

COMMISSION MEETING

12:00 P.M.

OCTOBER 5, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 5, 2022, with Mayor Smith presiding and Commissioners Brinkman, and Harter present. Commissioner Giefer and Sauder were absent. Also present were City Manager Cocking, City Clerk Sull and City Attorney Montgomery.

Connie Cahoon and Adele Clark, representing S.O.S., were in attendance to accept a proclamation declaring the month of October, 2022, as "Domestic Violence Awareness Month" in Emporia. They stated domestic violence is a serious crime that affects people of all races, ages, gender, 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.

Mayor Smith 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. Hate speech, profanity, and defamation are not allowed. Please state your name and address prior to making comments.

No comments were made at this time.

CITY COMMISSION
(Public Hearing on the Creation of the CID District)
(Emporia Land Development, LLC)
(Resolution Number 3680)

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated K.S.A. 12-6a26 through K.S.A. 12-6a36, authorizes the governing body of any municipality to adopt an ordinance establishing a community improvement district (CID) after receipt of a proper petition and holding a public hearing. The petition has been received and this is the next step. Emporia Land Development, LLC has requested an additional one (1) percent in addition to the one (1) percent approved in June of 2016 and in place today. If enacted the entire site will be subject to a 2% additional sales tax. In addition to the Hobby Lobby Store there are three new retail stores that will be opening soon. The hearing is the next step as provided for in Kansas statutes necessary to enact the additional 1%. He stated there are no impacts on city finances, but we do have a 2% administrative fee to cover internal costs related to the administration and distribution of the additional tax. He stated staff is recommending approval of the resolution.

Commissioner Harter made a motion to approve Resolution Number 3680 a resolution to establish public hearing date of November 2, 2022 for a CID for Emporia Land Development, LLC, Pavilions II project. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

CITY COMMISSION
(525 Merchant St.- White Memorial Park as Surplus Property)

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated a letter was received from Rick Mitchell expressing interest in the purchase of White Memorial Park located at 525 Merchant Street. The City's policy states when the City receives a request to purchase real property not identified on the Surplus Property List, Commission may vote to add the property to the Surplus

Property List. If the property is added to the list, staff will advertise a Request for Bids or Proposals for a period of thirty (30) days. The building at 517 Merchant St. has been purchased and the property at 525 Merchant St., will allow the owner to renovate and expand into both spaces. He stated the owner and the City have an agreement for maintaining the north wall of 517 Merchant St., and this purchase would release the city of all liability of the Memorial Park. It will allow the owners to apply for grants that will aid in the restoration of that wall.

Commissioner Harter made a motion to declare the property at 525 Merchant as surplus property and request staff to establish a hearing date and assess options related to the sale of the property. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Banking Services)
(Bids)**

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated since January 1, 2018, ESB Financial has provided banking services for the City. The Request for Proposal for Banking Services was sent to five local banks. One firm attended the pre-bid conference and three bids were received from local financial institutions as follows:

BID TABULATION FOR BANKING SERVICES

Financial Institution	Yearly Maint. Fee	Interest Rate	Calculated Rate	Yearly Int.	Net Earnings
Average Balance				5,802,500.00	
Capital Federal	14,736.00	0.50% of T-bill	0.50%	29,012.50	\$14,276.50
ESB Financial	10,200.00	T-bill plus.25%	1.25%	72,531.25	\$62,331.25
Community National	3,000.00	T-bill minus.50%	0.50%	29,012.50	\$26,012.50

The yearly maintenance fee and the interest rate the financial institution will pay were compared to determine the best bid. She

stated the bid is for five (5) years due to the work involved in notifying all entities which directly deposit funds into the City's checking account, such as the State of Kansas for sales tax, liquor tax, bed tax, highway taxes, etc.; FAA, grant providers, credit card companies and others. The 2023 budget includes \$14,000.00 for banking service fees.

Commissioner Brinkman made a motion to award the banking services bid to ESB Financial for a period of January 1, 2023 through December 31, 2023, with four (4) one-year extensions. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

**CITY COMMISSION
(2022 Uniform Public Offense Code)
(Ordinance Number 22-44)**

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE THE UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, 38TH EDITION, WITH CERTAIN OMISSIONS; PROVIDING CERTAIN PENALTIES AND REPEALING CERTAIN SECTIONS OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 22-44, was presented to the Governing Body for their Consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the Uniform Public Offense Code for Kansas Cities is a publication of the Kansas League of Municipalities containing offense codes that can be prosecuted by Kansas municipal courts with annual updated based on Kansas state law changes. She stated the proposed ordinance would adopt the 38th Edition of the Uniform Public Offense Code and incorporate it into the Code of the City of Emporia, Kansas, excluding various provision that Emporia Municipal Court has not historically prosecuted, and modifying the "Smoking Prohibited" section by removing subsections allowing smoking rooms in hotels and smoking areas in adult care homes and long-term medical care facilities. She stated the City does not currently allow smoking in those locations and staff recommends maintaining the current

level of restrictions. The proposed ordinance also repeals all existing City Code sections addressing the same offenses included in the Uniform Public Offense Code for Kansas Cities as well as a small number of other outdated criminal provisions.

Commissioner Harter made a motion to approve Ordinance Number 22-44 an ordinance adopting the Uniform Public Offense Code for Kansas Cities as presented. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on September 21, 2022.
- b. Ratification and approval of Payroll Ordinances for the period ending on September 23, 2022.
- c. Approve Change Order No. 2 for 12th Avenue Waterline Improvements Project NO. WM2001.

The vote follows: 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 October 19, 2022, 11:00 a.m.

- Best Tasting Water Award.
- Approve RFQ for Elevated Tank Maintenance.
- Ordinance Granting Conditional Use Permit for Communication

- Tower.
- Ordinance Vacating a Platted Utility Easement.

Study Session:

- Discuss Ordinance Cross Connection/Online Backflow Management System.
- Vacant Property Program Discussion.
- Discuss Implementation of Rental Registrations and Revisions and Current Vacant Property Ordinance.
- Purchasing Policy Discussion.
- Discuss Chickens withing City limits.

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.

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

The follows items were discussed at Study Session:

1. Lot & Ilk present New City Logo Design.
2. Discuss Contract for Software Consultant Client First.
3. Discuss City Survey.

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

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk