

COMMISSION MEETING

11:00 A.M.

APRIL 19, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, April 19, 2023, with Mayor Brinkman presiding and Commissioners, Giefer, Harter, and Smith present. Also present were City Manager Cocking, City Clerk Sull and City Attorney Montgomery. Commissioner Sauder arrived at 11:01 a.m.

**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.

Steve Hollar, 909 West St. He stated he was interested in the mowing contract for the City. He also stated he would be recognizing National Police Week in May with the police department and sheriff's department.

Daphne Mertens, National Resources Advisory Board Chair, was in attendance to accept a proclamation declaring April 22, 2023 as "Earth Day" in Emporia. Earth Day originated on April 22, 1970 and was declared an international event on April 22, 1990. Environmental awareness and education is celebrated worldwide in some 180 countries, with participation of over 4,000 separate organizations. Individuals and institutions have a mutual responsibility to seek ecological, economical and ethical choices that enable the world, as well as our individual communities, to establish and maintain sustainable societies. Citizens are urged to celebrate Earth Day and to remind each person of their right and responsibility to the wise use of the global home, to heal, preserve and improve the Earth and the quality of life and future generations, and to approach every day as an Earth Day.

Mayor Brinkman then presented the proclamation.

Josh Nelson, City Horticulturist, was in attendance to accept a proclamation declaring April 20, 2022, as "Arbor Day" in Emporia.

Arbor Day was first observed with the planting of more than a million trees in Nebraska and Arbor Day is observed throughout the nation and the world. Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife. Trees in our city increase property values, enhance the economic vitality of business areas and beautify our community. He urged all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodland and to plant trees to promote the well-being of this and future generations.

Mayor Brinkman then presented the proclamation.

Pauline Stacchini, Executive Director of the Emporia Public Library, was in attendance to accept a proclamation recognizing April 23 through 29 as "National Library Week" in Emporia. Libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life. Libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status. Libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs. Libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all. She encouraged all residents to visit the Emporia Public Library to explore the wealth of resources available.

Mayor Brinkman then presented the proclamation.

**CITY COMMISSION
(Board Appointments)**

Community Housing/Land Bank Board:

It was moved by Mayor Brinkman seconded by Commissioner Sauder that Eric Porter be appointed to the Community Housing/Land Bank Board

for a term that expires on May 31, 2026. The vote follows: Mayor Brinkman, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Commissioner Smith, aye.

Natural Resources Advisory Board:

It was moved by Commissioner Smith seconded by Commissioner Harter that Daphne Mertens be reappointed to the Natural Resources Advisory Board for a term that expires on December 31, 2025. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Amendment to 2016 Development Agreement Regarding CID Sales Tax)
(Emporia Land Development, LLC)**

Jim Witt, Special Projects Coordinator, was recognized and addressed the Governing Body. He stated the City of Emporia previously approved a Development Agreement in 2016, which covered both the initial 1% Community Improvement District and the establishment of a Tax Increment Redevelopment District. On September 28, 2022, the Development filed a petition with the City for and additional 1% CID tax, and the Commission approved the tax November 2, 2022. He stated the original Development Agreement must be amended to recognize the additional 1% CID tax. The proposed amendments cover all necessary amendments in the 2016 adopted version that expands the CID tax over the district to 2%. He stated the 2016 tax will remain in place until the 3rd quarter of the year 2039 and the 2022 tax will remain in place until April 2045. There is a 2% administrative fee assessed for the disbursement of said fund collected under the CID tax. He stated staff is recommending the approval of the amendment to the 2016 Development Agreement between Emporia Land Development, LLC and the City of Emporia regarding CID sales tax.

Commissioner Harter made a motion to approve the amendment to the

2016 Development Agreement between Emporia Land Development, LLC and the City of Emporia regarding CID sales tax. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**PAVING
(2023 Street Preservation Project)
(Bids)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated only one bid was received for the 2023 Street Preservation Project as follows:

BID TABULATION FOR 2023 STREET PRESERVATION PROJECT

Contractor	Crack Seal
APAC-Kansas Inc. Shears Division	\$93,600.00

He stated this item was budgeted for \$200,000 in the Multi-Year Fund. There are various streets that will benefit from the program to help extend the life of the road surfaces and staff was recommending awarding the 2023 Street Preservation Project to APAC-Kansas, Inc. Shears Division in the amount of \$93,600.00.

Following further discussion, Commissioner Harter made a motion to award the 2023 Street Preservation Project to APAC-Kansas, Inc. Shears Division in the amount of \$93,600.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**PAVING
(2023 Street Rehabilitation Project No. PV2302)
(Various Locations Within City Limits)
(David Traylor Zoo Bus Parking Lot)
(Bids)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the 2023 Street Rehabilitation Project PV2302 for various locations around the city and

the David Traylor Zoo bus parking lot. He stated the City had two (2) bids for this project as follows:

BID TABULATION FOR 2023 STREET REHABILITATION PROJECT

Contractor	Base Bid	Zoo Bus Parking	Base + Zoo Parking	Add Alternate	Total Base/Bid/Zoo
APAC-Kansas Shears Div.	\$972,939.82	\$74,104.16	\$1,047,043.93	\$124,231.47	\$1,171,275.45
Killough Constr.	\$1,269,882.53	\$73,801.00	\$1,343,683.53	\$141,869.70	\$1,485,553.23
Engineer's Estimate	\$864,808.25	\$67,280.00	\$ 933,088.25	\$112,623.00	\$1,045,711.25

He stated this project will consist of milling and pavement overlay operations, replacement of failed curb and gutter sections, construction of the David Traylor Zoo bus parking lot, and select sidewalk/ADA ramp improvements along various streets. This project is funded out of the Multi-Year Fund and with Federal Fund Exchange dollars. Staff recommends awarding the 2023 Street Rehabilitation Project PV2302 to APAC-Kansas, Inc., Shears Division for Base Bid + Zoo Bus Parking Lot Bid in the amount of \$1,047,043.93.

Commissioner Sauder made a motion to award the 2023 Street Rehabilitation Project PV2302 to APAC-Kansas, Inc. Shears Division for the Base Bid and Zoo Bus Parking Lot Bid in the amount of \$1,047,043.93. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(U S Army Reserve Center at 1412 E. 6th Avenue)
(Land Lease Agreement)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the United States Government has leased the Army Reserve Center property located at 1412 E. 6th Avenue from the City of Emporia for many years. The existing lease has reached the end of its term and the U.S. Government has requested a new lease. The proposed lease is for a fifty-year (50) term ending December 31, 2073.

The U.S. government will exercise exclusive control of the property during the lease term. She stated staff recommends approval of the land lease between the City of Emporia, Kansas, and the United States of America.

Commissioner Sauder made a motion to approve the Land Lease between the City of Emporia, Kansas, and the United States of America. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, 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 March 2023 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	
	\$458,149.13	\$542,877.36	Increase of \$84,728.23 for the month, and
			Overall increase of 13.35% from year 2022.
YTD	\$1,461,762.19	\$1,656,865.28	

2. City Share from County Tax

	2022	2023	
	\$ 236,477.70	\$ 276,038.36	Increase of \$39,560.66 for the month, and
			Overall increase of 15.09% from year 2022.
YTD	\$ 754,057.95	\$ 867,838.02	

3. **Building Permits issued from 3/1/2023 to 3/31/2023 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	72
Total of valuations associated with those building permits:	\$ 5,561,655.00
Total number of dollars collected for Building Permit Fees:	\$ 25,013.00

Construct - single family dwellings	4
Demo - single family dwellings	1

Flint Hills Mall CID for March 2023	\$ 14,976.79
Year to Date Total	\$ 59,702.08

Pavilions CID for March 2023	\$ 4,976.79
Year to Date Total	\$ 22,671.01

Consent Agenda

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

- a. Minutes of the Regular Meeting held on April 5, 2023.
- b. Ordinance 23-10 Authorizing a Beer Garden for the Cinco de Mayo Special Event.

AN ORDINANCE EXEMPTING AN AREA INCLUDING THE 600 BLOCK THROUGH THE 700 BLOCK OF COMMERCIAL STREET AND WEST 7TH AVENUE BETWEEN MERCHANT STREET AND COMMERCIAL STREET IN THE EAST HALF OF THAT BLOCK IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE CINCO DE MAYO CELEBRATION EVENT MAY 6, 2023, to which the City Clerk assigned Ordinance Number 23-10, was presented to the Governing Body for their consideration.

- c. Ordinance 23-09 Establishing Visit Emporia Common Consumption Area.

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE WITHIN THE COMMON CONSUMPTION AREA BOUNDARIES, to which the City Clerk assigned Ordinance Number 23-09, was presented to the Governing Body for their consideration.

- d. Ordinance 23-08 Establishing Radius Production, LLC Common Consumption Area.

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGE WITHIN THE COMMON CONSUMPTION AREA BOUNDARIES, to which the City Clerk assigned Ordinance Number 23-08, was presented to the Governing Body for their consideration.

- e. Resolution Number 3694 for Amendment to Housing Development and RHID Policy.
- f. Set Bid Time and Date for Sanitary Sewer and Water line Improvements to serve Mahtropolis Addition.
- g. Change Order No. 1 for the Zoo Education Parking Lot Project No. 202102.
- h. KDOT CCLIP FY2024 SP Mill and Overlay on US-50 From Graphic Arts Road to Prairie Street Agreement.

The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, 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 AGENDAS FOR THE MAY 3, 2023 MEETINGS:

- Proclamation for Small Business Week.
- Proclamation for PWC Week.
- Proclamation Recognizing National Police Week.
- Proclamation Naming May as Community Action Month.
- Emergency Solutions Grant Applications.
- Public Hearing for Smoots/Fanestil Tax Abatement.
- Ordinance for Smoots/Fanestil Tax Abatement.
- Review Ordinance No. 22-49 Prohibition Camping on Public Property.
- Set Bid Date and Time for Peyton Street Watermain Improvements.
- Mechanic Street Parking Lot Improvements.
- Selection of Architect for Fire Station Improvements Project.

Study Session:

CITY COMMISSION **(Public Comment)**

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

Commissioner Smith and Harter thanked Facilities for their hard work for the recent events held in the Civic Auditorium.

EXECUTIVE SESSION

Commissioner Harter made a motion to recess into Executive Session for preliminary discussion of the acquisition of real property and resuming the open meeting in the City Commission Meeting Room this same date, at 11:52 a.m., and to invite City Engineer Jim Ubert. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Upon reconvening the meeting in Regular Session, at 11:52 a.m., this same date in the City Commission Meeting Room, Mayor Brinkman they had preliminary discussion of the acquisition of real property and no action was taken.

Commissioner Sauder then made a motion to recess the meeting until 12:10 p.m. to Conference Room 1AB. Commissioner Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

The following items were discussed at Study Session:

1. Review the Interim Report of the Task Force of Homelessness.
2. Compensation Study Review.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk