

Commission Meeting

11:00 a.m.

October 4, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 4, 2023, with Mayor Brinkman presiding and Commissioners Harter, Sauder, and Smith present. Commissioner Giefer was absent. Also present were Assistant City Manager Detter, City Clerk Sull and City Attorney Montgomery. City Manager Cocking was absent.

**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.

Connie Cahoone, Executive Director of SOS, Inc., was in attendance to accept a proclamation declaring the month of October 2023, as "Domestic Violence Awareness Month" in Emporia. She stated domestic violence is a serious crime that affects people of all races, ages, genders, 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. She 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. She urged the citizens of Emporia to work together to eliminate domestic violence from our community.

Mayor Brinkman then presented the proclamation.

**CITY COMMISSION
(Board Appointments)**

Economic Development Structure Advisory Board:

It was moved by Mayor Brinkman seconded by Commissioner Harter that Aaron Larson and Mark Remmert be appointed to the Economic Development Structure Advisory Board. The vote follows: Mayor Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Commissioner Smith, aye.

Community Corrections Advisory Board:

It was moved by Mayor Brinkman seconded by Commissioner Harter that Tayler Wash be appointment to the Community Corrections Advisory Board. The vote follows: Mayor Brinkman, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Commissioner Smith, aye.

**PLANNING AND DEVELOPMENT
(Annex Property Located at 515 S. West Street into City Limits)
(Ordinance Number 23-29)**

AN ORDINANCE ANNEXING LAND TO THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 23-29, was presented to the Governing Body for their consideration.

Justin Givens, Planning & Zoning Administrator, was recognized and addressed the Governing Body. He stated the owner of the property located at 515 S. West Street has consented to the annexation of a tract of land for the purpose of building a new single-family home. The new home will be on a 8,927 square foot tract of land. The applicant has requested the annexation for access to public utilities for the new home. Sewer and water are available to the property without the extension of any new mains. He stated the intended area of construction is outside of the floodplain. Staff recommends approval of Ordinance Number 23-29 annexing the property located at 515 S. West Street into city limits.

Commissioner Smith made a motion to approve Ordinance Number 23-29, an ordinance annexing property located at 515 S. West Street into the City of Emporia.

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

BONDS
(Authorize the Sale of General Obligation Bonds)
(Series 2023)
(Resolution Number 3708)

Mark Detter, Assistant City Manager, and Greg Vahrenberg, Municipal Financial Advisor of Raymond James, were recognized and addressed the Governing Body. They 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 Bank Qualified General Obligation Bonds in the amount of \$9,925,000.00. Staff would like to issue the 2023 Series General Obligation Bonds prior to year-end to use the entire allotment of Bank Qualified bonds allotted to the City for the purposes of banks and other financial institutions bidding on the bonds for tax exemption purposes. He stated this resolution will authorize the sale of bonds set the details of the bond issue including maturity dates, principal amounts, call dates, redemption requirements and the registration requirements for the bonds. The projects included in the Series 2023 General Obligation Bond issue are:

Water Tower rehab	\$ 865,000.00
Replacement of Lift Station #1	\$2,800,000.00
Replacement of Lift Station #15	\$ 500,000.00
Meters	\$5,000,000.00
Replacement of Sewer Main from Logan Avenue to the south of Zoo Education Building	\$1,000,000.00

The total projects listed is \$10,165,000.00, any amount over the issuance of \$9,925,000.00 will be paid from water and sewer funds. Depending on if the City receives a premium on the bonds the Bond issue could be resized below \$10,000,000.00 to keep the bond Bank Qualified allowing certain financial institutions to buy the bonds and receive tax exempt interest earnings. Staff recommends approval of Resolution Number 3708 authorizing the sale of \$9,925,000.00 in General Obligation Bonds.

Commissioner Harter made a motion to approve Resolution Number 3708, a resolution authorizing the sale of \$9,925,000.00 of City of Emporia Series 2023 General Obligation Bonds. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Fairview Hotels, LLC Community Improvement District – CID)
(Petition)
(Resolution Number 3707)**

Tayler Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated the first step in the creation of the CID for Fairview Hotels, LLC is the acceptance of the petition submitted by the owner as required by Kansas statutes. The estimated cost of the Project is \$13,000,000.00 plus the State of Kansas administrative expenses of 2% and the City's administrative fee of 3% and any other associated costs incurred by the City. The method of financing the Project is through the use of CID sales tax revenue imposed pursuant to the Act on a pay as you go basis. She stated the developer is requesting consideration of a 2% add-on CID sales tax. No special assessments are requested to be imposed pursuant to the Act. This action is consistent with state law and requires a Public Hearing included in the Resolution. She stated the next step in the process of the Community Improvement District is to provide notice of a public hearing. The state requires two publications of its hearing notice with additional publication requirements regarding timing between notices and before the hearing itself. The first publication is scheduled for October 17th and the second is scheduled for October 24th. The notice of hearing does not bind the City to any final action regarding the establishment of the district. The resolution shall set a public hearing on the advisability of creating the CID for Fairview Hotels, LLC on November 1, 2023 at 11:00 a.m.

Following further discussion, Commissioner Harter made a motion to accept the Petition for Fairview Hotels, LLC CID and Resolution Number 3707, a resolution establishing a Public Hearing on November 1, 2023, for the creation of Fairview Hotels, LLC, CID. Commissioner Smith seconded the motion. The vote follows: Commissioner

Harter, aye; Commissioner Smith, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

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 September 20, 2023.
- b. Ordinance Number 23-30 Authorizing a Beer Garden for 627 Event Space for Octoberfest.
AN ORDINANCE EXEMPTING W. 7TH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION OF THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE OCTOBERFEST SPECIAL EVENT OCTOBER 21, 2023, to which the City Clerk assigned Ordinance Number 23-30 was presented to the Governing Body for their consideration.
- c. Acquisition of Industrial Park III Waterline Easements.
- d. 2023 Street Preservation Project Change Order #1.
- e. Seventh Incentive Compliance Agreement with Simmons Foods, Inc.

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

CITY COMMISSION (Assistant City Manager's Report)

This is an opportunity for the Assistant 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.

Assistant City Manager Detter requested the Mayor ask for a Special Meeting to discuss a grant opportunity for a downtown residential development on October 11, 2023 at 11:00 a.m. He stated the deadline to submit the grant is on October 12, 2023.

Mayor Brinkman then called for a Special Meeting for October 11, 2023 at 11:00 a.m. in the City Commission Chamber to discuss a grant opportunity.

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR OCTOBER 18, 2023 MEETING.

- Public Hearing for Establishment of the W. 6th Avenue RHID.
- Ordinance Establishing the W. 6th Avenue RHID.
- Ordinance Annexing Property Located at 1100 S. Hwy 99 into City Limits.
- Ordinance Changing the name of CVAB to Transient Guest Tax Advisory Board.
- Award 24th Avenue & Prairie Street Waterline Construction Project.

Study Session:

- Discuss Common Consumption Areas.
- Governing Body Handbook.
- Code of Conduct for Meetings.
- Discuss Uniform Mechanical Code.
- Discuss Uniform Plumbing Code.

**CITY COMMISSION
(Public Comment)**

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

Commissioner Sauder made a motion to recess the meeting until 11:45 a.m. to Conference Room 1AB. Commissioner Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

STUDY SESSION:

1. Discuss Purchase of Fire Department Extrication Tools.
2. Discuss Purchase of Fire Department Training Props.
3. Water System Update.

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



Susan Brinkman, Mayor

ATTEST:



Kerry Sull, City Clerk

