

COMMISSION MEETING

11:00 A.M.

NOVEMBER 2, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 2, 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.

Casey Woods, Executive Director of Emporia Main Street, was in attendance to accept a proclamation declaring November 26, 2022 as "Small Business Saturday" in Emporia. He stated Emporia celebrates local small businesses and the contributions they make to our economy and community. Locally owned businesses of Emporia contribute to our unique and vibrant community character. He stated for every \$100 spent at a small local retail, \$68 will return to the community through taxes, payroll and donations to locals schools and charities. Along with American Express, Main Street America, Kansas Main Street and Emporia Main Street in supporting America's locally owned Small Businesses. He urged the residents of the Emporia area to join the rest of America and do a portion of their holiday shopping to locally owned businesses.

Mayor Smith then presented the proclamation.

**SOLID WASTE DIVISION
(Sanitation Department)
(Equipment Purchase - Automated Side Loader Body and Chassis)**

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated the Solid Waste Collections currently has a 2013 truck with a Mack Chassis and a New Way Automated Body that has 56,816 miles and 12,236 hours on it. Staff would like to purchase

a new Crane Carrier chassis with a Labrie, Automizer Side Loader Refuse Body from Key Equipment through a Sourcewell cooperative purchasing contract. He stated sanitation collections has the current fleet on a 10-year rotation to get the best return on the investment in the trucks. He stated the cost for the new chassis and body is \$354,439.00 to be paid for from the Solid Waste Fund. The budgeted amount was \$360,000.00. The estimated delivery for the new truck is late 2023. He stated staff is recommending approval of the purchase of a new automated solid waste truck from Key Equipment, in the amount of \$354,439.00.

Commissioner Brinkman made a motion to approve the purchase of a new automated solid waste truck from Key Equipment in the amount of \$354,439.00. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

ENGINEERING
(Kansas Department of Transportation)
(KDOT CCLIP FY2024 Surface Preservation Project)
(US-50 Hwy from Graphic Arts Road to Prairie Street)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City of Emporia applied for the mill and overlay project on US-50 from Graphic Arts Road to Prairie Street and was awarded by KDOT on October 12, 2022. The mill and overlay project will provide the maintenance and repair for this portion of US-50. KDOT has allocated \$400,000.00 for construction and construction engineering. The City will be responsible for all preliminary engineering, right of way, utility costs, 10% of approved costs up to \$400,000.00 and all other costs over that amount. He stated staff is recommending accepting the KDOT CCLIP SP award for the mill and overlay on US-50 from Graphic Arts Road to Prairie Street.

Commissioner Giefer made a motion to accept KDOT CCLIP SP award for the mill and overlay on US-50 from Graphic Arts Road to Prairie Street Project. Commissioner Harter seconded the motion. The vote

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

**CITY COMMISSION
(Creation of the CID District)
(Emporia Land Development, LLC)
(Public Hearing)**

City Attorney Montgomery was recognized and addressed the Governing Body. She 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 1% in addition to the 1% 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%. She 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.

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.

**CITY COMMISSION
(Creation of the CID District)
(Emporia Land Development, LLC)
(Ordinance Number 22-47)**

AN ORDINANCE CREATING THE EMPORIA LAND DEVELOPMENT, LLC COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF EMPORIA, KANSAS AND AUTHORIZING THE LEVY OF A COMMUNITY IMPROVEMENT DISTRICT RETAILERS' SALES TAX TO BE COLLECTED WITHIN THE DISTRICT, to which the City Clerk assigned Ordinance Number 22-47, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated all actions taken to establish the additional 1% sales tax have been in accordance with K.S.A. 12-6a26 et seq. The implementation of the tax, if approved, will be effective April 1, 2023, in accordance with Kansas Statutes and policies of the Kansas Department of Revenue. She stated the City Finance Department will administer and distribute the sales tax receipts to the owners in accordance with City policies after receiving the monthly allocation from the Kansas Department of Revenue. The City does deduct a 2% administrative fee from the allocation received before disbursement.

Commissioner Harter made a motion to approve Ordinance Number 22-47, an ordinance implementing an additional 1% community improvement district sales tax for Emporia Land Development, LLC. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Pertaining to Animals)
(Ordinance Number 22-48)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO ANIMALS; AMENDING SECTION 6-5 ANIMAL OR FOWL PENS AND 6-10 KEEPING DOMESTIC ANIMALS (FARM AND NONFARM) OF THE CODE OF THE CITY OF EMPORIA, to which the City Clerk assigned Ordinance Number 22-48, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City of Emporia has not allowed keeping chickens outside of agricultural zoned areas within City limits since 2012. Citizens have expressed interest in keeping chickens in residential districts. This proposed ordinance would amend City Code Secs. 6-5 Animal or Fowl Pens and 6-10 Keeping Domestic Animals (Farm and Nonfarm). The proposed changes would authorize the keeping of up to four (4) chickens in residential districts with a domestic farm animal permit. The proposed permit process includes a \$50.00 per year application fee, mandatory annual inspections, and requirements for

chicken enclosure size, location, and maintenance standards. She stated roosters will not be permitted. All other existing animal code provisions pertaining to chickens will remain in place including prohibitions against animals running at large and nuisance animals. She stated this ordinance will take effect on January 1, 2023.

Following further discussion, Commissioner Giefer made a motion to approve Ordinance Number 22-48 pertaining to animals. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Mayor Smith, aye; and Commissioner Sauder, nay.

ENGINEERING
(License Agreement at 714 Commercial Street)
(700 Block, LLC)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated 700 Block, LLC is interested in installing balconies at 714 Commercial Street as part of the building renovations. The balcony installation is in conjunction with the rural Housing Incentive District building improvements for upper-level apartments. The balconies will encroach upon the city owned lot at 712 Commercial Street and this license agreement will allow for construction and maintenance. He stated staff is recommending the license agreement with 700 Block, LLC.

Following further discussion, Commissioner Harter made a motion to approve the licensing agreement with 700 Block, LLC for property located at 714 Commercial Street. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; and Mayor Smith, aye. Commissioner Sauder abstained from the vote.

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 October 19, 2022.
- b. Ratification and approval of Payroll Ordinances for the period ending on October 21, 2022
- c. Approve Supplemental Agreement No. 2 with H.W. Lochner in the amount of \$34,440.00.
- d. Approve License Agreement for Coffman Construction at 301 Peyton Street.

The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Giefer, 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 November 16, 2022, 10:30 a.m.

- Ordinance Bond Authorization Flint Hills Crossing Improvements, Water, Sewer and Street.

Study Session:

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 for consultation with the City Attorney regarding a privileged attorney-client matter and invite Kevin Hanlin, Director of Public Lands and Facilities and Lisa Keith, Zoo Director, from 11:30 a.m. to 11:45 a.m., in the City Commission Meeting Room. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 11:45 a.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had consultation with the City Attorney regarding a privileged attorney-client matter and no action was taken.

Mayor Smith made a motion to recess the meeting to 12:00 p.m., in City Conference Room 1AB. Commissioner Giefer seconded the motion. The vote follows: Mayor Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

The following items were discussed at Study Session:

1. Discuss Time Change of City Commission Meeting on November 16, 2022.
2. Presentation of CodeRED Mass Notification System.
3. Discuss Purchasing Policy.

STUDY SESSION:

Discuss Time Change of City Commission Meeting on November 16, 2022.

City Manager Cocking stated City Commissioners and staff are scheduled to attend the National League of Cities meeting to begin on November 16, 2022. The upcoming Commission meeting time on November 16, 2022 would need to be rescheduled accommodate the National League of Cities conference.

Commissioner Sauder made a motion to change the time of the City Commission Regular Meeting on November 16, 2022, to 10:30 a.m.

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

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

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk