

Commission Meeting

11:00 a.m.

January 17, 2024

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January 17, 2024, with Mayor Giefer presiding and Commissioners Brinkman, 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.

Representatives from Sacred Heart Catholic Schools were in attendance to accept a proclamation declaring the week from January 28 through February 3, 2024, as "Celebrate Catholic Schools Week" in Emporia. They stated each year the Archdiocese of Kansas City in Kansas designates one week during the year to highlight Catholic Schools. The presence of a Catholic School in our community has proven to be an additional amenity and incentive in the education of the youth of the City of Emporia. They stated Sacred Heart Catholic School is proud to be where students consistently work to their full potential. The legacy of Sacred Heart School will live on for many years thanks to dedicated administrators, teachers, and students as well as a very supportive community.

Mayor Giefer then presented the proclamation.

Mayor Giefer read the proclamation declaring February 15, 2024, as "Emporia State University Day" in Emporia. He stated Emporia State University will commence to celebrate its 161st anniversary on Founder's Day, February 15, 2024, and urged all

Emporians to join together, going forward hand in hand, as we celebrate the founding of Emporia State University.

PLANNING AND DEVELOPMENT
(Application No. 2023-10 – Request of Ben Moore Studio, LLC)
(Conditional Use Permit for 502 Commercial Street)
(Ground Floor Dwelling Unit)
(Ordinance Number 24-01)

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 24-01, was presented to the Governing Body for their consideration.

Justin Givens, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this was a request of the owners of 502 Lofts, LLC at 502 Commercial Street for the proposed remodeling and renovation of the existing building. As part of the renovation, they would like to have multiple garden (basement) level apartments. He stated the zoning regulations do not address subterranean apartments, so staff determined that issuing a Conditional Use Permit would be the best approach for approving the dwelling units. He stated the proposal calls for three upper-level dwellings, a first floor hotel unit and commercial space, and four garden level dwellings. There is a limited number of buildings in the downtown area that can support garden level apartments. He stated the proposed project would bring new life to a vacant building and provide needed housing options within the community. Downtown dwelling units are discussed in the Comprehensive Plan and the project as proposed reserves office space on the main floor and four additional units to the housing stock. At their December 19, 2023, regular meeting the Planning Commission voted unanimously to recommend a Conditional Use Permit for a ground floor dwelling unit at 502 Commercial Street. He stated staff recommends approval of Ordinance Number 24-01 to allow for a Conditional Use Permit at 502 Commercial Street

Commissioner Harter made a motion to approve Ordinance Number 24-01, an ordinance issuing a Conditional Use Permit for a ground floor dwelling unit at 502 Commercial Street. Commissioner Sauder seconded the motion. The vote follows:

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

CITY COMMISSION
(Exempting the City of Emporia, Ks from the Provisions of K.S.A. 12-1222)
(Relating to City, County and Township Libraries)
(Charter Ordinance Number 44)

A CHARTER ORDINANCE EXEMPTING THE CITY OF EMPORIA, KANSAS FROM THE PROVISIONS OF K.S.A. 12-1222 RELATING TO CITY, COUNTY AND TOWNSHIP LIBRARIES; BOARD; APPOINTMENT; TERMS; ELIGIBILITY; VACANCIES; EXPENSES, to which the City Clerk assigned Charter Ordinance Number 44, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated K.S.A. 12-1222 established provisions for appointment and terms of certain library boards but does not apply uniformly to all cities in Kansas. The City may utilize its Home Rural authority under Article XII, Section 5, of the Constitution of the State of Kansas to exempt itself from said provisions. She stated this proposed Charter Ordinance will exempt the City of Emporia from the provisions of K.S.A. 12-1222. The charter ordinance authorizes the City to enact substitute provisions by ordinary ordinance. The charter ordinance will be published once each week for two consecutive weeks in the official City newspaper and will take effect sixty-one (61) days after final publication unless a sufficient petition for referendum is filed. She stated staff was recommending approval of Charter Ordinance Number 44.

Commissioner Sauder made a motion to approve Charter Ordinance Number 44, an ordinance exempting the City of Emporia, Kansas from the Provisions of K.S.A. 12-1222 relating to City, County and Township Libraries; Board; Appointment; Terms; Eligibility; Vacancies; Expenses. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Emporia Public Library)
(Appointments; Terms; Vacancies; Expenses)
(Ordinance Number 24-02)**

AN ORDINANCE PERTAINING TO THE EMPORIA PUBLIC LIBRARY BOARD APPOINTMENTS; TERMS; VACANCIES; EXPENSES IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 24-02, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this proposed ordinance provides the same provisions for the Emporia Public Library Board appointments that K.S.A. 12-1222 provides for other city libraries with one exception. State law calls for the mayor to serve on the Library Board while Ordinance Number 24-02 states that the governing body shall appoint from its membership one member to serve on the Emporia Public Library Board. She stated staff recommends approval of Ordinance Number 24-02.

Commissioner Harter made a motion to approve Ordinance Number 24-02, an ordinance pertaining to the Emporia Public Library Board Appointments; Terms; Vacancies; Expenses in the City of Emporia, Kansas. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Supporting the Expansion of Medicaid in Kansas)
(Resolution Number 3721)**

City Manager Cocking stated it is anticipated that the Kansas legislature will have discussions on the matter of Medicaid expansion. The City of Emporia wishes to formally articulate its support for the ongoing efforts advocating for Medicaid expansion in Kansas. This proposed Resolution Number 3721 expresses support for the expansion of Medicaid expansion, including the positive impact on residents' access to healthcare, the financial strain on emergency medical services, and the economic benefits to local healthcare institutions and the community. He stated the Emporia Fire Department provides essential countywide Emergency Medical Services (EMS) to the residents and the state's failure to expand Medicaid has significantly impacted its revenues. Insufficient Medicaid

coverage has led to increased need for additional property tax dollars to support EMS services. Additionally, the expansion of Medicaid is expected to have a positive economic impact on the Emporia community, including substantial support to Newman Regional Health Medical Center. He stated staff recommends approval of Resolution Number 3721 supporting the expansion of Medicaid in Kansas.

Commissioner Smith made a motion to approve Resolution Number 3721, a resolution of the City Commission of Emporia supporting the expansion of Medicaid in Kansas. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

ENGINEERING
(Stormwater Pond Improvements)
(Lots 1, 2, & 6 in Sunset Lake Addition – Project No. 23Sunset)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the property owners of Lots 1, 2 and 6 in Sunset Lake Addition petitioned the City for stormwater improvements on the platted lots. The property owners agreed to and signed a petition in the amount of \$45,000 for improvements consisting of silt cleanout of the pond, some grading on the upstream inlet to the pond, construction of a rock ditch check at the upstream inlet to the pond, tree removal and erosion control and seeding. He stated improvements to be constructed by the City and assessed through special assessment on a 50% basis per each of the two (2) property owners based upon their lot frontage along the project. The bids are as follows:

BID TABULATION FOR STORMWATER POND IMPROVEMENTS

Contractor	Base Bid:	Add Alternate #1	Base & Add Alt. No. 1
SR Coffman Const. Inc.	\$ 99,735.00	\$1,200.00	\$100,935.00
Double J Construction	\$125,535.00	\$3,500.00	\$129,035.00
L. Underwood, LLC	\$142,885.00	\$1,000.00	\$143,885.00
Leiser Excavating, LLC	\$154,776.00	\$ 0.00	\$154,776.00
City Engineer's Estimate	\$ 45,135.00	\$ 850.00	\$ 45,985.00

He stated the bids came in sufficiently higher than the Engineer's estimate and the property owners anticipated amount. Therefore, staff is recommending rejecting all bids as they are all well over Engineer's Estimate.

Following further discussion, Commissioner Harter made a motion to reject all bids for the Stormwater Pond Improvements to serve Lots 1, 2 & 6 in Sunset Lake Addition, Project No. 23Sunset. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

CITY OF EMPORIA (Adopt 2024 Legislative Policy)

City Manager Cocking stated each year the City Commission adopts its legislative position detailing the City's goals from the State Legislature. The 2024 Legislative Policy Statement outlines the supporting City's position on the following topics:

HOME RULE - We believe the governing of public affairs should be as close to the people as possible and that Home Rule is essential to vigorous, effective and responsible local government under our representative system. Home Rule is crucial to the continued ability of locally elected officials to solve problems in ways most appropriate to local needs and conditions. Legislation which affirms the ability to pass local laws on the same subject is strongly supported.

RURAL HOSPITAL FUNDING - Emergency medical services and public hospitals must provide medical services without regard to the ability of patients to pay. The expansion of Medicaid in Kansas would allow medical providers to be at least partially compensated for some medical services to economically disadvantaged citizens. We support the expansion of Medicaid in Kansas.

RURAL HOUSING INCENTIVE LOAN FUND - We support the creation of a State low interest revolving loan fund to finance development in Reinvestment Housing Incentive Districts.

HOUSING – The City of Emporia supports programs that encourage access to quality housing, including but not limited to, the Housing Investor Tax Credit Act, the Kansas Affordable Housing Tax Credit Act, the Kansas Rural Home Loan Guarantee Act, guaranteeing appraisals in rural counties, the Historic Kansas Act, and the Kansas Rural Housing Incentive District Act.

TAX POLICY & SPENDING – Local spending and taxing decisions are best left to local officials representing the citizens that elected them. We oppose state-imposed limits on

the taxing and spending authority of cities. Changes to tax policies should not be undertaken without a full understanding of the overall impact on all taxpayers, taxing entities, and the sources of amounts of revenue generated or eliminated by such policy changes.

PROPERTY TAXES – All property taxing authorities, including cities, counties, the state, school districts, special districts, and community college should be transparent, and abide by the same limitations, restrictions, and requirements. Any additional transparency measure should not be burdensome or costly. We encourage the state and local governments to make government more efficient and recognize the need to work together on innovative approaches to reduce property taxes.

LEAGUE OF KANSAS MUNICIPALITIES – In addition, the City of Emporia supports the League of Kansas Municipalities Statement of Municipal Policy. The policy is a crucial framework supporting local autonomy and effective governance. It emphasizes the importance of Home Rule, allowing municipalities to address unique local needs effectively. This policy advocates for empowering local officials, who are intimately aware of their community's challenges and opportunities, ensuring that decisions are made closest to the people they affect.

Commissioner Harter made a motion to adopt the City of Emporia 2024 Legislative Policy Statement. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, 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 December 2023 for community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	
	\$ 531,075.01	\$ 505,879.35	Decrease of \$25,195.66 for the month, and
YTD	\$6,085,193.91	\$6,414,856.71	Overall increase of 5.42% from year 2022.

2. City Share from County Tax

	2022	2023	
	\$ 274,113.35	\$ 260,195.21	Decrease of \$13,918.14 for the month, and
YTD	\$3,112,239.92	\$3,371,272.41	Overall increase of 8.32% from year 2022.

Building Permits issued from 12/1/2023 to 12/31/2023 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	43
Total of valuations associated with those building permits:	\$1,490,746.00
Total number of dollars collected for Building Permit Fees:	\$ 9,111.38
Construct – Single-family dwellings	0
Demo – Single-family dwellings	0
Flint Hills Mall CID for December 2023	\$ 15,898.20
YTD	\$ 220,154.24
Pavilions CID for December 2023	\$ 13,161.73
CID #2	\$ 13,155.50
YTD	\$ 237,086.29

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on January 3, 2024.

The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Giefer, 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 FEBRUARY 7, 2024, MEETING.

- Ordinance for Update of City Park Rules.
- Resolution to Adopt the Revised Compensation Plan.
- Development Agreement with Fairview Hotels.
- Award Road F Paving.

Study Session:

- Discuss Wastewater Rates.
- Discuss 2024 Street Rehabilitation Project.
- Discuss Event Fencing.

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 for a potential development project resuming the open meeting the City Commission Meeting Room, this same date, at 12:13 p.m. and to invite Dean Grant, Public Works Director and Tayler Wash, Special Projects Director. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 12:13 p.m., this same date in the City Commission Meeting Room, Vice-Mayor Harter stated they had discussed confidential matters of a third party for a potential development project and no action was taken.

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

The following items were discussed at Study Session:

1. Homelessness Advisory Board Update.
2. Updates to City Code Chapter 18 Parks and Recreation.
3. Rehabilitation Bandstand Fremont Park.
4. Exhaust Brakes

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



Danny Giefer, Mayor

ATTEST:



Kerry Sull, City Clerk

