

Commission Meeting

11:00 a.m.

October 18, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 18, 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.

**CITY COMMISSION
(Board Appointment)**

Emporia Human Relations Commission:

It was moved by Commissioner Smith seconded by Commissioner Sauder that Daniela Barron be appointed to the Emporia Human Relations Commission to fill an unexpired term that expires June 1, 2025. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Lockwood Heights Subdivision)
(Establish Reinvestment Housing Incentive District)
(Public Hearing)**

Mayor Brinkman stated Commissioners Sauder and Harter would remove themselves from any discussion.

Tayler Wash, Special Projects Director, was recognized and addressed the Governing Body. She stated the Commission had previously approved Resolution Number 3704, a resolution establishing a public hearing to establish the Reinvestment Housing Incentive District for the Lockwood Heights Subdivision on West 6th Avenue. She stated this subdivision plan includes 24 single-family lots with private water and sewer lines installed by the developer. The existing water and sewer mains along with 6th Avenue are the public infrastructure components which will serve the development. She stated once the district is established by ordinance and real property improvements are completed, the financial benefits of the RHID will pay for public and utility infrastructure needed for the development. The public hearing is a requirement by state statute.

Mayor Brinkman then declared the public hearing opened.

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

CITY COMMISSION
(Name Change from CVAB to Transient Guest Tax Advisory Board)
(Ordinance Number 23-32)

AN ORDINANCE ESTABLISHING THE TRANSIENT GUEST TAX ADVISORY BOARD AND AMENDING THE CODE OF THE CITY OF EMPORIA, KANSAS TO ADD A NEW DIVISION 4 AND CODE SECTION 2-50 UNDER CHAPTER 2 ARTICLE II OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 23-32 was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Charter Ordinance Number 43 authorizes the Convention and Visitors Advisory Board to be modified by ordinary ordinance. The board has requested a name change to the Transient Guest Tax Advisory Board. She stated this proposed ordinance establishes a new Transient Guest Tax Advisory Board with the same roles and responsibilities as the existing CVAB with the existing members of the board. The ordinance also clarifies the procedure of removal of board members from office due to extended absences.

Commissioner Harter made a motion to approve Ordinance Number 23-32, an ordinance establishing the Transient Guest Tax Advisory Board. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

PLANNING AND DEVELOPMENT
(Annex Property Located at 1100 S. Highway 99 into City Limits)
(Ordinance Number 23-31)

AN ORDINANCE ANNEXING AND INCORPORATING CERTAIN LAND WITHIN THE BOUNDARIES OF THE CITY OF EMPORIA, KANSAS PURSUANT TO AND IN ACCORDANCE WITH THE PROVISIONS OF K.S.A. 12-502c, to which the City Clerk assigned Ordinance Number 23-31, was presented to the Governing Body for their consideration.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the city recently acquired a tract of land adjacent to the Emporia Municipal Golf Course and has initiated the process of annexing the land into city limits. The property is a 32-acre tract that is considered not contiguous to the existing city limits. He stated the Commission had previously adopted a resolution asking the Lyon County Board of County Commissioners to make certain findings on the proposed annexation. The Lyon County Board of County Commissioners adopted findings that the proposed annexation would not hinder or prevent the proper growth and development of the area or that of any other incorporated area. He stated this proposed ordinance would annex the property at 1100 S Highway 99 into city limits.

Commissioner Smith made a motion to approve Ordinance Number 23-31, an ordinance annexing 1100 S. Hwy 99 into City limits. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

ENGINEERING
(24TH Avenue and Prairie Street Waterline Improvements)
(Project No. WM2201 KDHE KPSLF 3070)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated BG Consultants provided a Preliminary Engineering Report and Cost Estimates for the 24th Avenue and Prairie Street Waterline Improvements Project. This project will supplement and/or replace portions of the aged 16" and 20" water transmission mains that extend from the Water Treatment Plant under I-35 Highway to 12th Avenue. The bids are as follows:

Bid tabulation of 24th Avenue & Prairie Street Waterline Improvements

Bidder	Bid Amount
<i>Apex Excavating</i>	<i>\$4,270,905.00</i>
Infrastructure Solutions	\$5,417,000.00
Middle Creek Corporation	\$6,031,853.00
Carlson Utility	\$6,150,605.00
BRB Contractors	\$6,250,192.00
Nowak construction	\$6,456,251.00
Smoky Hill Construction	\$7,144,270.00
BG Consultants EOPC	\$5,299,950.00

He stated the City has not worked with Apex Excavating in the past, however, it was determined through past projects reference checking and meetings with the City, they have sufficient background in waterline construction and utility rehab projects. There is also a commitment from their ownership on the project and sufficient bonding capacity. He stated this project will be funded from the Kansas Department of Health and Environment Public Water Supply Loan Fund Project Loan #3070. Staff recommends awarding the 24th Avenue and Prairie Street Waterline Improvements Project to Apex Excavating in the amount of \$4,270,905.00 subject KDHE approval.

Following further discussion, Commissioner Harter made a motion to award the 24th Avenue and Prairie Street Waterline Improvements Project to Apex Excavating in the amount of \$4,270,905.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

ENGINEERING
(24TH Avenue and Prairie Street Waterline Improvements)
(Supplemental Agreement No. 2 with BG Consultants, Inc.)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the 24th Avenue and Prairie Street Waterline Improvement Project will be a lengthy project that will require significant oversight throughout construction. Due to scheduling of other projects, the City's Engineering Department is unable to add this project to their schedule to perform the construction services in-house. Staff recommends a contract with BG Consultants, Inc. for project inspection and construction engineering services for this project not to exceed \$418,065.00. Engineering Services would be funded from the Kansas Department of Health and Environment Public Water Supply Loan Fund Project Loan #3070.

Following further discussion, Commissioner Smith made a motion to the contract for 24th Avenue and Prairie Street Waterline Improvements Supplemental Agreement No. 2 with BG Consultants not to exceed \$418,065.00. 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 September 2023 for community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	Decrease of \$145,821.27 for the month, and
	\$ 638,249.40	\$ 482,428.13	Overall increase of 4.44% from year 2022.
YTD	\$4,590,905.38	\$4,794,681.67	

2. City Share from County Tax

	2022	2023	Decrease of \$76,828.10 for the month, and
	\$ 321,214.93	\$ 244,386.83	Overall increase of 8.02% from year 2022.
YTD	\$2,337,901.92	\$2,525,468.66	

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:	70
Total of valuations associated with those building permits:	\$ 3,579,809.00
Total number of dollars collected for Building Permit Fees:	\$ 17,355.50
Construct – Single-family dwellings	2
Demo – Single-family dwellings	0
Flint Hills Mall CID for September 2023	\$ 14,069.27
YTD	\$179,587.83
Pavilions CID for September 2023	\$ 9,634.93
CID #2	\$ 9,634.93
YTD	\$146,633.04

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 October 4, 2023.
- b. Purchase Fire Department Fire Training Props.
- c. Purchase Fire Department Extraction Tools.
- d. Removal of Community Housing Board/Emporia Land Bank Member.

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 NOVEMBER 1, 2023, MEETING.

- Public Hearing for the Creation of CID for Fairview Hotels, LLC and Accept the CID Petition.

- Ordinance for Uniform Mechanical Code.
- Ordinance for Uniform Plumbing Code.
- Application Submission for a Moderate-Income Housing Grant.
- Approve Crossland Construction Contract for Fire Station Projects.

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.

EXECUTIVE SESSION

Commissioner Harter made a motion to recess into Executive Session to discuss confidential matters of a third party relating to a potential development project resuming the open meeting in the City Commission Meeting Room, this same date, at 11:50 a.m. and inviting Chuck Scott, RDA President, Jim Witt, Special Project Coordinator, Tayler Wash, Special Projects Director. Commissioner Smith seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

Upon reconvening the meeting in Regular Session, at 11:50 a.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had discussed confidential matters of a third party relating to a potential development project and no action was taken.

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

The following items were discussed at Study Session:

1. Common Consumption Area Discussion.
2. Governing Body Handbook.
3. Code of Procedure for the City of Emporia.
4. Discuss the Adoption of the 2021 Uniform Plumbing & Mechanical Code.
5. Discuss Legislative Policy.
6. Discuss William Allen White Community Partnership.

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

