

Commission Meeting

11:00 a.m.

November 1, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 1, 2023, with Mayor Brinkman presiding and Commissioners Giefer, Harter, Sauder, and Smith present. Also present were City Manager Cocking, City Clerk Sull and City Attorney Montgomery. Assistant City Manager Detter 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.

Casey Woods, Executive Director of Emporia Main Street, was in attendance to accept a proclamation declaring November 25, 2023, as “Small Business Saturday” in Emporia. He stated Emporia celebrates local small businesses and the contribution they make to our economy and community. Locally owned businesses contribute to our unique and vibrant community character. He stated that for every \$100 spent at a small local retailer, \$68 will return to the community through taxes, payroll, and donations to local schools and charities. He stated we join American Express, Main Street America, Kansas Main Street, and Emporia Main Street in supporting America’s locally owned Small Businesses. He urged all residents of Emporia to join the rest of America in shopping at the small locally owned businesses.

Mayor Brinkman then presented the proclamation.

CITY COMMISSION
(Fairview Hotels, LLC Community Improvement District – CID)
(Public Hearing)

Tayler Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated State Statute authorized the governing body of any municipality to adopt an ordinance establishing a community improvement district (CID) after receipt of a proper petition and holding a public hearing. At a previous City Commission meeting a petition was accepted for this project and a public hearing was scheduled. She stated this hearing is the final step as provided for in Kansas statutes necessary to enact the 2% sales tax. After the hearing is closed, the Commission will then formalize the 2% tax by ordinance. She stated there are no impacts on city finances, and the city does receive a 3% administrative fee to cover internal costs related to the administration and distribution of the tax.

Mayor Brinkman then declared the public hearing open.

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

CITY COMMISSION
(Fairview Hotels, LLC Community Improvement District – CID)
(Ordinance Number 23-33)

AN ORDINANCE OF THE CITY OF EMPORIA ESTABLISHING THE FAIRVIEW HOTELS COMMUNITY IMPROVEMENT DISTRICT; AUTHORIZING THE MAKING OF CERTAIN PROJECT IMPROVEMENTS RELATING THERETO; APPROVING THE ESTIMATED COSTS OF SUCH PROJECT IMPROVEMENTS; AND LEVYING A 2.0% CID SALES TAX; PROVIDING FOR THE METHOD OF FINANCING THE SAME, to which the City Clerk assigned Ordinance Number 23-33, was presented to the Governing Body for their consideration.

Tayler Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated the petition to establish this CID was submitted by the property owner, Fairview Hotels, LLC on October 4, 2023. A public hearing was held prior to the consideration of this ordinance. If adopted, the entire site will have a 2% CID sales tax at the request of the owner. She stated this is a pay-as-you-go project that by

statute shall expire 22 years from the date that the State Director of Taxation begins collecting such tax. The tax is implemented on a quarterly basis and the Kansas Department of Revenue requires that all paperwork be submitted 90 days prior to the quarter in which collections begin. She stated the applicant/owner of the property may choose to delay implementation and that decision must be made prior to January 1, 2024. There are no financial impact on the City, however, we do receive a 3% administrative fee to cover internal costs related to the administration and distribution of the tax. The City Finance Department will administer and distribute the sales tax receipts to the owners in accordance with city policies after receiving the monthly allocation from the Kansas Department of Revenue. She stated staff recommends adoption of Ordinance Number 23-33 for the Fairview Hotels, LLC CID.

Commissioner Sauder made a motion to approve Ordinance Number 23-33, an ordinance establishing the Fairview Hotels, LLC Community Improvement District. 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
(Adopting Governing Body Handbook)
(Resolution Number 3711)**

Taylor Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated the effective and efficient operation of the City of Emporia Government requires clear guidance and procedures for the members of the governing body. As previously discussing, *The Governing Body Handbook for the City of Emporia, Kansas, 2024 Edition* has been developed to provide guidelines and procedures as follows:

- Getting Started in Municipal Government
- Leadership Roles and Responsibilities
- Effective Meetings
- Ethical City Officials
- Communications and Media Relations

Collaborative Leadership

Budget Basics

She stated by adopting the proposed resolution, *The Governing Body Handbook for the City of Emporia, Kansas, 2024 Edition* will become an official City document.

Commissioner Harter made a motion to approve Resolution Number 3711, a resolution adopting the Governing Body Handbook for the City of Emporia, Kansas, 2024 Edition. Commissioner Smith seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

CITY COMMISSION
(Application Moderate Income Housing Grant - \$505,000.00)
(Kansas Housing Resources Corporation)
(Resolution Number 3710)

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated this grant is offered by the Kansas Housing Resources Corporation for the development of housing for moderate-income occupants. Moderate income is defined by the State as 60% to 150% of HUD's FY 2023 income ranges. He stated the city has utilized the program in the past with the construction of six new homes from 2017 to 2020, and 24 new apartment units with a current MIH grant awarded in 2022. The proposal for this application includes the demolition of three dilapidated houses and the replacement of them with three new homes. Additionally, the project will include rehabilitation of nine vacant homes to transform them into standard or better condition. He stated all units are to be occupied by eligible owners or tenants. One project site will be owned by the Emporia Land Bank, with the opportunity to sell and utilize project proceeds to be reinvested into future projects. He stated the city will include providing appropriate staff for grant administration, construction management and inspections. The city will waive building permits and inspection fees for program projects. He stated staff recommends approval of Resolution Number 3710 and authorizes the Mayor to execute all related documents.

Commissioner Smith made a motion to approve Resolution 3710, a resolution to apply for \$505,000.00 in assistance from the Kansas Moderate Income Housing Program and authorize the Mayor to execute all related documents. 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
(Award Project KDOT CCLIP-SP FY 2025 Mill and Overlay)
(K-99 Hwy Commercial St. from Ks. Ave. to 3rd Ave. and)
(K-99 Hwy Merchant St. from 12th Ave to I-35 Hwy)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City's Engineering Department submitted an application to KDOT earlier this year for funding for these two portions of K-99 Hwy, from Kansas Ave. to 3rd Ave. and 12th Ave. to I-35. These portions were last resurfaced in KDOT FY 2019, calendar year 2018. He stated the City will be required to contribute a minimum of 10% plus any amount over KDOT's share (\$400,000) and will be responsible for all preliminary engineering, right-of-way and utility costs. He stated the City's share is estimated at \$375,000, which will be paid from the Multi Year Fund and county wide sales tax revenue. He stated staff recommends approval of the KDOT CCLIP-SP project and authorizes the Mayor to sign all documents.

Commissioner Smith made a motion to approve the KDOT Awarded CCLIP-SP Project and authorize the Mayor to sign form 1302. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder aye; and Mayor Brinkman, aye.

ENGINEERING
(Award Project KDOT CCLIP-GI FY 2026)
(Reconstruct Portion of K-99 Hwy from Soden Bridge to Kansas Ave.)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City's Engineering Department submitted an application to KDOT for CCLIP-GI funding to reconstruct shoulders to add two-way center turn lane, storm drainage,

safety improvements, entrances, sidewalk and pavement markings on K-99 Highway from Soden Bridge to Kansas Avenue. He stated the City will be required to contribute a minimum of 10% plus any amount over KDOT's share (\$1,200,000.00) and will be responsible for right-of-way and utility costs. He stated the City's share is estimated at \$120,000.00 which will be paid from the Multi Year Fund and county wide sales tax revenue. He stated staff recommends approval of the KDOT awarded CCLIP-GI project and authorizes the Mayor to sign all documents.

Commissioner Smith made a motion to approve the KDOT Awarded CCLIP-GI Project and authorize the Mayor to sign Form 1302. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

CODE SERVICES

(Adopting the Building and Construction Regulations, 2023 Edition)

(Adopting the International Residential Code, 2015 Edition)

(Adopting the International Building Code, 2015 Edition)

(Adopting the National Electrical Code, 2011 Edition)

(Adopting the Uniform Mechanical Code, 2021 Edition)

(Ordinance 23-34)

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE THE BUILDING AND CONSTRUCTION REGULATIONS, 2023 EDITION; THE INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION; THE INTERNATIONAL BUILDING CODE, 2015 EDITION; THE NATIONAL ELECTRICAL CODE, 2011 EDITION; AND THE UNIFORM MECHANICAL CODE, 2021 EDITION; AMENDING SECTION 8-3 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE; AND REPEALING SECTION 8-4, 8-4.1, AND 8.5 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 23-24 was presented to the Governing Body for their consideration.

Kory Krause, Director of Building and Neighborhood Development, was recognized and addressed the Governing Body. He stated over the past several months the building department and several master plumbing and mechanical contractors met and discussed significant changes that have occurred during code updates from 2012 through 2021. Changes in building and trades codes deal with changes in definitions, new products, technologies, and installation that will improve safety and health benefits

for everyone. These code changes are for life and safety concerns which the contractors are already aware of and are using at this current time. He stated at a previous study session the City Commission discussed moving forward with adoption of the 2021 Uniform Plumbing Code (UPC) and Uniform Mechanical Code (UMC) which will replace the outdated 2012 versions. Following that discussion legal staff recommended an overhaul and clean up of all building codes into section 8-3 for clarity and ease of use. He stated staff recommends approval of Ordinance Number 23-34.

Commissioner Harter made a motion to approve Ordinance Number 23-34, an ordinance adopting the Building and Construction Regulations, the International Residential Code, the International Building Code, the National Electrical Code, and the Uniform Mechanical Code. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Consent Agenda

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

- a. Minutes of the Special Commission Meeting Held on October 11, 2023.
- b. Minutes of Regular Commission Meeting Held October 18, 2023.
- c. 2023 Emergency Solutions Grant Agreement.
- d. Change Order No. 2 for CCLIP Resurfacing FY2024.

The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Smith, 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 15, 2023 MEETING.

- 2023 General Obligation Bond Sale.

Study Session:

- Discuss Process of the new ERP.

**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 for preliminary discussion of the acquisition of real property resuming the open meeting in the City Commissioner Meeting Room, this same date, at 11:35 a.m. and invite Tayler Wash, Special Projects Director; Jim Witt, Special Projects Coordinator; and Jim Ubert, City Engineer. 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 11:35 a.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had preliminary discussion of the acquisition of real property and no action was taken.

Commissioner Smith made a motion to recess the meeting until 11:50 a.m. to Conference Room 1AB. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

STUDY SESSION:

1. Discuss Emporia Enterprises and RDA Appointments.
2. Discuss Boards and Commissions Procedures.
3. Water Update.
4. Discuss Extension of Neighborhood Revitalization Area.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk