

Commission Meeting

11:00 a.m.

December 20, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, December 20, 2023, with Mayor Brinkman presiding and Commissioners Giefer, Sauder, and Smith present. Commissioner Harter was absent. 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.

**BUDGET
(2023 Budget Amendments)
(Public Hearing)
(Ordinance Number 23- 37)**

AN ORDINANCE AMENDING THE 2023 BUDGET, to which the City Clerk assigned Ordinance Number 23-37, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Finance, was recognized and addressed the Governing Body. She stated a public hearing will need to be conducted to amend the 2023 Budget to increase spending authority and an ordinance authorizing the increases. A notice was published 10 days prior to the public hearing as required by State Statute. The 2023 Budget amendments are as follows:

Multi-Year Fund – more projects were handled than originally budgeted.

Library Fund – received more Ad Valorem Taxes which were paid to the library.

Drug Forfeiture Fund – received larger revenues and spent additional funds on needed equipment.

Water Fund – received bond proceeds and incurred higher maintenance costs due to major water main breaks and electricity costs.

Wastewater Fund – received bond proceeds and incurred higher maintenance costs due to sewer main repairs.

Equipment Reserve Fund – Solid Waste equipment purchases from 2022 and corresponding funds were deposited into the Equipment Reserve Fund which increased expenses when equipment was received in 2023.

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.

Commissioner Smith made a motion to approve Ordinance Number 23-37, an ordinance amending the 2023 Budget to increase spending authority for the Multi-Year Fund; Library Fund; Drug Forfeiture Fund; Water Fund; Wastewater Fund and Equipment Reserve Fund. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Board Appointments)**

Emporia Enterprises:

It was moved by Commissioner Smith seconded by Commissioner Sauder that Tyler Curtis be appointed to the Emporia Enterprises Board for a term that expires December 31, 2026. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

Regional Development Association of East Central Kansas Board:

It was moved by Commissioner Giefer seconded by Commissioner Sauder that Brad Kraft be appointed to the Regional Development Association of East Central Kansas Board for a term that expires December 31, 2026. The vote follows: Commissioner

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

Multi-Use Path Planning Board:

It was moved by Mayor Brinkman seconded by Commissioner Sauder that Eric Paul be appointed to the Multi-Use Path Planning Board for a term that expires on December 31, 2026. The vote follows: Mayor Brinkman, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Commissioner Smith, aye.

Golf Advisory Board:

It was moved by Commissioner Sauder seconded by Commissioner Smith that Eli Fowler and Gary Nicolet be appointed to the Golf Advisory Board for terms that expire on December 31, 2027. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

**CITY COMMISSION
(Support of Access to Materials and Information)
(Emporia Public Library)
(Resolution Number 3715)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the Emporia Public Library has requested a statement of support for access to materials and information. She stated the proposed resolution recognizes the importance of reading, supports the rights of all people to access material and information at the Emporia Public Library, and supports the authority of the Emporia Public Library Board regarding materials selection. She stated staff recommends approval of Resolution Number 3715.

Commissioner Smith made a motion to approve Resolution Number 3715, a resolution in support of access to materials and information at the Emporia Public Library. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer aye; Commissioner Sauder, aye; and Mayor Brinkman, aye;

CITY COMMISSION
(Transfer of Public Park Property to Emporia Land Bank)
(Resolution Number 3716)

Assistant City Manager Detter was recognized and addressed the Governing Body. He stated the Commission has received a request to transfer ownership of Quaker Park to the Emporia Land Bank with an expressed desire for the purpose of residential development on the property. He stated the park is located at 28 Sylvan Street and is 25,694 square feet. The Park has the potential to be divided into three lots (50 x 172) for the development of single-family houses. He stated the proposed resolution would declare the intent to transfer the lot at Quaker Park to the Emporia Land Bank for development of single-family residential housing and allow public notice in the official City newspaper. The Emporia Land Bank would be responsible for all survey work, lots splits, deed filing, etc. He stated staff recommends approval of Resolution Number 3716 authorizing city staff to publish notice of proposed transfer of public park property to the Emporia Land Bank.

City Attorney Montgomery addressed the Governing Body stating the proposed resolution is just authorizing city staff to place notice in the official newspaper that this proposal of park property is to be considered. It is just to authorize the notice and no final decision will be made until a later date. The publication will be for two consecutive weeks which will then start a 30-day protest period to begin to allow the public to give further input before the final decision is made. This is a process set by statute.

Jeff Lynch, Community Development, was recognized and addressed the Governing Body. He stated if the park property is transferred to the Emporia Land Bank, the plan would be to develop three single family homes and at least one home would be developed by Habitat.

Commissioner Smith made a motion to approve Resolution Number 3716, a resolution authorizing city staff to publish notice of proposed transfer of public park property to the Emporia Land Bank. Commissioner Giefer seconded the motion.

Mayor Brinkman stated she was not in favor of this. *We have a process in place at the city to dispose of public land that is in the best interest of the taxpayers, and we are not following it here. We are instead sliding a piece of property across the table to the*

Land Bank where one or more developers are on that board. We have put no money into this park, but one of the reasons that we are saying we want to dispose of it is that no one uses it. Despite the fact that we have spent hundreds of thousands of dollars in our other parks we have spent no money in this park and its shoddy at best to say no one uses it. And finally there will be no park in the southeast quadrant of our community yet we are building now potentially 56 new units without having to cross a state highway or multiple sets of very busy train tracks. For that reason I do want to walk away from the southeast side of our community without a park.

There was a call for the vote as follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, nay.

**LAKE KAHOLA FUND
(Authorize Funds for Improvements to Emporia Park System)
(Resolution Number 3717)**

Assistant City Manager Detter was recognized and addressed the Governing Body. He stated the City of Emporia is working with David Foster of Fosters and Associates on the placement of a Skate Park in Whittier Park. The American Ramp Company is the developer of the actual skate park. The 2024 adopted budget approved funds from the Lake Kahola Fund. An anonymous donation of \$250,00.00 was provided to the Emporia Community Foundation for the skate park. As part of the process of the utilization of funds, the Emporia Community Foundation is requesting a motion from the City Commission to request a withdrawal of \$250,000.00 from the Emporia Community Foundation to utilize funds for the design and initial construction of the Skate Park. He stated staff will request funds when construction of the skate park is half to two-thirds finished. He stated staff is recommending approval of Resolution Number 3717 authorizing the drawdown of \$250,000.00 from Lake Kahola Fund to pay for improvements to the Emporia Park System.

Commissioner Smith made a motion to approve Resolution Number 3717, a resolution authorizing the withdrawal of \$250,000.00 from the Lake Kahola Fund for improvements to the Emporia Park System. Commissioner Sauder seconded the motion.

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

**WATER MAINTENANCE
(Southeast Transmission Water Main Design)
(Supplemental Agreement No. 1)
(BG Consultants, Inc.)**

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated the Southeast transmission main is a proposed 20-inch waterline that would complete a backbone for the city's distribution system. The Commission previously approved the contract for engineering services with BG Consultants, Inc. in the amount of \$700,100.00 at their August 2, 2023, meeting. The original design will take approximately 18 months to complete and will be submitted to KDHE for approval. Due to the water usage demands from a portion of the industries in the southeast part of town, the proposed 20-inch waterline design schedule of an 18-month timeline will need to be reduced. He stated the Supplemental Agreement No. 1 will expedite project design, amend the scope to include a sewer line realignment, and utilize BG Consultants to help with the procurement of project materials. Professional services schedule will be reduced to have Final Plans/Submit to KDHE on or before August 2, 2024. The project scope in the original agreement needs to be amended to include the realignment of a sewer line that conflicts with the proposed alignment of the waterline on 7th Avenue between Walnut Street and West Street. The supplemental agreement includes BG Consultants helping to facilitate materials only bid. This will allow the city to order the materials that have a longer lead time, 4 to 6 months, and had delayed that start of several waterline projects. He stated the original cost for design will be paid from the State Revolving Fund Loan. Supplemental Agreement No. 1 will be an additional \$130,500.00 to the project and paid from the State Revolving Fund Loan. He stated staff is recommending approval of the Southeast Transmission Water Main Design Supplemental Agreement No. 1 with BG Consultants, Inc.

Commissioner Smith made a motion to approve the Southeast Transmission Main Supplemental Agreement No. 1 with BG Consultants, Inc. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer aye; Commissioner Sauder, 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 November 2023 for community:

1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	
	\$ 540,554.71	\$ 537,054.66	Decrease of \$3,500.05 for the month, and
			Overall increase of 6.39% from year 2022.
YTD	\$5,554,118.90	\$5,908,977.36	

2. City Share from County Tax

	2022	2023	
	\$ 277,506.17	\$ 288,181.35	Increase of \$10,675.18 for the month, and
			Overall increase of 9.62% from year 2022.
YTD	\$2,838,126.57	\$3,111,077.20	

Building Permits issued from 11/1/2023 to 11/30/2023 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	54
Total of valuations associated with those building permits:	\$3,217,158.00
Total number of dollars collected for Building Permit Fees:	\$ 15,961.50

Construct – Single-family dwellings	3
Demo – Single-family dwellings	1

Flint Hills Mall CID for November 2023	\$ 16,186.02
YTD	\$ 204,255.94

Pavilions CID for November 2023	\$ 14,101.05
CID #2	\$ 14,101.05
YTD	\$ 210,769.06

Consent Agenda

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

- Approve minutes of the Regular Meeting held on December 6, 2023.
- 2024 Maintenance Contract with Emporia Public Library.
- Ordinance Number 23-38 for Increase in Water Rates.

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO WATER RATES; AMENDING SECTION 28-41, 28-42 AND 28-43 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned

Ordinance Number 23-38, was presented to the Governing Body for their consideration.

- d. Agreement with Rural Fire District Number 4.
- e. Resolution Number 3718 to Adopt Annual Solid Waste Management Plan for 2022.
- f. Resolution Number 3719 for Boundary of City Limits.
- g. Resolution Number 3720 for 2023 Rate Schedule for Municipal Golf Course.
- h. Mahtropolis Addition Utility Easement Agreement.
- i. KDOT Transportation Alternative Sidewalk Improvement Agreement.
- j. Award Mechanic Street Parking Lot Improvements Lighting to Schumann Electric.

The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Giefer, 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 JANUARY 3, 2024, MEETING.

- License Agreement for 305 W. 18th Avenue.
- Administer Oath of Office.
- Elect Mayor and Vice Mayor.
- Approve Surety Bonds for the City Manager, City Clerk and City Treasurer.
- Designate Official City Newspaper.
- Designate Financial Institutions.

Study Session:

- Discuss Updates of City Park Rules.
- Discuss Approval of the New Bandstand in Fremont Park.
- Neighborhood Revitalization Program Map Amendments.
- Discuss Extra Strength Surcharge.

- Wastewater Rate Comparison.
- Appoint Commission Members to Regional Development Association of East Central Kansas, JEDAC, Emporia Recreation Commission, William Allen White Community Partnership, Emporia Enterprises, Transient Guest Tax Advisory Board, Emporia Public Library, Emporia Main Street.
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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 Sauder made a motion to recess into Executive Session for consultation with the City Attorney regarding a legal matter resuming the open meeting the City Commission Meeting Room, this same date, at 11:37 a.m. and to invite Tayler Wash, Special Projects Director. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

Commissioner Harter joined the Executive Session via phone.

Upon reconvening the meeting in Regular Session, at 11:37 a.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had consultation with the City Attorney regarding a legal matter and no action was taken.

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


Susan Brinkman, Mayor

ATTEST:


Kerry Sull, City Clerk

