Commission Meeting **11:00 a.m.** **December 4, 2024**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, December 4, 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
(Board Appointments)

Multi Use Path Planning Board:

It was moved by Commissioner Curtis, seconded by Commissioner Brinkman that Misty Williams be appointed to the Multi Use Path Planning Board for a term that expires on January 1, 2027. The vote follows: Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

BUDGET
(2024 Budget Amendments)
(Public Hearing)
(Ordinance Number 24-41)

AN ORDINANCE AMENDING THE 2024 BUDGET, to which the City Clerk assigned Ordinance Number 24-41, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Finance, was recognized and addressed the Governing Body. She stated a public hearing will need to be conducted to amend the 2024 Budget to increase spending authority and an ordinance authorizing the increase in the Water Fund. A notice was published in the Emporia Gazette 10 days prior to the public hearing as required by State Statute. The Water Fund expenditures have exceeded the 2024 approved amount due to:

Maintenance and repair increase of $454,950 for water main repairs.

Commodities increase of $573,150 for chemical costs.

Debt payment increase of $271,861 for interest payment on state loan drawdowns.

Transfer increase of $5,225,000 for pass-through draws for projects paid with the State loan.

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.

Commissioner Brinkman made a motion to approve Ordinance Number 24-41, an ordinance amending the 2024 Budget. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; Mayor Harter, aye.

CITY COMMISSION
(Utility Rate Increases)
(Water Rates, Wastewater Rates, and Solid Waste Rates)
(Ordinance Numbers 24-37, 24-38, 24-39, 24-40)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO WATER RATES AMENDING SECTION 28-41, 28-42, AND 28-43 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 24-37, was presented to the Governing Body for their consideration.

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO WASTEWATER RATES; AMENDING SECTION 28-144 SCHEDULE OF CHARGES, to which the City Clerk assigned Ordinance Number 24-38, was presented to the Governing Body for their consideration.

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO SOLID WASTE RATES; AMENDING SECTION 23-26 SCHEDULE OF CHARGES; AND

REPEALING SAID SECTION AS IT PREVIOUSLY EXISTED, to which the City Clerk assigned Ordinance Number 24-39, was presented to the Governing Body for their consideration.

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO SOLID WASTE RATES; AMENDING SECTION 23-74 SCHEDULE OF CHARGES; AND REPEALING SAID SECTION AS IT PREVIOUSLY EXISTED, to which the City Clerk assigned Ordinance Number 24-40, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Finance, was recognized and addressed the Governing Body. She stated during the 2025 budget process the need for rate increases in the water fund, wastewater fund and solid waste funds were discussed. Previous discussions presented several options to keep the monthly cost as manageable as possible for residents and provide revenue to maintain these vital services. She stated maintenance, treatment costs, personnel and debt payments have increased over the past years in all three utility funds. The reserves have substantially decrease in the Water and Wastewater Funds. Waste hauling contract costs have increased, which will cause reserves to decrease in the Solid Waste Fund. The proposed ordinances recommend amending the utility rates as follows:

January 1, 2025, a (10%) increase in the water fund to the consumption rate and monthly meter rate for 2025. January 1, 2026, the 5/8" inside city meter rate will decrease $3.00 and meters larger than 3" will double in the monthly meter rate. The consumption charges for inside city rates will change to: first 2,000 gallons of water - $6.00; 2,001 to 8,000 gallons of water - $4.94; 8,001 to 190,000 gallons of water - $4.16; 190,001 to 6,800,000 gallons of water - $2.85. All charges are per 1,000 gallons used.

January 1, 2025, a 10% increase in the wastewater fund to the consumption rate and monthly meter rate. January 1, 2026, a 10% increase to the consumption rate and monthly meter rate.

January 1, 2025, a 10% increase to the polycart, dumpsters, roll offs and landfill charges. January 1, 2026, a 10% increase to the polycart, dumpsters and roll off charges; a 15% increase to the roll off rental charges and a 20% increase to landfill charges. She stated staff recommend approval of Ordinance Numbers 24-37, 24-38, 24-39 and 24-40 for utility rate increases.

Following further discussion, Mayor Harter made a motion to approve Ordinance Number 24-37, Ordinance Number 24-38, Ordinance Number 24-39, and Ordinance Number 24-40 for utility rate increases effective January 1, 2025, and January 1, 2026. Commissioner Sauder seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye.

ECONOMIC DEVELOPMENT
(Camso Manufacturing USA Ltd.)
(Tax Rebate Agreement)

Tayler Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated in August of 2015, the City of Emporia issued Taxable Industrial Revenue Bonds for the development of a manufacturing facility located at 841 Overlander Street. The project received a ten-year, 100% property tax abatement from the City, which expires on December 31, 2024. She stated Camso Manufacturing USA Ltd is under contract to purchase the project from Overlander Street, LLC and as part of this transaction, the Tax Abatement will be terminated. The City of Emporia and Lyon County are now considering entering into a Tax Rebate Agreement with Camso Manufacturing USA Ltd to rebate a portion of the ad valorem property taxes for 2024 and 2025. She stated the proposed agreement outlines a rebate structure where both the City and the County will rebate to Camso Manufacturing USA, Ltd. the ad valorem real property taxes assessed on the project for 2024 and 2025. Each entity will pay the rebate within 30 days following receipt of taxes. The agreement will terminate once the entire rebate has been paid. There are no additional financial obligations beyond the rebate payments specified in the agreement. She stated staff recommend authorizing the Mayor to execute the Tax Rebate Agreement with Lyon County and Camso Manufacturing USA, Ltd.

Commissioner Smith made a motion authorizing the Mayor to execute the Tax Rebate Agreement with Lyon County and Camso Manufacturing USA, Ltd. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

ECONOMIC DEVELOPMENT
(Approving the Sale of a Certain Project Financed with Revenue Bonds)
(Resolution Number 3748)

Tayler Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated the previously issued taxable IRB's, Series A, 2015 Overlander Street, LLC for the purpose of financing the development of a commercial project, has exercised its option to purchase the project and has requested that the City redeem the Bonds and complete the necessary documentation for the transfer of ownership. The proposed resolution authorizes the sale of the project, the early redemption of the Bonds, and the execution of various documents, including a Special Warranty Deed, Bill of Sale, Termination and Release of Lease, and a Satisfaction, Discharge and Release of Indenture. She stated the Sale of Project: The City will convey the project to the Tenant once the necessary funds are deposited with the Trustee to defease the Bonds and the $1,000 payment required by the Lease is received. Redemption of the Bonds: the governing body consents of the early redemption of the Bonds, in accordance with instruction from the Tenant. Execution of Documents: The Mayor is authorized to execute the Special Warranty Deed, Bill of Sale, Termination and Release of Lease, and Satisfaction, Release, and Discharge of Indenture. Further Actions: The City's officers, agents, and employees are directed to take additional necessary actions to complete the transaction and comply with the terms outlined in the resolution. She stated staff recommend approval of Resolution Number 3748 approving the Sale of Certain Project Financed with Revenue Bonds of the City of Emporia and authorizing the Mayor to execute the necessary documents to complete the sale and redemption process.

Commissioner Smith made a motion to approve Resolution Number 3748 authorizing the Mayor to execute the necessary documents to complete the sale and redemption process. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Consent Agenda

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

a. Minutes of Regular Commission Meetings Held on November 20, 2024.
b. Approve 2025 Emporia Public Library Maintenance Agreement.
c. Approve Resolution Number 3747 for Boundary of City Limits.
d. Year End Charge Offs for 2024.
e. Purchase of Monitor/Defibrillator.
f. Purchase of Power Load System.

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

- Appoint TGT Members.
- Ordinance for Public Building Commission.
- 502 Commercial RHID Initiation.
- Award Bid for Lift Station #1.

STUDY SESSION
Discuss Updates to Charter Ordinance Number 38.
Discuss Legislative Policy Statement.

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 Brinkman made a motion to recess into Executive Session for 30 minutes inviting pertinent city staff to conduct an annual performance evaluation. The justification for the executive session is provided by K.S.A. 75-4319(b)(1) to protect the privacy of the employee's personnel record. The open meeting will resume in this room at approximately 11:50 a.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 11:50 a.m., this same date, in the City Commission Meeting Room, Commissioner Sauder 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 at approximately 12:00 p.m. Mayor Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Mayor Harter, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye.

Upon reconvening the meeting in Regular Session, at 12:00 p.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had discussed an annual performance evaluation with the following action.

Commissioner Smith made a motion to authorize the Mayor to sign an updated employment agreement with the City Manager. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye: and Mayor Harter, aye.

EXECUTIVE SESSION

Commissioner Smith made a motion to recess into Executive Session for 20 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 a third parties. The open meeting will resume in this room at approximately 12:21 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 12:21 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 and no action was taken.

Mayor Harter made a motion to recess the meeting until 12:30 p.m. to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye and Commissioner Sauder, nay.

The following items were discussed at the Study Session:

Economic Development Committee

Discuss Brick Streets

Approve Resolution Number 3749 to increase Golf Course Rates.

Study Session Discussion:

Emporia Municipal Golf Course
Increase in Golf Course Rates
Resolution Number 3749

Marcus Erkel, Head Golf Professional, stated the golf course and the Golf Advisory Board are requesting an increase in daily and weekend tournament fees. He stated the Golf Advisory Board previously discussed the increase in user fees in order to pay for the operation and improvements to the municipal golf course. He stated the annual rate increase from last year is sufficient for 2025. The increase in the daily fees will put the Emporia Golf Course more in line with other golf courses in the state. He stated staff recommend approval of Resolution Number 3749 authorizing certain rate adjustments to the fee structure at the Emporia Municipal Golf Course.

Commissioner Sauder made a motion to approve Resolution Number 3749 for certain rate adjustments to the fee structure at the Emporia Municipal Golf Course. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

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

CITY OF EMPORIA, LYON COUNTY, KANSAS
SEAL

Erren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk