

Commission Meeting

11:00 p.m.

November 20, 2024

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 20, 2024, with Mayor Harter presiding and Commissioners Brinkman, Curtis, Sauder and Smith present. Also present were City Manager Cocking, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery. Deputy City Manager Detter was absent.

**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 COMMISSION
(Emporia Recreation Center Steering Committee)
(Progress Report)**

City Manager Cocking stated the Emporia Recreation Center Steering Committee prepared a progress report for the Emporia Board of Education, Emporia Recreation Center Board of Directors and the Emporia City Commission. Those entities executed a Memorandum of Understanding (MOU) to build on the goal to provide recommendations for future funding for a new or renovated recreation center. The tasks included a Request for Qualification for a Construction Manager at Risk and architect for the project. Review the RFQ's with recommendations to the City Commission regarding selection of CMAR and an architectural firm along with any decision regarding land acquisition for the project. Since that time Community surveys and pop-up sessions were held to gauge community interest. Community members were invited to three Workshop's where participation in interactive design, program options and location were received for feedback. During that time the Steering Committee took the following action:

A motion was made to recommend a half-cent sales tax to generate approximately 53 million dollars and commit 47 million to the new facility at Champions Landing, use the flat-site option and have a strong commitment with the rest of the funding towards both Lee Bean and Debaugue Sports Complex. The motion passed.

The committee reviewed the sample ballot question for the March 2025 election and recommended that it be presented to the City Commission for their approval.

**CITY COMMISSION
(Third Amendment to the Memorandum of Understanding)
(Emporia Recreation Commission)
(Emporia Unified School District No. 253)
(Steering Committee – Commencement/Expiration Date)**

City Manager Cocking stated City staff, Recreation Commission staff USD 253 staff entered into a Memorandum of Understanding (MOU) on February 7, 2024. A Steering Committee was established to identify priorities and provide guidance for renovation, expansion and/or construction of new recreational facilities. He stated the MOU was amended by written agreement on March 20, 2024, to authorize the Steering Committee to amend certain terms of the MOU by a unanimous vote. The proposed Third Amendment to the MOU will extend the expiration date of the MOU through project completion in the event voters approve a ballot question pertaining to the project funding, or through April 1, 2025, in the event voters reject the ballot question. He stated staff recommend approval of the Second Amendment to the Memorandum of Understanding Pertaining to the Recreation Facilities Steering Committee.

Commissioner Smith made a motion to approve the Third Amendment to the Memorandum of Understanding Pertaining to the Recreation Facilities Steering Committee. Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

CITY COMMISSION
(Authorizing the Calling of a Special Question Election)
(Imposing a One-Half Percent Citywide Retailers' Sales Tax)
(Resolution Number 3746)

City Manager Cocking stated the Emporia Recreation Center Steering Committee has identified the need for a new recreation facility to meet growing community demands along with enhanced quality-of-life amenities. After public engagements, public input, expert analysis and extensive planning, the committee has recommended a project at Champion's Landing the includes the design, construction, furnishing and equipping of a recreation facility. He stated the Steering Committee has prioritized the importance of funding other recreational improvements throughout the City. To finance the initiatives, the committee has proposed a one-half percent (0.5%) citywide retailers' sales tax, subject to voter approval. He stated per K.S.A. 12-187 et seq., the City Commission is authorized to place the sales tax question before voters via a special question election. Proposed Resolution Number 3746 authorizes a special election on March 4, 2025, allowing voters to decide on the sales tax. If approved, the sales tax will take effect on July 1, 2025, or as soon thereafter as legally permitted, and does not have an expiration date. The revenue from the sales tax will be utilized to fund the acquisition, construction, furnishing and equipping of a new recreation facility at Champion's Landing. Additionally, the Steering Committee has prioritized the importance of funding other recreational improvements and quality-of-life projects within the community. He stated the special question submitted to be held on March 4, 2025, will be as follows:

Shall the City of Emporia, Kansas, be authorized to impose a one-half percent (0.5%) Citywide retailers' sales tax, the revenue from which will be used to pay the costs to acquire, construct, furnish and equip a recreation facility in the City and to make other recreational improvements and quality of life enhancements in the City, and all improvements related thereto (the "Projects"), including payment of debt services on financings issued from the Projects, with the collection of such sales tax to commence on July 1, 2025, or as soon thereafter as permitted by law; all pursuant to the provisions of K.S.A. 12 187 et seq., as amended?

He stated the proposed one-half percent (0.5%) sales tax is projected to generate approximately \$3 million annually. Staff recommends the adoption of Resolution Number 3746, authorizing and providing for the calling of a special question election imposing a

one-half percent (0.5%) citywide retailer's sales tax to finance public improvements including a recreation facility.

Following further discussion, Commissioner Curtis made a motion to approve Resolution Number 3746 authorizing and providing for the calling of a special question election in the City of Emporia, Kansas, to submit to voter the question of imposing a one-half percent (0.5%) citywide retailers' sales tax to finance public improvements, including a recreation facility. Commissioner Sauder seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**CITY COMMISSION
(Application Moderate Income Housing Grant - \$500,000.00)
(Kansas Housing Resources Corporation)
(Resolution Number 3745)**

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated the grant is offered by the Kansas Housing Resources Corporation for the development of housing for moderate-income occupants. Moderate income is defined by the State as 60% to 150% of HUD'S FY 2024 income ranges. He stated the proposal for this application includes the demolition of three dilapidated houses and the construction of 11 new structures, including three duplexes and eight single-family homes. All units are to be occupied by eligible owners or tenants who meet the income guidelines. Two of the projected sites will be owned by the Emporia Land Bank, with proceeds from the sales to be reinvested into infill development of housing. He stated the City will provide appropriate staff for grant administration and inspections. The City will also pledge to waive building and demolition permit fees and inspection fees for the program projects. He stated staff recommend approval of Resolution Number 3745 and authorize the Mayor to sign all related documents.

Commissioner Brinkman made a motion to approve Resolution Number 3745 authorizing the City of Emporia to apply for a \$500,000.00 Moderate Income Housing Grant and authorize the Mayor to execute all related documents. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner

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

**FRANCHISE AGREEMENT
(Zayo Group, LLC)
(Ordinance Number 24-36)**

A CONTRACT FRANCHISE ORDINANCE GRANTED TO ZAYO GROUP, LLC, A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 24-36, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated a franchise is a non-exclusive right granted to the City to a corporation to use public right of way. The City has franchise ordinances with the telephone, gas, electric and cable utilities. She stated under K.S.A. 12-2001, franchise rights are granted by ordinance setting for the terms of the use and must include a franchise fee to be paid by the corporation for the use of public property. The franchise fees help to offset the expenses incurred by the City in administering the use of the public's right of way. The Zayo Group, LLC, is a telecommunications service provider, acquired Ideatek Communications LLC and took over an existing franchise which was in effect from 2014 to 2024. This proposed ordinance grants a 10-year franchise to Zayo. Zayo will pay a franchise fee equal to five percent (5%) of gross receipts collected by from within the corporation boundaries of the city for telecommunications services provided. She stated staff recommend approval of Ordinance Number 24-36 granting franchise to Zayo Group, LLC.

Commissioner Smith made a motion to approve Ordinance Number 24-36 granting franchise to Zayo Group, LLC. Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, 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 October 2024 for the community:

1. Monthly Local Retail Sales Tax Receipts Update

	2023	2024	
	\$ 577,241.03	\$ 573,850.13	Decrease of \$3,390.90 for the month, and
YTD	\$5,371,922.70	\$5,394,613.39	Overall increase of 0.42% from year 2023.

2. City Share from County Tax

	2023	2024	
	\$ 297,427.19	\$ 296,127.53	Decrease of \$1,299.66 for the month, and
YTD	\$2,822,895.85	\$2,768,243.52	Overall decrease of 1.97% from year 2023.

Building Permits issued from 10/1/2024 to 10/31/2024 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	78
Total of valuations associated with those building permits:	\$1,840,873.27
Total number of dollars collected for Building Permit Fees:	\$ 14,371.00

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

Flint Hills Mall CID for October 2024	\$ 19,667.96
YTD	\$ 203,834.70

Pavilions CID for October 2024	\$ 15,648.10
CID #2	\$ 15,648.10
YTD	\$ 313,552.87

Fairview Hotel CID for October 2024	\$ 5,463.63
YTD	\$ 32,134.24

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on November 6 and November 15, 2024.
- b. 2024 Emergency Solution Grant Agreement.

The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, 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 DECEMBER 4, 2024, MEETING.

- Ordinance for Increase in Utilities Fees.
- Ordinance for Budget Amendments.
- Ordinance for Public Building Commissions.
- Equipment Purchase for Lift Station No. 15.
- Award Bid for Lift Station No. 1.
- Annual Charge Offs.
- Annual Boundary Resolution for City Limits.
- Easement for Kretsinger Development.

Study Session:

Discuss Brick Streets.

CITY COMMISSION (Governing Body Comment)

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

EXECUTIVE SESSION

Commissioner Smith made a motion to recess into Executive Session for 20 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 in the City Commission Meeting Room at approximately 11:40

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

Upon reconvening the meeting in Regular Session, at 11:40 p.m., this same date in the City Commission Meeting Room. Mayor Harter stated they had consultation with the City Attorney regarding a legal matter and no action was taken.

Commissioner Sauder made a motion to recess the meeting at 11:56 p.m., to Conference Room 1AB. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

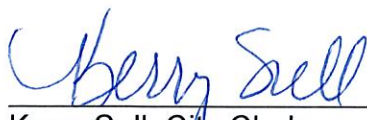
The following items were discussed at the Study Session:

1. Tyler Technologies Work Order, Asset Management, and Notification System Discussion.
2. Discuss Utility Rates Update.
3. CAMSO Rebate Agreement.
4. Discuss Meetings in January 2025.
5. Groundbreaking for New Fire Station at 1:00 p.m.

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


Erren Harter, Mayor

ATTEST:


Kerry Sull, City Clerk

