

COMMISSION MEETING

11:00 A.M.

JANUARY 18, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January, 18, 2023, with Mayor Giefer presiding and Commissioners Brinkman, Harter, Sauder, and Smith 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 stated your name and address prior to making comments. No comments were made at this time.

Representatives from Sacred Heart Catholic School, were in attendance to accept a proclamation recognizing the week of January 29, 2023 through February 4, 2023 as "Celebrating Catholic School Week" in Emporia. They stated each year the Archdiocese of Kansas City in Kansas designates one week during the year to highlight Catholic Schools. The presence of a Catholic school in our community has proven to be additional amenity and incentive in the education of the youth of the City of Emporia. They stated Sacred Heath Catholic School is proud to be where students consistently work to their full potential. The legacy of Sacred Heart School will live on for many years thanks to dedicated administrators, teachers and students as well as very supportive community. Students from the school read letters explaining what the school meant to them.

Mayor Giefer then presented the proclamation.

**CITY COMMISSION
(Request of Christine Stanley - Regal Plumb)
(Appeal State of Kansas Historic Preservation Office - SHPO)
(Property Located at 224 E. 6th Avenue)**

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated this was a request of Christine Stanley to appeal the State of Kansas Historic Preservation Office (SHPO) findings regarding the proposed installation of a new door on the east side of the property. He stated the current door does not appear to be original to the house, and is in severe disrepair including significant wood rot around the door frame. The opening for the door is also not considered to be ADA accessible. The applicant has proposed installing an upgraded door and enlarging the opening to make it accessible. The SHPO office denied the request stating it appeared that the door and framing could be repaired by replacing the rotted wood, giving no consideration for enlarging the opening to accommodate a wheelchair. He stated if the Commission overrides SHPO's recommendation, then the applicant will be issued a building permit as it will alter

the structure. He stated staff does agree with the applicant's request for overrule based on the following:

1. The door does not appear to be original to the structure, and does not enhance the historical nature of the building.
2. The rotting of the door, and surrounding framing does seem to be excessive and beyond a reasonable approach to repair.
3. The new door and opening would provide an ADA accessible entrance to the property, and enhance the visual appeal, while maintaining the historical nature of the house.

Mayor Giefer then declared the public hearing opened.

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

Commissioner Smith made a motion to override SHPO's recommendation finding that based on a consideration of all relevant factors, there are no other feasible and prudent alternatives to the proposal, and the project includes all possible planning to minimize harm to the historic property. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

INDUSTRIAL REVENUE BONDS
(Intent to Issue IRB's for \$4,650,000.00 for Capitol Holdings, LLC)
(Resolution Number 3690)

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated the adoption of this proposed resolution is a step in the issuances of Industrial Revenue Bonds in the amount of \$4,650,000.00 for 16 residential duplexes, containing 32 apartments located within the City. This Resolution will amend Resolution Number 3685 by increasing the amount of the IRB issue from \$3,500,000.00 to \$4,650,000.00 and the number of residential duplexes from 12 to 16 units and the number of apartments from 24 to 32. He stated the bond financed property will be eligible for sales tax exemption and property tax exemption for a term of ten years, subject to fulfillment of the City's public incentives policy. The City is not liable for the principal or interest repayment on the bonds under Kansas Statutes. He stated staff is recommending approval of the resolution regarding the interest to issue Industrial Revenue Bond in the amount of \$4,650,000.00 for Capitol Holdings, LLC.

Commissioner Smith made a motion to approve Resolution Number 3690 amending resolution number 3685 regarding the intent to issue Industrial Revenue Bonds in the amount of \$4,650,000.00 for Capitol Holdings, LLC. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner

Sauder, aye; and Mayor Giefer, aye.

**JONES AQUATIC COMPLEX
(2023 Pool Maintenance)
(Bids)**

Kevin Hanlin, Director of Public Lands and Facilities, was recognized addressed the Governing Body. He stated maintenance issues caused problems with the lazy river feature last year and is overdue to prevent further damage to pool structures. Staff reached out to five companies for surfacing and caulking in the lap pool and lazy river areas. One company was not interested, two companies did not respond and two companies looked at the facility. Both contractors stated the water areas need sandblasted and resurfaced. The bids included clean, brush blast the surface, repair damages, recoat with an epoxy and caulk all seams.

BID TABULATION FOR JAC MAINTENANCE

Vendor		Cost
J. F. McGivern, Inc.	Lap Pool	\$113,635.00
Topeka, KS	Lazy River	<u>\$ 33,930.00</u>
TOTAL		\$147,565.00
R-Torrey Construction, Inc.	Lap Pool &	\$ 98,450.00
	Lazy River	
Additional item of Lap Lines:		<u>\$ 2,500.00</u>
TOTAL		\$100,950.00

He stated this was not a budgeted item but will be paid for from the General Fund.

Following further discussion, Commissioner Brinkman made a motion to award the bid from R-Terry Construction, Inc. in the amount of \$100,950.00 for pool resurfacing and repair and repainting of lap lines. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**JONES AQUATIC COMPLEX
(Replacement of Splash Pad Features)**

Kevin Hanlin, Director of Public Lands and Facilities, was recognized and addressed the Governing Body. He stated another item to consider is replacing the three features at the splash pads. The existing units are original to the pool structure and are in need of replacement. The Park Department will install the features if approved. A quote from Athco for the three features is \$22,540.00. He stated this will be paid for from General Fund. He stated these items did not go out for bid, however, a quote was received from a vendor that has supplied playground equipment for the City.

Following further discussion, Commissioner Brinkman made a motion to table this item for further information on items and cost. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye Commissioner Smith, aye; and Mayor Giefer, aye.

**CITY MANAGER'S REPORTS
(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 December 2022 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2021	2022	
	\$584,593.19	\$531,075.01	Decrease of \$53,518.18 for the month, and
YTD	\$5,439,665.64	\$6,085,193.91	Overall increase of 11.87% from year 2021

2. City Share from County Tax

	2021	2022	
	\$292,771.85	\$ 274,113.35	Decrease of \$18,658.50 for the month, and
YTD	\$2,882,749.09	\$3,112,239.92	Overall increase of 10.26% from year 2021

3. **Building Permits issued from 12/1/2022 to 12/31/2022 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	55
Total of valuations associated with those building permits:	\$2,041,753.00
Total number of dollars collected for Building Permit Fees:	\$ 10,535.75

Construct - single family dwellings	0
Demo - single family dwellings	0

Flint Hills Mall CID for December 2022	\$ 21,602.83
Year to Date Total	\$ 231,008.29

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 the minutes of the Regular Meeting held on January 4, 2023.
- b. Highland Street Improvements Project Easement Acquisition, Project NO. PV2104.

The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Giefer, 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 for the tentative Agendas of the February 1, 2023 meetings.

- Emporia State University Founders Day Proclamation.
- Approve New Water Meters and Contract for Installation of New Water Meters.

Study Session:

Discuss Mowing Procedure.

Review 2022 Year-End Summary.

CITY COMMISSION

(Public Comment)

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

No comments were made at this time.

EXECUTIVE SESSION

Commissioner Brinkman made a motion to recess into Executive Session for consultation with the City Attorney regarding a legal matter resuming the open meeting in the City Commission Meeting Room, this same date, at 11:44 a.m. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Sauder, and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 11:44 a.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had consultation with the City Attorney regarding a legal matter and no action was taken.

Commissioner Brinkman made a motion to recess the meeting to 12:05 p.m. in City Conference Room 1AB. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

The following items were discussed at Study Session:

1. Discuss the Implementation of Rental registration and revisions to the Current Vacant Property Ordinance.
2. Amendment to Emporia City Code Chapter 13, Article 2, Human Relations Commission/Accessibility Advisory Committee..
3. Emporia Land Bank 2022 Annual Report.
4. Discuss 2023 Street Rehabilitation Recommended Street Segments & Add Alternates.

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

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk