

COMMISSION MEETING

11:00 A.M.

SEPTEMBER 7, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 7, 2022, with Mayor Smith presiding and Commissioners Brinkman, Giefer, Harter and Sauder present. Also present were City Manager Cocking, 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. Hate speech, profanity, and defamation are not allowed. Please state your name and address prior to making comments.

A representative of Emporia State University introduced a group of International Denmark students that were in Emporia for three weeks. She stated the students were in Emporia to learn more about the culture. ESU is hosting the students on campus for two weeks to show them the University, allow them to attend some classes, tour the town, and some of the businesses. The students would spend one week with host families to finish out their visit.

**CITY COMMISSION
(Board Appointment)**

Building Trades Board:

It was moved by Commissioner Giefer seconded by Commissioner Sauder that Jesse Liggett, Master Electrician, Ron Ewing, Building Contractor and Travis Hitt, Laymen Person, be appointed to the Building Trades Board for terms that expires December 31, 2024. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

Emporia Human Relations Commission:

It was moved by Commissioner Giefer seconded by Mayor Smith that Elisabeth Johnson be appointed to the Emporia Human Relations

Commission to fill an unexpired term that expires on June 1, 2025. The vote follows: Commissioner Giefer, aye; Mayor Smith, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Commissioner Sauder, aye.

Natural Resources Advisory Board:

Commission Brinkman made a motion to table this appointment, time indefinite, in order to review previous applicants to other boards to fill this position. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Exceeding the Revenue Neutral Rate)
(Public Hearing)
(Resolution Number 3677)**

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated per Senate Bill 13 and House Bill 2104, a public hearing must be held to allow taxpayers to speak without unreasonable restrictions. A notice of hearing was published in the newspaper on August 27, 2022 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 39.47 mills and the City is requesting to exceed the Revenue Neutral Rate. At this time the City is required to hold a public hearing.

Mayor Smith then declared the public hearing opened.

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

Commissioner Harter made a motion to approve Resolution Number 3677, a resolution that will require the levy of a property tax rate exceeding the Revenue Neutral Rate. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

BUDGET
(Approve 2023 Budget)
(Public Hearing)

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated the City of Emporia is required by State law to hold a public hearing for the adoption of the annual budget.

City Manager Cocking stated for property taxes in Emporia approximately 27% percent of tax dollars are allocated to the City of Emporia, the second largest percentage is allocated to Lyon County, and the largest percentage goes to USD #253. He stated for the portion of tax dollars that goes to City of Emporia, 65% goes to General Fund, which mostly is for public safety (Police, Fire and EMS). The remainder goes for Park Department; Administration; Civic Auditorium; Airport and Golf Course. He stated currently there are 15 vacancies in the Police Department, Animal Control and the Fire Department. Additionally, there are 14 vacancies in other areas of the City, for a total of 29 vacancies.

Mayor Smith then declared the public hearing opened.

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

BUDGET
(Adopt 2023 Budget and 5-Year Budget)

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated several discussions have been made to put together the 2023 Budget and 5-year budget. She stated three options have been submitted for review. The numbers are exactly the same in each version except for the amount of Ad Valorem property tax in the General Fund. The options are as follows:

1. 42.8 mills Ad Valorem \$5,440,502.00 in 2023 with reserve amount of 21.81%.
2. 44.0 mills Ad Valorem \$5,675,335.00 in 2023 with reserve amount of 22.98%.

3. 45.0 mills Ad Valorem \$5,870,862.00 in 2023 with reserve amount of 23.95%.

She stated each mill is slightly over \$200,000.00 which is approximately \$11.00 on \$100,000.00 of residential property and approximately \$25.00 on \$100,000.00 for commercial property.

Commissioners Harter and Sauder stated they were in favor of a higher mill levy rate of 45.0 to bring in more revenue. They didn't feel that the rate was too high and this increase will help with the capital improvement projects that have been pushed up to and past the five year budgets due to revenue restrains.

Commissioner Brinkman stated she was in favor of higher mill rate of 44.0 but not maxing out at the 45.0 mills.

Follow further discussion, Commissioner Giefer made a motion increase the mill levy to 43.8 mills for the 2023 Budget. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, nay; Commissioner Sauder, nay; and Mayor Smith, aye. Motion passed 3 - 2 for 43.8 mills.

**CITY COMMISSION
(2023 Annual Appropriations)
(Ordinance Number 22-41)**

AN ORDINANCE APPROPRIATING THE AMOUNTS SET UP IN EACH FUND IN THE BUDGET FOR THE CALENDAR YEAR 2023, PROVIDING FOR THE PAYMENT OF ALL CLAIMS AND CHARGES AGAINST THE ACCOUNTS PROVIDED FOR THEREIN, to which the City Clerk assigned Ordinance Number 22-41, was presented to the Governing Body for their consideration.

City Manager Cocking stated currently the City of Emporia has been using a bi-monthly accounts payable and a bi-weekly payroll to process checks. The Commission, after the fact, ratifies the appropriation ordinance and the payroll ordinance. He stated across the State of Kansas a number of cities were using this post-facto process and started to adopt annual appropriation ordinances with the adoption of the budget. The annual appropriation ordinances also came in handy with the pandemic and in other cases where governing bodies are unable

to generate a quorum. The annual appropriation ordinance allows 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 a fiscal year. City staff is still required to follow the purchasing policy and bring Capital Improvements items over \$10,000.00 to the Commission for approval. He stated staff was recommending the approval of the annual appropriation ordinance for accounts payable and payroll for 2023.

Commissioner Brinkman made a motion to approve Ordinance Number 22-41, an ordinance appropriating the amounts set up in each fund for 2023 for payment of all claims and charges. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

CITY COMMISSION
(Authorization General Obligation Bonds - \$3,000,000.00)
(South Arundel Street Sewer Main Project)
(Ordinance Number 22-40)

AN ORDINANCE AMENDING ORDINANCE NO. 19-31 OF THE CITY OF EMPORIA, KANSAS RELATING TO SEWER IMPROVEMENTS (ARUNDEL), to which the City Clerk assigned Ordinance Number 22-40, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and address the Governing Body. She stated no information has been received from FEMA regarding the approval of the mitigation project for the Arundel Street sewer main project. However, the construction bid has been awarded and the contractor is moving forward. She stated to fund the project, a bond authorization of \$3,000,000.00 would need to be approved. This ordinance will provide the maximum authority for the issuance of general obligation bonds for this project. Bonds will be issued at a later date once the FEMA funding is determined. She stated this ordinance is for authorization only and not bond issuance.

Following further discussion, Commissioner Harter made a motion to approve Ordinance Number 22-40, an ordinance amending ordinance number 19-31 relating to bond authorization for South Arundel Sewer Main Project. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye.

ENGINEERING
(Zoo Education Center Parking Lot - Project No. Z02102)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated this parking lot is at the David Traylor Zoo Education Center. The parking lot improvements project will expand access and available parking for patrons. The current parking options for the zoo are limited, with most options being parallel parking or gravel lot. He stated a total of four bid were received for this project, three for a concrete option and one for an asphalt option. The bids are as follows:

BID TABULATION DAVID TRAYLOR ZOO EDUCATION PARKING LOT

Bidder Name	Concrete Bid	Asphalt Bid
Burlington Construction	\$127,864.70	\$ No Bid
S.R. Coffman Construction	\$152,062.60	\$ No Bid
Vogts Parga Construction	\$156,877.40	\$ No Bid
APAC-Kansas Shears Division	\$ No Bid	\$160,880.51
Engineer's Estimate	\$167,216.00	\$109,656.00

He stated this parking lot is the city's contribution part of the ongoing OASIS Campaign. The contractor has an open construction early start date by September 26, 2022 to March 13, 2023, with a 35 work days schedule. Funding for this project will be paid for from the Multi-Year Fund. He stated staff is recommending awarding the project to Burlington Construction for their low concrete bid of \$127,864.70.

Commissioner Brinkman made a motion to award the bid for the David Traylor Zoo Education Center Parking Lot Project No. Z02102 to Burlington Construction for their concrete bid of \$127,864.70. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on August 17, 2022.
- b. Consider ratification of Payroll Ordinances for the period ending on August 26, 2022.
- c. Approve Change Order for Airport Runway Lighting, Signs, PAPI, and Wind Cone Project.
- d. Approve Change Order No. 1 for 12th Avenue Waterline Improvements Project No. WM2001.
- e. Set Bid Date and Time for Banking Services Bid
- f. Approve Ordinance Number 22-42 Authorizing My Town Media Event Beer Garden on September 23, 2022.

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

CITY COMMISSION (City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

Tentative Agenda for September 21, 2022, 11:00 a.m.

- Accreditation for the David Traylor Zoo.
- Consider Approve of the Minor Plat for Kwik Shop Addition.
- Authorize the Sale of General Obligation Bonds.
- Approve Ordinance for Bond Authorization for Flint Hills Crossing Improvements, Water, Sewer and Street.

Study Session:

- Lot & Ilk present Logo Designs.
- Discuss new Water Meters.
- Discuss Implementation of Rental Registrations and Revisions to Current Vacant Property Ordinance.
- Discuss Purchasing Policy.

**CITY COMMISSION
(Public Comment)**

This is the time for 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 adjourn into Executive Session to discuss a matter of attorney-client privilege, from 11:45 a.m. to 12:05 p.m., in the City Commission Meeting Room. Commissioner Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 12:05 p.m., this same date, in the City Commission Meeting Room, Commissioner Brinkman made a motion to continue the Executive Session discussion from 12:05 p.m. to 12:25 p.m. Commissioner Giefer seconded the motion. The vote follow: Commissioner Brinkman, aye; Commissioner Giefer aye; and Mayor Smith, aye; Commissioner Harter and Sauder were not present at the vote.

Upon reconvening the meeting in Regular Session at 12:25 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed a matter of attorney-client privilege and no action was taken.

Commissioner Giefer made a motion to recess the meeting to 12:30 p.m., in City Conference Room 1AB. Commissioner Harter seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; and Mayor Smith, aye. Commissioner Sauder was not present at the vote.

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

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk