m. and invite Tayler Wash, Director of Special Projects, and Jim Witt, Interim RDA President. Mayor Harter seconded the motion. The vote follows: Commissioner Smith, aye; Mayor Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye.

Upon reconvening the meeting in Regular Session, at 12:05 p.m., this same date in the City Commission Meeting Room, Mayor Harter stated they had discussed confidential matters of a third party for a potential development project and no action was taken.

Commissioner Sauder left the meeting at 12:05 p.m.

Commissioner Smith made a motion to recess the meeting until 12:15 p.m. to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Commissioner Sauder joined the Study Session via phone at 12:15 p.m.

The following items were discussed at Study Session:

1. Review Outside Appropriations Request.
2. Budget Discussion/Revenue Neutral Rate.
3. Discuss Update Animal Code.

Study Session Discussion:

City Commission Exceeding the Revenue Neutral Rate Resolution Number 3737

Janet Harrouff, Director of Finance, stated the legislation requires on or before July 20, the governing body shall notify the county clerk of its proposed intent to exceed the revenue neutral rate. The City's RNR is 42.667 as calculated by the County Clerk. The final mill levy for 2023 taxes was 44.604. She stated for 2024 there are 9.5 mills budgeted

for Bond and Interest Fund, 5 mills or Library Fund and .005 mills for Industrial Fund and the General Fund mills will adjust depending on the total mills approved. The budget assumes a 3% property tax delinquency rate. This resolution is submitted for the proposed mill levy. The final mill levy can be lower as the final budget numbers are determined in the next several weeks. The RNR and Budget public hearings are scheduled for September 4, 2024. The legislation requires on or before July 20, the governing body shall notify the county clerk of its proposed intent to exceed the revenue neutral rate and provide the date, time and location of the public hearing and its proposed tax rate. A letter will be sent by the county clerk to all taxing entities notifying them of the proposed tax levies.

Following further discussion, Commissioner Brinkman made a motion to exceed the Revenue Neutral Rate with a proposed mill levy of 45.104 mills and approve Resolution Number 3737, a resolution to levy a property tax exceeding the revenue neutral rate. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

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



Erren Harter, Mayor

ATTEST:


Kerry Sull, City Clerk