

Commission Meeting

11:00 a.m.

September 4, 2024

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 4, 2024, with Mayor Harter presiding and Commissioners Brinkman, Curtis, Sauder and Smith present. Also present were City Manager Cocking, Deputy City Manager Detter, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery.

Lelan Dains, Director of Visit Emporia, was in attendance to accept a proclamation declaring the week of September 13 through 22, 2024, as "Welcoming Week" in Emporia. He stated Welcoming Week is about bringing neighbors together across lines of difference to build relationships and work together on shared goals. Emporia is home to all backgrounds including those who were not born here. Emporia's success depends on making sure that all Emporians feel welcome. New residents are a vital part of our community, along with our long-time residents, bringing ideas, starting businesses, serving in civic roles, working in critical industries and contributing to the vibrant diversity that we value. Our community must strive to create a culture and policies that ensure everyone can belong and thrive. He stated regardless of where we are born or how we identify, it is time to come together and build communities where every resident has the opportunity to thrive and contribute regardless of immigration status, race, ethnicity, place of origin, English language proficiency, religion, income, gender, sexual orientation, differing abilities, age, and other factors. He called up business leaders, civic groups, government agencies, and community institutions to undertake their initiatives beyond Welcoming Week to make the region a more welcoming place for new and long-term residents alike.

Mayor Harter then presented the proclamation.

Vicki Schweinler, representing Flint Hills Adult Education Center, was in attendance to accept a proclamation declaring the week of September 15 through 21, 2024 as "National Adult Education & Family Literacy Week" in Emporia. She stated more than 43 million Americans cannot read, write, or do basic math at above a third-grade level. Adult Education programs contribute to solving these challenges by helping Americans move along the continuum in their educational journey to achieve basic skills

and get prepared to career and college. She stated Flint Hills Adult Education Center celebrates the National Adult Education and Family Literacy Week as a proud participant which helps our citizens learn about all of their Adult Education options to attain their professional and personal goals.

Mayor Harter then presented the proclamation.

Sally Sanchez, and representatives with Hispanics of Today and Tomorrow, were in attendance to accept a proclamation declaring the month of September 15 through October 15, 2024, as "Hispanic Heritage Month" in Emporia. She stated Hispanic Heritage Month is a month-long celebration to honor the rich culture, heritage, traditions, and contributions of Hispanics to the United States. She stated we recognize the significant impact Hispanic people have made and contributed to help shape our nation's history, economy, culture, and society. Emporia's Hispanic population is 27.7%, the Hispanic community has contributed to the economic growth of our city, through their hard work and excellent work ethic. She encouraged all citizens to honor and celebrate the achievements of Hispanics throughout our history and community, and to educate society on the benefit of a diverse and inclusive world.

Mayor Harter then presented the proclamation.

Pauline Stacchini, Emporia Public Library Director, was in attendance to accept a proclamation declaring the month of September 2024, as "Library Card Sign-up Month" in Emporia. She stated libraries play a crucial role in the education and development of children from preschoolers to college, fostering literacy and a love of reading. Libraries are welcoming and inclusive spaces for people of all backgrounds to learn together and engage across cultural, ethnic, generational, and economic lines, strengthening the social fabric of the communities they serve. She stated a library card sparks creativity and empowers all people to explore new passions and interests and pursue a path of lifelong learning. She encouraged everyone to sign up for their own library card.

Mayor Harter then presented the proclamation.

**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.

Viola Heskett, 2211 Birch Rd, spoke about her concerns with Stormont Vail and preserving Newman Hospital ER services. She expressed the value of emergency services for our community.

Lynn McCallister, 871 Road 225, spoke about Stormont Vail and Newman Hospital wanting to know if a cost benefit analysis has been conducted by Stormont Vail or Newman Hospital and what will this situation look like down the road. He also mentioned the county land that Stormont Vail has purchased and the hurdles that will need to be addressed.

Jackie Miller, 1769 Road F, wanted to thank the City Engineering department and Bruce Davis Construction with the marvelous job during construction of the portion of Road F and keeping them informed and making sure they had access to their home. She wanted to express her appreciation while construction was going on.

Jerald Campbell, 1201 Presby Drive, thanked the City for hosting the Q&A Session last week and stated it answered some questions and presented several more that he hopes will be talked about in the future before any binding decisions are made. His main concern is duplication of services between Stormont Vail and Newman Hospital and the financial threat to Newman Hospital.

Kevin McDonald, 2026 Canterbury Road, stated his concerns on the Stormont Vale and Newman Hospital issue and about the \$44 million investment. H wanted to know much of that is for salaries and overhead related to operation of the place, as opposed to building facilities. Another concern was how much of the existing Newman facility, salaries and overhead will be transferred to Stormont Vail which is relocation of expenses. Is there a real benefit to Emporia if they offer the same type of service?

Will Spencer, 1523 Burlingame Road, stated his concerns were of housing developments and developers that are building low-income housing such as Trujillo Construction. He stated there should be incentives offered to him to continue building.

**CITY MANAGER
(Budget Recommendations)**

City Manager Cocking reviewed 2025 Budget for all funds for total revenue, total expenditures and total cash balances for General Fund, Multi-Year Fund, Library, Convention and Tourism, Industrial, Economic Development Sales Tax, Special Alcohol, Special Park, Special Street, Drug Forfeiture, Bond and Interest, Water Fund, Wastewater Fund, and Solid Waste Fund. The 2025 valuation summary, based on the proposed mill levy for the City of Emporia property taxes for a \$100,000 home will contribute on average \$44.02 per month for public services, which is less than a \$3 increase from last year. For each dollar collected for taxes 36 cents goes to Lyon County; 29 cents to USD #253; 28 cents to City of Emporia; 6 cents for Recreation Center and 1cent goes to the State of Kansas. Five-year projections were discussed for each fund showing ending balances and reserves. Capital Improvement projects, and appropriations for each entity for 2025 were reviewed. He stated staff recommends the proposed mill levy.

**CITY COMMISSION
(Exceeding the Revenue Neutral Rate)
(Public Hearing)**

City Manager Cocking stated per Senate Bill 13 and House Bill 2104, a public hearing must be held to allow taxpayers to speak without unreasonable restrictions. A hearing notice was published in the Emporia Gazette on August 4, 2024, and posted on the City's website, concerning the proposed budget and the city levying property tax exceeding the Revenue Neutral Rate. Currently the RNR is 42.667 and the publication allows the mill levy to be set at 45.104 mills or lower.

Mayor Harter then declared the public hearing open.

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

**CITY COMMISSION
(Exceeding the Revenue Neutral Rate)
(Resolution Number 3738)**

City Manager Cocking stated a resolution will require the levy of a property tax rate exceeding the Revenue Neutral Rate. He stated by adopting the proposed resolution the City can exceed the Revenue Neutral Rate.

Commissioner Sauder made a motion to approve Resolution Number 3728, a resolution that will require the levy of a property tax rate exceeding the Revenue Neutral Rate. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**BUDGET
(Approve 2025 Budget)
(Public Hearing)**

City Manager Cocking stated all municipalities are required to adopt an annual budget. He stated the City of Emporia is required by State law to hold a public hearing between August 20 and September 20 for the adoption of its annual budget. He stated there have been several discussions preparing the 2025 Budget. The public hearing is to allow the taxpayers to speak without unreasonable restriction about the 2025 Budget.

Mayor Harter then declared the public hearing opened.

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

**BUDGET
(Adopt 2025 Budget and 5-Year Budget)**

City Manager Cocking stated the 2025 budget has been worked on by staff and the commission since March when the Capital improvement items were presented. Numerous discussions were made to put together the 2025 budget and 5-year projections. He stated the presented budget has a mill levy of 45.104 in order to levy taxes and pay expenditures. Staff recommend adoption of the 2025 budget and 5-year projections.

Commissioner Smith made a motion to adopt the 2025 budget and 5-year budget. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**CITY COMMISSION
(2025 Annual Appropriations)
(Ordinance Number 24-26)**

AN ORDINANCE APPROPRIATING THE AMOUNTS SET UP IN EACH FUND IN THE BUDGET FOR THE CALENDAR YEAR 2025, PROVIDING FOR THE PAYMENT OF ALL CLAIMS AND CHARGES AGAINST THE ACCOUNTS PROVIDED FOR THEREIN, to which the City Clerk assigned Ordinance Number 24-26, was presented to the Governing Body for their consideration.

City Manager Cocking stated the annual appropriation ordinance authorizes city expenditures for purposes approved in the annual budget. He stated the proposed ordinance authorizes the Finance Director with the consent of the City Manager and City Clerk to make payments for all claims and charges against the city in the calendar year 2025. City staff are required to follow Kansas State Law and City of Emporia Purchasing Policy requirements. Capital Improvement items over \$25,000.00 will be brought to the City Commission for approval. He stated staff recommend approval of Ordinance Number 24-26 annual appropriation.

Commissioner Smith made a motion to approve Ordinance Number 24-26 Annual Appropriation. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting 7-16-24)
(Amend Zoning Regulations)**

The Planning Commission met in a regular session on Tuesday, July 16, 2024, with Chair Rogers presiding. Members Ogle, Bucklinger, Fowler, and Lingenfelter were present. Commissioner Barnes was absent.

City staff: Justin Givens was present.

Chair Rogers called the meeting to order.

2. Consider PC-2024-08 – A Request to Amend Section 7.16.14 of the Emporia Zoning Code

Chair Rogers asked if proper notice had been given. Givens confirmed that proper notice was provided to the newspaper.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2024-08

Applicants: City of Emporia

Requested Action: Approval of a Text Amendment to Section 7.16 Sign Regulation Table of the Emporia Zoning Code

Purpose: Enable non-residential uses in the Flex-Use Low and High parcel types to have similar signage as other non-residential uses in Commercial parcel types.

Analysis: The recently adopted sign regulations in Section 7.16 of the Zoning Code restrict non-residential uses to the same size limitations as residential uses in the Flex-Use Low and High parcel types. Staff has proposed that non-residential uses in the Flex-Use Low and Flex-Use High parcel types be allowed to have similar signage as non-residential uses in Commercial parcel types.

Section 7.16 would be modified with the following additional note:

c. Non-Residential Uses within the FL or FH parcel type shall be allowed similar signage as allowed in C parcel types.

Additional analysis has been provided in the factors for consideration.

Considerations: While there are no specific standards set forth in the zoning regulations for the Commission to consider for a text amendment, staff has provided some general considerations that may be useful when considering a text amendment.

1) **Does the proposed text amendment correct an error or inconsistency in the Zoning Regulations or meet the challenge of an existing condition?** Staff contends that while the Flex-Use parcel types were created to promote residential and non-residential uses within close proximity to each other, the restriction on signage for non-residential uses creates an undue burden on those businesses wishing to locate on a Flex-Use parcel type and could negatively impact the property value of these parcel types.

Non-Residential uses looking to develop on Flex-Uses parcels could look to other parcel types due to the strict signage regulations and disadvantage they would face in drawing attention to their business.

- 2) **Does the proposed text amendment advance a clear public purpose?** The text amendment allows for non-residential uses to have a similar set of sign regulations across the city, leveling the playing field across all non-residential parcel types. This would help to support businesses within all parcel types, a goal identified in the comprehensive plan.
- 3) **Does the proposed text amendment affect the adequacy of existing or planned facilities and services?** Multiple businesses have expressed interest in and concern about developing within a Flex-Use parcel based on the sign regulations. This text change would alleviate those concerns.
- 4) **Will the proposed text amendment advance the interests of the City of Emporia as a whole, not solely those having immediate interest in the affected area?** The text amendment would create a level playing field with respect to signage for all non-residential uses in the city, and thus would advance the interests of the city as a whole.
- 5) **Is the proposed text amendment consistent with the Comprehensive Plan and the stated purpose of the City Zoning Regulations?** Staff maintains that the proposed text amendment would be consistent with the Comprehensive Plan as it supports business by allowing increased signage within Flex-Use parcel types.

Communications: Staff has received no inquiries about the proposed text amendment.

Recommendation: If the Planning Commission finds that the Text Amendment is advisable, it may forward a recommendation to approve the Text Amendment to the Governing Body based on the findings that the Text Amendment is consistent with the intent and purpose of the zoning regulations, and corrects an inconsistency in the zoning regulations.

Attachments: None

Commissioner Bucklinger asked what the allowed signage would be for non-residential uses. **Givens** stated that they would fall under the Commercial Parcel Type and be allowed 2 signs per façade, and total signage based on two times the linear street frontage of the parcel the development is on.

Commissioner Fowler and **Bucklinger** asked about other gas station signage. **Givens** stated that those properties wanting highway visibility would still be required to get a variance for the height of their signs.

The Public Hearing was opened.

No person from the public spoke on the proposed changes.

The Public Hearing was closed

Commissioner Rogers expressed concerns about the number of bandit signs around the community. **Givens** stated that staff would step up enforcement of those types of signs in the right of way.

Commissioner Fowler expressed concerns on signage on duplexes in residential areas. **Givens** stated that the signs would be considered legal non-conforming as it was allowed by a previous Zoning Administrator.

Commissioner Fowler made a motion to approve the minutes as corrected. **Commissioner Bucklinger** seconded the motion. The motion carried 5-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated in September 2023, the new zoning regulations were adopted for the city. Since adoption, staff has been working with the new regulations and have identified several areas that could need adjustment or revising to make the regulations work better. He stated one area was within the Sign Regulations and how they related to non-residential uses in the Flex Parcel Types. These Parcel Types were severely limited to the size, number and type of signage that would be allowed on their property. He stated at their regular meeting held July 16, 2024, staff presented the Planning Commission with updated language that would separate residential and non-residential uses with the Flex Parcel Types and allow for signage similar to Commercial Parcel Types for non-residential uses within the Flex Parcel Types. Following the required public hearing, the Planning Commission unanimously approved the text change to Section 7.17 of the Zoning Regulations. He stated staff recommends adopting Ordinance Number 24-27 amending section 7.16 of the Emporia Zoning Regulations.

**PLANNING AND DEVELOPMENT
(Amend Zoning Regulations)
(Ordinance Number 24-27)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AMENDING SECTION 7.16 OF THE ZONING REGULATIONS FOR THE CITY OF EMPORIA AS ADOPTED BY ORDINANCE NO. 23-28 OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk

assigned Ordinance Number 24-27, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 24-27, an ordinance amending Section 7.16 of the Emporia Zoning Regulations. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

ENGINEERING
(Kansas Department of Transportation)
(Adopt Safe Routes to School Plan)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated Toole Design, KDOT's consultant, in conjunction with City of Emporia Engineering Office and USD 253, conducted a study for Safe Routes to School. He stated in June 2024 Toole Design created a Safe Routes to School Plan with recommendations for both USD 253 school district and the City of Emporia. The plan was previously discussed at a Study Session with recommendations in the report to be reviewed on a case-by-case basis before implementation as funding allows. He stated there are no financial considerations at this time and staff recommend adopting the Safe Routes to School Plan, June 2024 from KDOT, with specific review on a case-by-case basis before funding is allowed.

Commissioner Curtis made a motion to adopt Safe Routes to School Plan, subject to specific project recommendations in the report getting reviewed on a case-by-case basis before implementation as funding allows. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

CITY COMMISSION
(Emporia Recreation Center)
(Architectural Services Agreement with BG Consultants, Inc.)

City Manager Cocking stated the City of Emporia is entering into this agreement because the City will eventually own the Emporia Recreation Center building. He stated the current Recreation Center is owned by the City of Emporia and leased to the Emporia

Recreation Commission. Kansas Statute K.S.A. 12-1928 states the Recreation Commission is not authorized to own property, necessitating the City of Emporia holds ownership of the building. This arrangement ensures compliance with state law while facilitating the development of a new recreation center to serve the community. He stated this arrangement meets compliance with state law while facilitating the development of a new recreation center to serve the community. He stated the project is divided into two primary phases: Phase 1: Pre-election Services – This phase focuses on preliminary architectural and engineering services to support a bond issue election. Tasks include community engagement, conceptual design and initial planning efforts. The sum for these services is \$216,000.00 plus reimbursable expenses, estimated not to exceed \$25,000.00 Phase 2: Post-election Services – This phase will initiate upon the successful passage of the bond referendum and will encompass the comprehensive design and construction documentation required to complete the project. He stated BG Consultants, Inc., alongside a team of specialized consultants, has been retained to manage both the architectural and engineering components of the project including:

1. Conducting a series of community engagement workshops and stakeholder meetings to ensure that the project meets the needs and expectations of the community.
2. Providing a detailed conceptual design, including site plans, floor plans, and renderings, which will be used for both the pre-election campaign and the eventual construction documents.
3. Coordinating with Hutton, the Construction Manager, to ensure that all design work aligns with the construction methodology and budgetary constraints.
4. The revised agreement outlines specific responsibilities for BG Consultants, Inc., including the management of supplemental services such as civil engineering, landscape design, and interior architectural design, which are integral to the project's success.

He stated the total compensation for Phase 1 services is \$216,000.00 plus reimbursable expenses, estimated not to exceed \$25,000.00. The compensation for Phase 2 services will be determined based on the services rendered and will be finalized upon the successful passage on the bond referendum. He stated staff recommends approve the agreement with BG Consultants, Inc. for architectural services related to the Emporia Recreation Center.

Commissioner Brinkman made a motion to approve the agreement with BG Consultants, Inc. for architectural services related to the Emporia Recreation Center and authorized the City Manager to execute the agreement. Commissioner Sauder seconded

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

Consent Agenda

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

- a. Minutes of Regular Commission Meeting Held on August 21, 2024.

The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, 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 SEPTEMBER 18, 2024, MEETING.

- Ordinance for Stormwater Utility.
- Beer Garden for Radius Oktoberfest Event on October 5, 2024
- Executive Session.

NO STUDY SESSION

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 Sauder made a motion to recess into executive session for 40 minutes inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for executive session is provided in K.S.A. 75-

4319 (b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume at the David Traylor Zoo Education Center, 75 Sodens Road, at approximately 12:30 p.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioners Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 12:30 p.m., this same date, at the David Traylor Zoo Education Center, Mayor Harter stated they had discussed consultation with the City Attorney regarding a legal matter and no action was taken.

Commissioner Curtis made a motion to recess the meeting from 12:30 p.m. to 12:40 p.m. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye. Commissioners Brinkman and Sauder were not present at the time of the vote.

The following items were discussed at Study Session:

1. Introduction of New Zoo Director.
2. Discuss the Formation of the Public Building Commission.
3. Municipal Solid Waste Poly Carts.
4. County Road F – City Street Name Designation.
5. CDBG Update.

Study Session Discussion:

Sanitation
Solid Waste Poly Carts
Purchase and Color Change

Dean Grant, Director of Public Works, stated a request was made to change the color of the municipal solid waste poly carts from the current neutral color of gray, to black and gold. The suppliers of the poly carts offer various colors at no additional cost. The

request was made for the solid waste poly cart for trash only. He stated the poly carts would only be changed out on an as needed basis as carts are broken or replaced. Currently there is no supply of poly carts on hand for replacement. He stated the cost for 751 carts is approximately \$35,000.00, that is about one-tenth of the customer poly carts in the city. He stated staff recommend an order for 751 poly carts for approximately \$35,000.00 for broken carts that need replaced.

Following further discussion concerning changing the color of the current gray poly cart to another color, Commissioner Sauder made a motion to order 751 replacement solid waste poly carts in black and gold. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Mayor Harter, aye; and Commissioner Brinkman, nay.

EXECUTIVE SESSION

Commissioner Smith made a motion to recess into executive session for 15 minutes inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for executive session is provided in K.S.A. 75-4319 (b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume at the David Traylor Zoo Education Center, 75 Sodens Road, at approximately 2:20 p.m. Commissioner Sauder seconded the motion. The vote follows: Commissioners Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; and Commissioner Curtis, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 2:20 p.m., this same date, at the David Traylor Zoo Education Center, 75 Sodens Road, Commissioner Smith made a motion to continue the executive session discussion for the reasons stated previously with all same pertinent city staff and resuming the open meeting at the David Traylor Zoo Education Center, 75 Sodens Road, this same date at 2:35 p.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 2:35 p.m., this same date, at the David Traylor Zoo Education Center, 75 Sodens Road, Mayor Harter made a motion to continue the executive session discussion for the reasons stated previously with all same pertinent city staff and resuming the open meeting at the David Traylor Zoo

Education Center, 75 Sodens Road, this same date at 2:45 p.m. Commissioner Smith seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Sauder, aye.

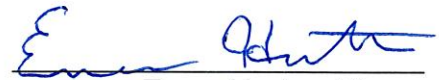
Upon reconvening the meeting in Regular Session, at 2:45 p.m., this same date at the David Traylor Zoo Education Center, Mayor Harter stated they had discussed consultation with the City Attorney regarding a legal matter and no action was taken.

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

ATTEST:


Kerry Sull, City Clerk




Erren Harter, Mayor