

Commission Meeting

1:30 p.m.

September 18, 2024

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 18, 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.

**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.

Linda Forbes, 1347 Road 205, spoke in favor of the importance of supporting the local hospital and what it offers the community.

**CITY COMMISSION
(Board Appointment)**

Multi-Use-Path Planning Board:

It was moved by Commissioner Brinkman seconded by Commissioner Smith that Ryan Conley be appointed to the Multi-Use-Path Planning Board to fill an unexpired term of a previous member and a full first initial term ending December 31, 2029. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**CITY COMMISSION
(Exempting the City from the Provisions of K.S.A. 12-1758 & K.S.A. 12-1767)
(Relating to Public Building Commissions)
(Charter Ordinance Number 45)**

A CHARTER ORDINANCE OF THE CITY OF EMPORIA, KANSAS, EXEMPTING THE CITY FROM THE PROVISIONS OF K.S.A. 12-1758 AND K.S.A. 12-1767

RELATING TO PUBLIC BUILDING COMMISSIONS AND THE ISSUANCE OF REVENUE BONDS THEREBY, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS RELATING THERETO, to which the City Clerk assigned Charter Ordinance Number 45, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the Commission previously heard a joint presentation by Dominic Eck with Gilmore & Bell and Greg Vahrenberg with Raymond James about the City establishing Public Building Commissions and their ability to issue revenue bonds. She stated the proposed Charter Ordinance Number 45 exempts the City from statutory provisions relating to Public Building Commissions and the procedure for the issuance of PBC bonds. Once Charter Ordinance Number 45 becomes effective, the City may proceed with the establishment of a Public Building Commission by ordinance. She stated approval of a Charter Ordinance requires 2/3 majority vote of the City Commission, publication in the official city newspaper for two consecutive weeks, and a sixty-day protest petition window following publication. This will allow potential issuance of bonds through a Public Building Commission for appropriate projects providing flexibility for the City staying below its Statutory Debt Limit. Staff recommends approval of Charter Ordinance Number 45, exempting the City from provision of K.S.A. 12-1758 and K.S.A. 12-1767 relating to Public Building Commissions.

Commissioner Brinkman made a motion to approve Charter Ordinance Number 45 exempting the City from the provisions of K.S.A. 12-1758 and K.S.A. 12-1767 relating to Public Building Commissions. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**CITY COMMISSION
(White Park License Agreement)
(Gazette Building Development, LLC)**

Tayler Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated the City of Emporia owns White Memorial Park, adjacent to the property owned by the Gazette Building Development, LCC at 517 Merchant Street.

The developer plans to renovate the property into a multi-use facility including residential units, office spaces, studios, event space and restaurant. The developer would like a license use agreement to expand a small portion of the project into the park area creating a food and beverage service area, event space and public patio. She stated the developer will be responsible for all improvements and final improvement plans must be approved by the City Commission before implementation. The W. A. White Memorial will remain accessible to the public. The park, outside of the license use area, will continue to function as a public park, adhering to normal park hours and regulations. She stated the agreement is for an initial period of 10 years, with 5 automatic renewals for up to 50 years, unless terminated by either party. Termination of the agreement can be initiated by either party with 90 days' notice. The developer must then either market the facility for sale or remove it, with failure to act resulting in the City's ownership of the improvements. She stated the developer will pay an annual license fee of \$1,200.00. The developer will be responsible for the costs of construction, maintenance, and any potential tax increases resulting from the project. The developer must also maintain insurance policies, including \$1,000,000.00 liability coverage and \$2,000,000.00 aggregate coverage, as well as property insurance to cover any damages. Staff recommend the Mayor be authorized to sign the White Park License Agreement.

Commissioner Sauder made a motion to authorize the Mayor to sign the White Park License Agreement. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

WATER TREATMENT PLANT
(Water Treatment Plant Evaluation and Master Plan)
(Burns & McDonnell Engineering Company, Inc.)

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated in June 2024, a Request for Qualifications to engineering firms for the Water Treatment Plant evaluation and master plan was sent out. There were three (3) proposals received and each of the engineering firms were given the opportunity to present their evaluation process, tools, and expertise to city staff. After evaluating

each firm, staff selected Burns & McDonnell to negotiate scope and pricing. He stated Burns & McDonnell will perform an evaluation of the water plant's treatment process, performance efficiencies, limitations, future regulatory needs, and develop a master plan for future needs. He stated the last time this type of evaluation was done on the water treatment plant was in 1990's. Burns and McDonnell are partnered with BG Consultants for the evaluation and master plan. He stated this process will take approximately 12 months to complete, with a final report to the commission. The total proposed cost is \$346,000.00 and will be paid for by the Water Fund. This expenditure is budgeted in the Water Fund Capital Improvement Project for 2024. Staff recommend authorizing the City Manager to sign the Water Treatment Plant Evaluation and Master Plan task order with Burns & McDonnell for \$346,000.00.

Following further discussion, Commissioner Brinkman made a motion to authorize the City Manager to sign the Water Treatment Plant Evaluation and Master Plan task order with Burns & McDonnell for \$346,000.00. Commissioner Sauder seconded the motion.

Commissioner Curtis asked what the length of years the master plan was for.

Director of PWC Grant stated the goal was for a possible 30 years, making sure planning is set up to accept any possible regulatory changes from EPA that may occur after the master plan is complete.

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

**EMPORIA MUNICIPAL AIRPORT
(Airport Apron Expansion Design Agreement)
(H.W. Lochner, Inc.)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated the airport was awarded \$906,000.00 in grant money from the Kansas Department of Transportation (KDOT) for the design and construction to expand the apron at the Emporia Municipal Airport. This grant will allow more parking spaces for planes and easier access to the self-serve fuel area. He stated the design of the project will cost \$120,000.00, KDOT will pay \$114,000.00 or 95% and the city's match

is \$6,000.00 or 5%. He stated staff recommend approval of the apron expansion design agreement with H.W. Lochner, Inc., in the amount of \$120,000.00.

Commissioner Sauder made a motion to approve the apron expansion design agreement with H.W. Lockner, Inc. in the amount of \$120,000.00. Commissioner Curtis seconded the motion.

Commissioner Brinkman complimented the recent open house at the airport and encouraged citizens to take a tour at Emporia Airport.

Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**HEALTH CARE FACILITIES REVENUE BONDS
(Presbyterian Manor, Inc.
(Approve City of Wichita Resolution No. 24-297)**

Tayler Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated on September 3, 2024, the City of Wichita adopted Resolution No. 24-297 declaring the intent to issue Health Care Facility Revenue Bonds on behalf of senior living facilities operated by Presbyterian Manor, Inc. throughout the State of Kansas, include the facility in Emporia. In order for the bonds to be issued through the City of Wichita for an improvement to the facility in Emporia, the City of Emporia must approve or disapprove the issuance of the bonds pursuant to K.S.A. 12-1740a. She stated if the City of Emporia takes no action, the bonds will be deemed approved. The bonds are special obligations of the City of Wichita and will not be the financial obligation of the City of Emporia in any way. Staff recommend approval of City of Wichita, Kansas, Resolution No. 24-297 declaring intent to issue Health Care Facility Revenue Bonds on behalf of Presbyterian Manor, Inc.

Commissioner Sauder made a motion to approve City of Wichita, Kansas Resolution No. 24-297 declaring intent to issue health care facilities revenue bonds. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

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 August 2024 for community:

1. Monthly Local Retail Sales Tax Receipts Update

	2023	2024	
	\$ 569,303.74	\$ 552,715.55	Decrease of \$16,588.19 for the month, and
YTD	\$4,312,253.54	\$4,268,537.89	Overall decrease of 1.02% from year 2023.

2. City Share from County Tax

	2023	2024	
	\$ 317,808.00	\$ 292,776.21	Decrease of \$25,031.79 for the month, and
YTD	\$2,281,084.83	\$2,189,169.38	Overall decrease of 4.20% from year 2023.

Building Permits issued from 8/1/2024 to 8/31/2024 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	74
Total of valuations associated with those building permits:	\$2,578,672.70
Total number of dollars collected for Building Permit Fees:	\$ 15,067.00

Construct – Single-family dwellings (tiny home)	1
Demo – Single-family dwellings	0

Flint Hills Mall CID for August 2024	\$ 23,038.31
YTD	\$ 164,989.50

Pavilions CID for August 2024	\$ 14,284.67
CID #2	\$ 14,284.67
YTD	\$ 247,050.28

Fairview Hotel CID for August 2024	\$ 6,177.22
YTD	\$ 21,527.53

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on September 4, 2024.
- b. Ordinance No. 24-28 Authorizing Beer Garden for Oktoberfest Special Event on October 5, 2024.

AN ORDINANCE EXEMPTING AN AREA INCLUDING A PORTION OF THE ALLEY BEHIND 610 MERCHANT STREET AND 614 MERCHANT STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR AN OKTOBERFEST SPECIAL EVENT OCTOBER 5, 2024, to which the City Clerk assigned Ordinance Number 24-28, was presented to the Governing Body for their consideration.

- c. Request from ESB Financial to gift Lisa Keith a retirement Thank You to travel with ESB Spirited 50 trip to the Kansas City Swope Park Zoo.

The vote follows: Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Brinkman, 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 OCTOBER 2, 2024, MEETING.

- Proclamation for Domestic Violence Awareness Month.
- Ordinance for Credit Card Fees.
- Intent to Issue Industrial Revenue Bonds for Woodco.
- Naming Road F.

Study Session: - Emporia Municipal Airport, 1005 Rd 120.

Discuss Social Media in Local Government.
Hazardous Sidewalk Program Cost Share Discussion.
Discuss Rules and Regulations with Water and Wastewater.

CITY COMMISSION (Public Comment)

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

Commissioner Sauder stated staff, Vice Mayor Brinkman and himself have been in very constant communication with both Stormont Vail and Newman Regional Health, including a meeting today that lasted about 2 hours. There were fruitful conversations with both entities and while our media outlets have shared that there is potential doom and gloom on the horizon, he felt there is lots of optimism.

Commissioner Brinkman stated she concurred with Commissioner Sauder, and over the last 12 months, Commissioner Sauder and herself have put in hundreds of hours on the issue and it was the most hopeful conversation she has attended.

Commissioner Sauder stated while he does appreciate the public's comments that they have made at recent meetings, he hoped that they are giving equal attention to all governing bodies in this matter.

Mayor Harter stated kudos goes to the Emporia Recreation Steering Committee for deciding on a location for the new recreation center.

EXECUTIVE SESSION

Commissioner Sauder made a motion to recess into Executive Session for 30 minutes inviting pertinent city staff to discuss confidential data of a third party relating to economic development. The justification for the executive session is provide in K.S.A. 75-4319(b)(4)) to protect financial affairs and trade secrets of third parties. The open meeting will resume in the City Commission Meeting Room at approximately 2:18 p.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis aye; Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 2:18 p.m., this same date in the City Commission Meeting Room, Mayor Harter made a motion to continue the executive session discussion for the reason stated previously with all the same pertinent city staff and resuming the open meeting in the City Commission Meeting Room at approximately 2:24 p.m.

Upon reconvening the meeting in Regular Session, at 2:24 p.m., this same date in the City Commission Meeting Room, Mayor Harter stated they had discussed confidential data of a third party relating to economic development with the following action to be taken:

Commissioner Sauder made a motion to authorize the City Manager to enter into negotiations with Champions Landing for a purchase agreement for a portion of their land that will be subject to successful sales tax election for the new Recreation Center. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

NO STUDY SESSION TO FOLLOW:

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; Commissioner Smith, aye; and Mayor Harter, aye.



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Harter

Erren Harter, Mayor

ATTEST:

Kerry Sull

Kerry Sull, City Clerk