

Commission Meeting**11:00 a.m.****October 2, 2024**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 2, 2024, with Mayor Harter presiding and Commissioners Brinkman, Curtis, and Smith present. Commissioner Sauder was absent. Also present were City Manager Cocking, Deputy City Manager Detter, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery.

Kathryn Wilkerson and Hannah Crawl, representing SOS, Inc. were in attendance to accept a proclamation declaring the month of October 2024, as "Domestic Violence Awareness Month" in Emporia. They stated domestic violence is a serious crime that affects people of all races, ages, genders, and income levels. Domestic violence is widespread and affects more than four million Americans each year and costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism and non-productivity. They stated domestic violence awareness month provides an excellent opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims. They urged the citizens of Emporia to work together to eliminate domestic violence from our community.

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.

No comments were made at this time.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 2-20-24)
(Application No. 2024-04 – Request of Mid-Kansas Properties, LLC)
(Planned Unit Development Overlay at 2915 W. 6th Avenue)
(Lockwood Subdivision)**

Mayor Harter recused himself from discussion and the vote.

The Planning Commission met in a regular session on Tuesday, February 20, 2024, with Chair Rogers presiding. Members Barnes, Ogle, Bucklinger, Thomas, Weaver and Duncan were present.

City staff: Justin Givens was present.

Chair Rogers called the meeting to order.

3. Consider Application PC 2024-04 a Request to Approve a Final Planned Unit Development for the Lockwood Subdivision Planned Unit Development.

Chair Rogers asked if proper notice had been given. Givens confirmed that proper notice was provided to the newspaper and to property owners within 200 feet of the subject property.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No Commissioners needed to recuse themselves or report any ex-parte communications.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2024-04

Applicants: Mid-Kansas Properties LLC (owner / applicant)
BG Consultants (agent)

Requested Action: Applicant requests approval of a Final Planned Unit Development (PUD)

Purpose: Applicant desires to develop a 4.99-acre tract of land consisting of 24 single-family detached lots.

Address: 2915 W 6th Ave. Emporia, KS

Legal description: THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (NW1/4 NE1/4 NE1/4 NW1/4) AND A STRIP 12 RODS IN WIDTH OFF THE ENTIRE EAST SIDE OF THE NE1/4 NW1/4 NE1/4 NW1/4, ALL IN THE SECTION 17, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

ALSO:

8 RODS OFF THE WEST SIDE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS.

Lot Size: 4.99 acres

Existing Zoning: Flex-Use Low

Future Zoning in ELC Comp. Plan: Flex-Use Low

Surrounding Zoning:

North – Light Industrial

East – Flex-Use Low

South – Flex-Use Low

West – Flex-Use Low

Surrounding Actual Uses:

North – Vacant Property

East – Single-Family Detached Homes

South – Single-Family Detached & Attached Homes

West – Industrial Warehouse & Miscellaneous Industrial Yard

Analysis: The applicants have requested to plat and develop a 4.99-acre tract of land as a Planned Unit Development (PUD). The proposed development would consist of 24 single-family detached lots with 23 new homes being built and the existing home on the property remaining.

The PUD is unique, in that it is designed with three private drives serving the development. Each drive would serve 8 lots with a hammer head turn around at the end of drive. Infrastructure within the development would be privately maintained by a Homeowners Association that would be managed by the developer.

The drive width is of sufficient size to allow for two way traffic, but parking will not be allowed on either side of the drive. Each unit is required to provide at a minimum two off street parking spaces, but in most cases should be able to provide more parking as driveways will be on the side of the house and not directly in front of it.

The Final PUD, which will be filed with the Register of Deeds, and will run with the property in perpetuity, is in substantial compliance with the approved preliminary plan. The applicant has addressed staff and Planning Commission comments from the Preliminary PUD. General provisions for development within the PUD have been provided for and shall govern the development of the property. Any deviations from the plan will require resubmittal to the Planning Commission and Governing Body for approval.

Considerations:

It is the intent of the Planned Unit Development District to encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings, to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas

incorporating the best features of modern design while conserving the value of the land; and to provide a procedure which relates the type, design and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods. This project, as proposed, meets the intent of a Planned Unit Development District. It maximizes the existing space by modifying lot sizes, and uses private roads and utilities to reduce development costs, thus helping to reduce the cost of a house within the development. As proposed, this development would increase, what is often called the missing middle. Missing middle housing units are more affordable to those who may not qualify for subsidies but cannot afford high end housing. The development will also blend with the adjacent uses and staff feels will preserve, if not increase, property values of residential homes in the immediate area.

A planned unit development shall be in general conformity with the provisions of the comprehensive plan, and shall not have a substantially adverse effect on the development of the neighboring area. As this is considered an infill development, staff does not feel that there would be any adverse effects on the existing neighborhoods. The areas immediately to the east and south are a mix of owner occupied single-family detached residences, and single-family attached and multi-family rental units. This project would help to compliment those areas. The proposed development is in conformance with Plan ELC, as it promotes affordable housing, uses existing infrastructure to expand the missing middle housing stock, and is an adaptive reuse of vacant property.

Neighborhood Communications: Staff received one call and had one person attend the preliminary public hearing. No additional comments have been provided.

Recommendation: Staff recommends a motion to recommend approval of the Final PUD subject to staff and Planning Commission comments to the Governing Body.

Attachments: Final PUD | Aerial Map | Current Zoning Map

The Public Hearing was opened.

Jamie Sauder, Mid-Kansas Properties, LLC, spoke in favor of the application.

No person spoke against the application.

The Public Hearing was closed.

Commissioners discussed the concepts of a Planned Unit Development and the requirements of the Home Owners Association and the need to have them in place prior to City Commission approval.

Commissioner Weaver made a motion to recommend approval of the Final Planned Unit Development for the Lockwood Subdivision PUD subject to review and acceptance of Home Owners Agreement by staff and the applicant providing No Parking signage along the private drives/hammerheads. Duncan seconded the motion. The motion passed 7-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owner of the property located at 2915 W. 6th Avenue has requested that a Planned Unit Development Overlay be created for their property. He stated the proposed Planned Unit Development would allow the property owner to build

24 single-family homes. The development would use three new private drives from W. 6th Avenue that would service the development. The interior infrastructure of the development will be private, and a homeowner's agreement will be filed to provide for the maintenance of the common and private infrastructure. He stated creating a Planned Unit Development Overlay is technically a change in zoning which requires an ordinance approving the PUD. At their February 20, 2024, regular meeting, the Planning Commission voted unanimously to recommend approval of the Planning Unit Development for the Lockwood Subdivision. He stated staff recommend approve creating a planned unit development overlay for property located at 2915 W. 6th Avenue.

PLANNING AND DEVELOPMENT
(Application No. 2024-04 – Request of Mid-Kansas Properties, LLC)
(Planned Unit Development Overlay at 2915 W. 6th Avenue)
(Lockwood Subdivision)
(Ordinance Number 24-30)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM FLEX-USE LOW (F-L) PARCEL TYPE TO A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 24-30, was presented to the Governing Body for their consideration.

Mayor Harter recused himself from discussion and the vote.

Following further discussion, Commissioner Curtis made a motion to approve Ordinance Number 24-30 creating a Planned Unit Development Overlay for property located at 2915 W. 6th Avenue. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; and Vice-Mayor Brinkman, aye.

PLANNING AND DEVELOPMENT
(Application No. 2024-04 – Request of Mid-Kansas Properties, LLC)
(Final Plat at 2915 W. 6th Avenue)
(Lockwood Subdivision)

Mayor Harter recused himself from discussion and the vote.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owner of the property located at 2915 W. 6th Avenue has requested a Final Plat be approved for their property. The owners intend to build 24 single-family homes on the 4.99-acre tract of land. The proposed final plat would allow for the development of Lockwood Planned Unit Development. The proposed development is for the construction of 24 single-family homes. The development would use three new private drives from W. 6th Avenue that would service the development. He stated the interior infrastructure of the development will be private, and a homeowner's agreement to be filed to provide for the maintenance of the common and private infrastructure. The approval of the final plat from the Planning Commission was subject to the developer submitting and staff reviewing the Homeowners Agreement. Staff completed the review and found the Homeowners Agreement acceptable. At their February 20, 2024, regular meeting, the Planning Commission voted unanimously to recommend approval of the Final Plat for the Lockwood Subdivision. Staff recommend approval of the Final Plat for the Lockwood Subdivision.

Commissioner Curtis made a motion to approve the Final Plat for the Lockwood Subdivision. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; and Vice Mayor Brinkman, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 8-20-24)
(Application No. 2024-09 – Request of Whitter Place III MR, LLC)
(Rezone Property Located at 1200 Whittier Place Lane)

The Planning Commission met in a regular session on Tuesday, August 20, 2024, with Chair Rogers presiding. Members Ogle, Bucklinger, Barnes, and Lingenfelter were present. Commissioner Fowler was absent.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

Chair Rogers called the meeting to order.

2. Consider PC-2024-09 – A Request to Rezone Property Located at 1200 Whittier Place Lane

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 2024-09

Applicants: Whittier Place III MR, LLC

Requested Action: Consider a request to rezone property from Single-Family Detached (SF-D) to Multi-Family (M-F)

Purpose: Applicant desires the rezoning to facilitate the construction of a multi-family unit.

Address: 1200 Whittier Place Lane, Emporia, KS

Legal description: COMMENCING AT A POINT 223 FEET NORTH OF A STONE AT THE SOUTHEAST CORNER OF THE NE1/4 OF THE SW1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS; THENCE WEST ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SW1/4, 656 FEET TO A POINT; THENCE NORTH ON A LINE PARALLEL WITH THE EAST LINE OF THE SAID SW1/4, 109 FEET; THENCE EAST ON A LINE PARALLEL WITH THE SOUTH LINE OF SAID SW1/4, 656 FEET TO A POINT ON THE EAST LINE OF SW1/4; THENCE SOUTH 109 FEET TO THE PLACE OF BEGINNING, EXCEPT A TRACT IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., PREPARED BY STEVEN S. BROSEMER, PS 752, ON MAY 15, 2023; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 223 FEET NORTH OF A STONE AT THE SE CORNER OF SAID NE1/4 SW1/4; THENCE S.88°25'17"W. (GRID BEARINGS) FOR 397.96 FEET TO THE POINT OF BEGINNING; THENCE N.01°36'54"W. WITH THE LINE OF AN EXISTING FENCE FOR 108.97 FEET TO THE SOUTH LINE OF KNUTH ADDITION; THENCE S.88°25'38"W. FOR 230.00 FEET TO THE EAST LINE OF WHITTIER STREET; THENCE S.01°05'21"E. ON SAID EAST LINE FOR 109.00 FEET; THENCE N.88°25'17"E. FOR 231.00 FEET TO THE POINT OF BEGINNING, Emporia, Lyon County, Kansas

Lot Size: 395' x 110' (43,450 sq. ft.)

Existing Zoning: Single-Family Detached

Future Zoning in ELC Comp. Plan: Single-Family Attached

Surrounding Zoning:

North – Multi-Family

East – Multi-Family | Single-Family Detached

South – Single-Family Detached

West – Single-Family Detached | Multi-Family

Surrounding Actual Uses:

North – Whittier Place Apartments

East – Single-Family Detached Residential | Single-Family Attached Residential

South – Larger Lot Single-Family Detached Houses

West – Single-Family Detached Houses | Proposed Multi-Family Unit

Analysis: The applicant is requesting a zoning change to expand the number of multi-family units on the property. The subject parcel is an approximately 1-acre tract of land that adjoins the current Whittier Place Apartments. The proposal would see the existing drive and parking are be continued south with another multi-family unit built on what is now vacant land. Another proposed multi-family unit is being considered to be built immediately west of the current apartments. That property is zoned Multi-Family and does not need any action from the Planning Commission to approve the development. The subject tract is of sufficient size to accommodate another unit and parking. Also, the proposed development would redirect stormwater runoff on the site. A portion of the runoff would flow to the west versus going east now, which would help to reduce the volume of water that uses the Mary Street drainage system.

Considerations: 9.8.3.a.8. Factors to be Considered for a Rezoning:

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in Bold**

1. Whether the change or approval would be consistent with these regulations; Extending the area that multi-family units could be built, would be consistent with the zoning regulations. The area has already been contemplated for multi-family and adding this area would not be inconsistent with the regulations.
2. The character and condition of the neighborhood and its effect on the proposed change; Extending the number of multi-family units in the area would not change or harm the character or condition of the neighborhood. The proposed

development would be an extension of the current multi-family area and proper screening would still provide separation from adjacent single-family detached properties.

3. The zoning and uses of properties nearby; The adjacent properties are single-family detached residences. The properties to the south are very long lots with the homes being located approximately 130 feet from the common property line. The two properties to the east that would abut the proposed development are single-family detached structures with traditional setbacks. Proper screening will help to ensure the new development does not negatively impact these properties.
4. The suitability of the subject property for the uses to which it has been restricted; The subject property has been vacant for an extended period of time and is very well suited for the proposed project. Allowing multi-family units on this property would be an excellent use for the property. The property's only access is from the current multi-family development and restricting it to single-family detached housing, as it is currently zoned is not a feasible use of the property.
5. The extent to which removal of the restrictions will detrimentally affect nearby property; Property values for the single-family detached homes that abut the existing multi-family units have steadily increased in a manner that is consistent with other properties in the city. Staff does not see that the additional units would bring a detrimental impact to the nearby properties.
6. The length of time the subject property has remained vacant as zoned; Staff is unaware of any structures being built on the property in the past, and as previously stated, the only access to the property is thru the multi-family development. If the rezoning is not approved, staff would not anticipate single-family detached dwellings being built on the property.
7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use; Extending the multi-family units in this area is a logical progression for the area. Adequate public services exist in the area and the additional units would not create an undue hardship on those services.
8. The recommendations of a permanent or professional planning staff; Staff is supportive of the request.
9. The conformance of the requested change to Plan ELC; Plan ELC promotes the adaptive use of infill lots such as this project and additional units will help to meet the housing demand in the community.
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: Staff has received several phone and email inquiries about the proposed rezoning and has provided written correspondence as part of the agenda report.

Recommendation: Staff recommends the Planning Commission make a motion of approval for the Rezoning to the Governing Body based on the following;

- 1) The request is consistent with the Comprehensive Plan;

- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood

Attachments: Aerial Map | Current Zoning Map | Concept Site Plan

Commissioner Barnes asked about the existing drainage issues on Mary Street and if the City Engineer had looked into those issues. Givens responded that he had not been in contact with the City Engineer on any drainage reviews in the area. Commissioner Lingenfelter asked about the existing flooding situation between the properties. Givens stated that the applicant or their agent could address the drainage in the public hearing.

Commissioner Rogers provided some background on previous zoning applications and actions.

The Public Hearing was opened.

Buck Driggs, Driggs Design Group, (Applicant's Agent) spoke on behalf of the applicant and in favor of the project. Driggs provided some general background on the ongoing drainage issues with the property owner immediately to the east of the development, a subsequent lawsuit between the two property owners and a judicial order for correction on the existing drainage. Driggs spoke about the proposed drainage plan for the new development.

Commissioner Barnes asked about the volume of water that the proposed drainage plan would handle and if the City Engineer was involved in the drainage agreement. Driggs stated that the drainage was designed to hold a 100 year storm event and an additional one foot of rain and that the City Engineer had reviewed the accepted plans for mitigation.

Commissioner Bucklinger asked if there had been any calculations on how the new drainage would impact the existing flooding issues on Mary St. Driggs stated that he had not, but felt that removing the apartments drainage would help in reducing the amount of stormwater runoff.

Commissioner Barnes reiterated his question on other developments in the area impacting the drainage issues. Givens responded that yes, the city was working with the property owners engineering firm to help mitigate and reduce the amount and timing of water entering the box culvert on 12th Street. Givens stated that the proposed development was in a holding pattern as they are working on whether the project is viable or not.

Driggs stated that the water from the apartment complex would be redirected away from Mary and that could help the drainage in the area.

Commissioner Rogers asked about the legal agreement between the parties. Driggs stated he was really not that familiar with the actual agreement and would defer to the City Attorney or the parties attorneys as they were involved in those discussions.

Commissioner Lingenfelter asked what safeguards were put in place to minimize any negative impacts on drainage in the area that the new plan might have. Driggs stated that the drainage plan would slow the amount of water released during and after a rain event and would be modeled to conform to the stormwater ordinance.

Marvin Tajchman, 902 Mary St. expressed concerns about the existing drainage issues in the area and on site especially based on the previous development. He stated he was not necessarily against the project, but has expressed concerns about drainage on Mary St.

Terrance Weaver, 1206 E 9th, expressed concerns about the overall development including the existing drainage. He also had concerns about how the development might impact the existing area including a fence line and overhead power lines.

Commissioner Rogers asked about who would be responsible for the maintenance for this area currently and in the future. Givens stated that it would be the responsibility of property owner.

The Public Hearing was closed

Commissioner Rogers stated that based on the public comment, speakers were not necessarily against the project, but the conditions that development had created, and with proper design, those conditions might be alleviated.

Commissioner Lingenfelter asked to clarify that the court settlement would require some of the drainage changes even if the rezoning was not approved. Givens stated that was correct.

Commissioners asked Driggs to readdress and provide more details on the retention ponds as they related to the property at 1206 E 9th. Driggs stated that the owner was willing to work with neighbors to ensure the property was in a good condition.

Commissioner Ogle asked about the enforcement of stormwater regulations. Givens stated that it is the responsibility of the city engineering department.

Commissioner Bucklinger asked if any additional measures would be needed to be put in place from a development perspective prior to approval. Givens stated that Multi-Family projects would require full site plan review and felt that yes, there are safeguards in place to protect neighboring properties.

Commissioner Barnes made a motion to recommend approval of the rezoning from Single-Family Detached to Multi-Family based on the request being consistent with the Comprehensive Plan; the request conforms to the intent of the Zoning Regulations; and there would not be a negative impact on the existing neighborhood contingent upon the City Engineer approving the drainage plan. Commissioner Ogle seconded the motion. The motion carried 5-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owner of the property located at 1200 Whittier Place Lane has requested that the property be rezoned from Single-Family Detached (SF-D) to Multi-Family (M-F). The owners intend to build additional apartments to complement the three existing units within the complex. He stated the rezoning would allow the owner to build a 24-unit apartment complex with additional parking to the south of the existing apartments. The owner has proposed this unit and another new unit to the west. That area is currently zoned multi-family and does not necessitate a rezoning. At their August 20, 2024, regular meeting, the Planning Commission voted unanimously to recommend approval of the rezoning from Single-Family Detached to Multi-Family based on the request being consistent with the comprehensive plan and conforms to the zoning regulations. Staff recommend approval of the rezoning of the property located at 1200 Whittier Place Lane from Single-Family Detached (SD-F) to Multi-Family (M-F).

PLANNING AND DEVELOPMENT
(Application No. 2024-09 – Request of Whitter Place III MR, LLC)
(Rezone Property Located at 1200 Whittier Place)
(Ordinance Number 24-31)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM SINGLE FAMILY DETACHED (SF-D) PARCEL TYPE TO MULTI-FAMILY (M-F) PARCEL TYPE AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 24-31, was presented to the Governing Body or their consideration.

Commissioner Curtis made a motion to approve Ordinance Number 24-31, an ordinance rezoning property located at 1200 Whittier Place Lane from Single-Family, (SF-D) to Multi-Family (M-F). Commissioner Brinkman seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**INDUSTRIAL REVENUE BONDS
(Intent to issue IRB's for \$10,500,000.00)
(Whittier Place III, LP & Whittier Place III MR, LLC)
(Resolution Number 3740)**

Tayler Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated the adoption of the proposed resolution is the first step in the issuance of Industrial Revenue Bonds (IRB's) in the amount of \$10,500,000.00 for the costs of purchasing, acquiring, constructing, furnishing and equipping two residential apartment buildings located at 1002 Whittier Street and South of 1100 and 1200 Whittier Place Lane. The property will be eligible for sales tax exemption and property tax exemption for a term of ten years, subject to conditions of the City's public incentives policy. She stated the City will not be liable for any of the principal or interest payments of the bonds under Kansas Statutes. She stated staff recommend approval of Resolution Number 3740 regarding the intent to issue Industrial Revenue Bonds in the amount of \$10,500,000.00 for Whittier Place III, LP and Whittier Place III MR, LLC.

Commissioner Brinkman made a motion to approve Resolution Number 3740 regarding the intent to issue industrial revenue bonds in the amount of \$10,500,000.00 for Whittier Place III, LP and Whittier Place III MR, LLC. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**ENGINEERING
(License Agreement with RCM, LLC)
(Property Located at 502 Graham Street)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated RCM, LLC is expanding their business located at 502 Graham Street, requiring a license agreement for the purpose of storage of stormwater for this site. He stated the proposed stormwater pond is adjacent to the City utility easement/Right-of-Way and this license agreement would allow for construction and maintenance of the stormwater site. RCM, LLC agrees to repair/replace the right-of-way and any improvements or utilities at their expense to City standards. He stated staff recommend approving the License Agreement with RCM, LLC and authorizing the mayor to sign.

Commissioner Brinkman made a motion to approve the License Agreement with RCM, LLC and authorized the mayor to sign the License Agreement. Commissioner Curtis seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**CITY COMMISSION
(Reimbursement of Expenditures Related to Fire Station Facility)
(Resolution Number 3739)**

Mark Detter, Deputy City Manager, was recognized and addressed the Governing Body. He stated the City of Emporia is in the process of demolition of an existing building in the 500 Block of Market Street for site preparation for the construction of a new fire station at the same location. The Commission approved Charter Ordinance Number 45 at their meeting on September 18, 2024, which provides additional and alternative methods for financing public buildings and facilities and alternative method of authorizing the issuance of revenue bonds. He stated the charter ordinance becomes effective after a protest period which ends on November 27, 2024. This proposed resolution will allow costs for site preparation and architectural design expenditures eligible as related costs in the issuance of Public Building Commission Revenue Bonds. He stated the construction will begin in the fall and a bond issue of approximately \$15,000,000.00 will be issued by the Public Building Commission for the design, site preparation and construction of a new Fire Station. Staff recommend authorization of Resolution Number 3739 declaring the intent to authorize reimbursement of the expenditures related to the issuance in Public Building Commission Revenue Bonds.

Greg Vahrenberg, representing Raymond James and Dominic Eck, representing Gilmore & Bell, P.C., were present for discussion via phone.

Commissioner Brinkman asked about the Public Building Commission and placing the Fire Station into that, would that create a limit on the PBC, or would it have capacity, or would it have to pass on other projects such as a Recreation Center?

Mr. Eck stated there is not a statutory limit, however, as discussed by Mr. Vahrenberg in a previous meeting, at some point there may be a practical limit on what investors would be willing to purchase, you could have the Rec Center proposed as a public building.

Commissioner Brinkman asked if those two proposed projects would not exceed a practical limit for investors for our city.

Mr. Vahrenberg stated that was correct, with those projects and the debt ratios investors would be looking at, there shouldn't be any problems marketing the bonds.

Following further discussion, Commissioner Brinkman made a motion to approve Resolution Number 3739 declaring the intent of the City of Emporia, Kansas to authorize reimbursement of the expenditures related to the issuance of approximately \$\$15,000,000.00 in Public Building Commission Revenue Bonds. Commissioner Curtis seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**CITY COMMISSION
(Authorizing Credit Card Fees for Payments)
(Ordinance Number 24-29)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS ESTABLISHING A CREDIT CARD PROCESSING FEE, to which the City Clerk assigned Ordinance Number 24-29, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Finance, was recognized and addressed the Governing Body. She stated the City accepts all types of credit cards for all services including utility payments, permits, court fines, golf course, park rentals transfer station, concession stands and police fees. Currently all credit card fees are paid by the City of Emporia. The use of credit cards and online payments for convenience has increased, so have the costs associated with this type of payment. The fees the City has incurred for credit card processing over the past 4 years are as follows:

2020	\$119,995
2021	\$139,467
2022	\$150,673
2023	\$160,169
2024	\$131,268 (through August)

The City would save over \$100,000 per year by passing through the credit card fees to customers. If approved, the pass-through fees would go into effect January 1, 2025. The fee shall be added to each credit card transaction equal to the charge paid by the City for

the use of the card. The fee for our customers is expected to be approximately 3% per credit card transaction. Customers will still be able to have their payment drafted from their checking account free of charge along with checks or cash. She stated staff recommend approval of Ordinance Number 24-29, establishing a credit card processing fee.

Commissioner Brinkman made a motion to approve Ordinance Number 24-29 establishing a credit card processing fee. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Consent Agenda

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

- a. Minutes of Regular Commission Meetings Held on September 11, 2024, and September 18, 2024.
- b. Authorize the Mayor to Sign a Letter of Support for Southwick House.

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

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 16, 2024, MEETING.

- Appoint Members to the Homelessness Advisory Board.
- Accept Final Plat for Flint Hills Crossing
- Award Contract for Flint Hills Crossing Improvements.
- Accept Easements for Kretsinger Development.
- Equipment Purchases for Golf Course.
- Annex Property at 1500 S. Hwy 99 into City Limits.

- Name City's Portion of Road F.
- Intent to Issue IRB's for 502 Lofts.

STUDY SESSION

Review Snow Removal Policy.

Discuss Economic Development Organization Assessment Review.

Discuss Q&A with Trey on November 14, 2024.

CITY COMMISSION (Governing Body Comment)

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

Commissioner Curtis stated he wanted to comment on the Hospital situation and Economic Development and read the following statement:

Hospital

Like the rest of my fellow commissioners, I've dug into how hospitals work - the services they provide and how those services are funded. The city has very little oversight and authority on the county hospital, but I want to express my appreciation to the many medical workers - medical practitioners, nurses, people in administrative roles. Thank you for your service to our community. I also want to thank the people who have taken the time to discuss this situation with me. I appreciate the perspectives and information.

My focus continues to be on improving the services we offer and can offer in Emporia for the benefit of the citizens of our city and region. My focus is on maximizing these services and having the best health care options available for a community and region our size. Volume matters. And we don't have the market size to produce the volume needed to support every medical service available in today's world. So my focus continues to be on what services are viable in our region. In many ways, we have a system that is indeed the envy of many other communities our size. How do we continue to improve this system and offer the best healthcare options possible for our community?

I am less focused on the name of the entity that provides these services. I'm less focused on the name of the entity that issues the paychecks to our healthcare workers. My focus is on quality healthcare offerings for our community. Period. Full stop. I do think centralizing those services in the area currently owned by Newman Regional Health is the best way to serve our community and provide these services. This will require partnership and cooperation. It is the best option, though, in my opinion.

Again, we as the City of Emporia have very little authority on the matter. Zoning and annexation are two areas we do control. I am not opposed to a zoning text change that creates a policy of how we manage health care in our area, but I am opposed to that change in light of a scenario where an entity is actively looking to expand its services in our community. If the policy was proposed as a best overall policy practice related to managing health care absent of a situation creating fear and anxiety, then I would have supported the discussion and entertained the concept. In other words, had the policy been suggested at a different time and not when adopting such a policy would favor one entity and hurt another, then I would have been open to that discussion. As is, that's not the case, so a zoning text change is off the table for me for right now.

Related to annexation, we don't have a request today to consider the annexation of property. If we receive that request, then we - and I - will study it and evaluate its merits. Until then, I will simply say that maximizing the real estate available where our current hospital is located is my preference.

Eco Devo

I want to clarify where we are at related to structuring an economic development model for our community. The City entered into an agreement with Vision First Advisors to evaluate our current model and offer feedback and considerations. That report was delivered on September 11. During and following that meeting, the report was shared with economic development agencies and the community at large. Those agencies are now discussing the report and its recommendations and offering feedback. We as a commission have not discussed the report nor have we taken any action on implementing the recommendations from the Vision First report. As of today, nothing has changed related to how we do economic development and no decisions on how we are planning to do economic development in the future have been made. Feedback on this issue is welcome and I will say we as a commission and city staff need to work to structure a trustworthy process going forward to discuss options and implement changes aimed at retaining current employers, spurring new industries, and creating more jobs for our citizens. That may start with our study session on Oct. 16. I look forward to these conversations and discussions.

Commissioner Smith stated she appreciates Commissioner Curtis's transparency and his speech.

EXECUTIVE SESSION

Commissioner Brinkman made a motion to recess into Executive Session for 15 minutes inviting pertinent city staff to discuss the possibility of acquiring easement interest

in real property. The justification for the executive session is provided by K.S.A. 75-4319(b)(6) to minimize the cost of the property to the taxpayer. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 11:44 a.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had discussed the possibility of acquiring easement interest in real property and no action was taken.

EXECUTIVE SESSION

Mayor Harter 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 provided by K.S.A. 75-4319(b)(4) to protect financial affairs and trade secrets of third parties. The open meeting will resume at the Emporia Municipal Airport, located at 1005 County Road 120 at approximately 12:45 p.m. Commissioner Brinkman seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye.

Upon reconvening the meeting in Regular Session, at 12:45 p.m., this same date, at the Emporia Municipal Airport, Mayor Harter stated they had discussed confidential data of a third party relating to economic development and no action was taken.

Mayor Harter made a motion to recess the meeting to 12:55 p.m., at the Emporia Municipal Airport. Commissioner Curtis seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; and Commissioner Smith, aye.

The following items were discussed at the Study Session:

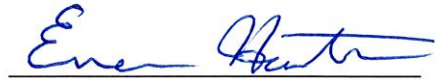
1. Discuss Social Media in Local Government.
2. Discuss Municipal Airport.
3. Discuss the Hazardous Sidewalk Program Cost Share.

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

ATTEST:


Kerry Sull, City Clerk




Erren Harter, Mayor