

Commission Meeting

11:00 a.m.

September 20, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 20, 2023, with Mayor Brinkman presiding and Commissioners Giefer, Harter, Sauder and Smith present. Also present were City Manager Cocking, Assistant City Manager Detter, 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. Please state your name and address prior to making comments.

No comments were made at this time.

John Kretsinger and Members of the Soden's Bridge Preservation Committee, were in attendance to accept a proclamation declaring September 30, 2023 as "100 Year Anniversary of Soden's Bridge" in Emporia. They stated Sodens' Bridge has played a pivotal role in the growth and development of our city as the crossing over the Cottonwood River. This iconic landmark facilitated trade, commerce and social interactions for the community. They stated Soden's Bridge has withstood the test of time as countless journeys have been taken across the historic bridge and preserving our heritage and roots are vital.

Mayor Brinkman then presented the proclamation.

Debbie Williams, President of Emporia Kiwanis Club, was in attendance to accept a proclamation declaring "Kiwanis Club of Emporia's Centennial Anniversary" in Emporia. She stated the Kiwanis Club of Emporia was chartered in 1923 and has been serving the children of Emporia, Lyon County, and the world for 100 years. She stated the Kiwanis Club of Emporia has supported numerous community service projects for children throughout the years. The Kiwanis Club of Emporia has actively sponsored Kiwanis leadership programs for youth including Circle K at Emporia State University; Key Club at Emporia High School, Olpe High School, Northern Heights High School, Builders Club

at Emporia Middle School, Sacred Heart School and K-Kids. She stated the Kiwanis Club of Emporia's annual pancake feed has been a community event for 75 years. The Emporia's Kiwanis participates in international service projects to third world countries to eliminate Iodine Deficiency Disorder deficient in mineral and eliminate maternal and neonatal tetanus around the world. She stated the Kiwanis Club of Emporia looks forward to serving the children of Emporia, Lyon County and the world for another 100 years.

Mayor Brinkman then presented the proclamation.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting 7-18-23)
(Adopt Updated Zoning Regulations)**

The Planning Commission met in a regular session on Tuesday, July 18, 2023, with Chair Thomas presiding. Members Duncan, Weaver, Barnes, Ogle, Rogers, and Bucklinger were present.

City staff: Justin Givens was present.

Chair Thomas called the meeting to order.

Consider a Recommendation to the Governing Body Recommending Adoption of the Updated Zoning Regulations.

Chair Thomas announced the agenda item.

Givens provided the staff report:

Requested Action: Consider a Recommendation To The Governing Body On Proposed Zoning Regulations.

Purpose: To Update the Zoning Regulations for the City of Emporia

Analysis: The City and County jointly started a process of updating zoning regulations shortly after the current comprehensive plan PLAN ELC was approved. The City and County severed interest in pursuing a common zoning code during the process.

The City of Emporia has since engaged outside legal opinions and support in constructing a new document to replace the existing zoning regulations.

The proposed document has elements of form based zoning as well as traditional Euclidian zoning. At a Special Public Hearing on May 23, 2023, the Planning Commission conducted the required public hearing for the adoption of the new regulations. At that time, the public provided input and staff has since presented the Planning Commission

with multiple changes to the document that reflected the public input and the Planning Commissions direction.

One remaining issue is outstanding and that is to include Section 4 Street Standards in the document or remove them and reserve Section 4 for future use.

A formal action is necessary by the Planning Commission to make a recommendation to the Governing Body for their consideration.

Recommendation: Staff recommends the Planning Commission recommend adoption of the new zoning regulations subject to further Planning Commission comment.

Attachments: None

The Commissioners discussed and determined to keep the Street Standards in the document and make no further revisions to the document.

Commissioner Barnes made a motion to recommend approval of the Zoning Regulations to the City Commission. Commissioner Duncan seconded the motion. Motion carried 7-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the City of Emporia and Lyon County had a joint effort to adopt updated zoning regulations based on recommendations from Plan ELC, the joint city/county comprehensive plan. The City eventually split with the County and Urban Collaborative after legal advice was given that a strictly form-based code was against state statute. The City hired a second contractor to revise the zoning regulations and create a document that would use both form-based code and traditional use-based zoning. He stated at their regular meeting held July 18, 2023, final revisions were made to the draft presented for consideration and the revised draft was voted unanimously to be presented to the City Commission. He stated staff recommends adopting Ordinance Number 23-28, updated the City Zoning Regulations.

**PLANNING AND DEVELOPMENT
(Updating City Zoning Regulations)
(Ordinance Number 23-28)**

AN ORDINANCE ADOPTING ZONING REGULATIONS GOVERNING THE USE OF LAND AND THE LOCATION OF BUILDINGS WITHIN EMPORIA, KANSAS, AS RECOMMENDED BY THE EMPORIA-LYON COUNTY METROPOLITAN AREA PLANNING COMMISSION PURSUANT TO K.S.A. 12-753 ET SEQ.; ESTABLISHING ZONING PARCEL TYPES AND THE CLASSIFICATIONS OF SUCH PARCEL TYPES;

ADOPTING BY REFERENCE THE OFFICIAL ZONING MAP AND THE ZONING REGULATIONS IN ACCORDANCE WITH K.S.A 12-3009:3012 AND K.S.A 12-3301:3302; AND REPEALING ALL EXISTING ZONING REGULATIONS, to which the City Clerk assigned Ordinance Number 23-28 was presented to the Governing Body for their consideration.

Commissioner Sauder made a motion to approve Ordinance Number 23-28, an ordinance updating the City Zoning Regulations. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye;

BONDS
(Authorizing 2023 General Obligation Bonds)
(Resolution Number 3706)

Mark Detter, Assistant City Manager, was recognized and addressed the Governing Body. He stated the City of Emporia is working with Greg Vahrenberg, Municipal Financial Advisor of Raymond James and Dominic Eck, Bond Counsel of Gilmore & Bell on issuing \$9,925,000.00 Bank Qualified General Obligation Bonds. He stated staff would like to issue the 2023 General Obligation Bonds prior to year-end to use the entire allotment of Bank Qualified bonds allotted to the City for the purpose of banks and other financial institution bidding on the bonds for tax exemption purposes. The authorizing bond Resolution creates permission to issue tax exempt bonds. He stated the projects identified in the Resolution are as follows:

Water Tower Rehabilitation	\$ 865,000.00
Replacement of Lift Station #1	\$2,800,000.00
Replacement of Lift Station #15	\$ 500,000.00
Replacement of Sewer Main from Logan Ave. to the South of Zoo Education Bld.	\$1,000,000.00
Subdivision Improvements	\$3,500,000.00

He stated the 2023 Bond issue will be factored into the 2024 Debt Service Schedule. Principal and interest and potentially some of the cost of issuance will be payable from Enterprise Funds. He stated staff is recommending approval of Resolution Number 3706 authorizing 2023 General Obligation Bonds for certain improvement projects relating to water, sewer system and subdivision improvements.

Commissioner Sauder made a motion to approve Resolution Number 3706 a resolution authorizing 2023 General Obligation Bonds for certain improvements within the City. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Memorandum of Understanding)
(Unified School District No. 253)**

City Attorney Montgomery and Dean Grant, Director of Public Works, were recognized and addressed the Governing Body. They stated the City and school district staff have negotiated a Memorandum of Understanding (MOU) regarding upgrades to the school crossing signal system to improve safety for pedestrians, access to controls, and solar power energy savings. They stated the proposed MOU addresses purchase, installation, software upgrades and hardware upgrades to nineteen (19) school crossing signal lights. The City will purchase, upgrade, operate and maintain all lights. They stated USD #253 will reimburse the City for 100% of the purchase of four (4) rectangular rapid flashing beacons, and 50% up to a maximum of \$80,000.00 for the purchase, installation, upgrades and software for fifteen (15) school zone lights over a period of ten (10) years. The lights will remain the property of the City. They stated the City will purchase all hardware and software licensing and USD #253 will reimburse portions as discussed. They stated staff recommends approval of the Memorandum of Understanding with Unified School District No. 253.

Following further discussion, Commissioner Harter made a motion to approve the Memorandum of Understanding with Unified School District No. 253. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(State of Kansas)
(Kansas Water Office)
(2023 Water Purchase Contract)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated in 1983 the City entered a 40-year contract with the State of Kansas Water Office (KWO) for water storage in the Council Grove Reservoir to help supplement our natural stream flow water rights. This water is reserved for the City under that State Water Marketing Program and released during times of very low or no natural stream flows in the Neosho River. Under the current contract, the KWO has allotted 3358.90-acre feet (1,095,000,000 gallons) per year at fixed cost of approximately \$.10 per 1000 gallons. He stated with the current contract expiring on October 21, 2023, staff was directed to negotiate the terms of a new Water Marketing Contract. The proposed contract will reserve almost 62% of the water in Council Grove Reservoir for the City of Emporia. He stated staff negotiated a new variable rate contract for 7000-acre feet (2,282,000,000 gallons) per year through 2045. The City will be financially responsible for one-half of the annual allotment of water whether it is used or not. The City will pay a rate set in accordance with K.S.A. 82a-1306. The rate will be \$.473 per 1000 gallons in calendar year 2023 and \$.493 per 1000 gallons in calendar year 2024 with future annual rate adjustments. Fifty percent (50%) of the contract quantity must be paid whether or not water is withdrawn during any calendar year. The water cost is approximately \$562,513.00 in 2024. The cost of the water including the anticipated annual adjustments was factored into the water rate study that was presented to the Commission earlier this year. He stated the contract will need to be approved prior to the State of Kansas Water Authority's approval at their meeting in October, 2023. Staff is recommending approval of the Kansas Water Office Water Purchase Contract.

Following further discussion, Commissioner Smith made a motion to approve the Kansas Water Office Water Purchase Contract. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

**CITY MANAGER'S REPORT
(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 August 2023 for community:

1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	
	\$ 514,737.39	\$ 569,303.74	Increase of \$56,566.35 for the month, and
			Overall increase of 8.82% from year 2022.
YTD	\$3,962,655.98	\$4,312,253.54	

2. City Share from County Tax

	2022	2023	
	\$ 263,349.85	\$ 317,808.00	Increase of \$54,458.15 for the month, and
			Overall increase of 13.11% from year 2022.
YTD	\$2,016,686.99	\$2,281,081.83	

Building Permits issued from 8/1/2023 to 8/31/2023 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	83
Total of valuations associated with those building permits:	\$ 3,622,572.00
Total number of dollars collected for Building Permit Fees:	\$ 22,652.25

Construct – Single-family dwellings	0
Demo – Single-family dwellings	0

Flint Hills Mall CID for August 2023	\$ 21,131.66
YTD	\$156,518.56

Pavilions CID for August 2023	\$ 16,542.02
CID #2	\$ 16,538.59
YTD	\$ 127,363.18

Consent Agenda

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

a. Approve minutes of the Regular Meeting held on September 6, 2023.

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 AGENDA FOR OCTOBER 4, 2023 MEETING.

- Proclamation for Domestic Violence Awareness Month.
- Ordinance for the Annexation of Property 1100 S. Highway 99 into City Limits.
- Award 24th Avenue and Prairie Street Waterline Improvements.
- Industrial Park III Waterline Easement.
- Change Order No. 1 Mahtopolis Addition for water and sanitary sewer.

Study Session:

No items were tentatively scheduled at the time this was prepared.

**CITY COMMISSION
(Public Comment)**

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

The Commission thanked all the employees that have been working with the water issues over the past several days.

EXECUTIVE SESSION

Commissioner Sauder made a motion to recess into Executive Session to discuss confidential matters of a third party relating to economic development project resuming the open meeting in the City Commission Meeting Room, this same date, at 12:20 p.m. and inviting Chuck Scott, RDA President, Jim Witt, Special Project Coordinator, Tayler Wash, Special Projects Director, and Justin Givens, Planning and Zoning Administrator. Commissioner Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Upon reconvening the meeting in Regular Session, at 12:20 p.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had discussed confidential matters of a third party relating to economic development projects and no action was taken.

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

The following items were discussed at Study Session:

1. Flint Hills Technical College Update.
2. TGT Board Discussion of Strategic Plan.
3. Recreation Commission.
4. Urbanside Park Development.
5. Water System Update.

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



Susan Brinkman, Mayor

ATTEST:


Kerry Sull, City Clerk