Commission Meeting **11:00 a.m.** **March 6, 2024**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 6, 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.

CITY COMMISSION
(Designating Quaker Park Surplus Real Property)
(Resolution Number 3726)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City Commission established City Policy 1-13 Sale of Surplus Real Property which sets forth a procedure that City Commission may follow when unsolicited requests to purchase City owned real property are received. If the Commission chooses to designate a property as surplus property, city staff advertises a request for bids or proposals for the property based on criteria set by the Commission. The Emporia Land Bank has requested the City consider selling or transferring Quaker Park property to the Land Bank for purposes of residential development. The proposed resolution will add Quaker Park to the surplus property list and direct staff to take proposals from developers, including the Emporia Land Bank, for potential housing development of Quaker Park. After proposals are received, the Commission may accept a proposal, request additional information, or reject all proposals. Proposers will be expected to finance development proposals. Title work and other land transfer or conveyance costs will be expected to be paid by the developer, or Emporia Land Bank. She stated staff recommends approval of Resolution Number 3476 designating Quaker Park surplus real property.

Commissioner Harter made a motion to approve Resolution Number 3726 designating Quaker Park Surplus Real Property. 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
(Authorizing Notice of Proposed Sale of Quaker Park)
(Resolution Number 3727)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City Commission declared Quaker Park property surplus real property in accordance with the procedures set forth in City Policy 1-13. This action was a request from Emporia Land Bank to transfer or sell the park to the Land Bank for purposes of residential development. She stated staff has been directed to advertise a Request for Proposals for housing development in Quaker Park. Requirements for selling public park property are set out in K.S.A. 12-1301. Prior to the sale, the City is required to publish notice of the proposed sale in the official city newspaper for two consecutive weeks, and allow thirty days from the date of the last publication for a protest petition to be filed by qualified electors of the City. In the event a valid protest petition is files, the City Commission may not proceed to selling Quaker Park unless approved by the voters at a general or special election. She stated this proposed resolution authorizes city staff to publish notice of a potential sale of Quaker Park property in accordance with state law. The dates of publication are expected to be March 9, 2024, and March 16, 2024. A thirty-day protest petition window will follow with an expected end date of April 15, 2024. Staff recommends approval of Resolution Number 3727 authorizing city staff to publish notice of the proposed sale of Quaker Park Property.

Commissioner Smith made a motion to approve Resolution Number 3727 authorizing city staff to publish notice of the proposed sale of Quaker Park property. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye;

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

WEEDS AND GRASS
(Provisions for Planned Sustainable Landscapes)
(Ordinance Number 24-07)

AN ORDINANCE PERTAINING TO WEEDS AND GRASS, AMENDING SECTIONS 17-11, 17-12, 17-13, 17-14, 17-15, 17-16, 17-17 AND 17-22 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 24-07, was presented to the Governing Body for their consideration.

Kory Krause, Director of Building & Neighborhood Development, was recognized and addressed the Governing Body. He stated the current Weeds and Grass article in the City Code was established in 1996. City staff is proposing updates to code sections to increase ease of use, ensure conformity with state law, and establish provisions for Planned Sustainable Landscapes. He stated a Planned Sustainable Landscape will mean a planned, intentional, and maintained planting or native plants, grasses, vines, shrubs or trees. The proposed ordinance shall include, but is not limited to, rain gardens, monarch sanctuaries, meadow vegetation, and ornamental plants. These landscapes shall not include turf grass lawns left unattended for the purpose of returning to a natural state. These landscapes shall be well maintained or may be considered a nuisance subject to the provisions of the weed and grass ordinance. He stated enforcement procedures and penalties will remain the same. He stated staff recommends approval of Ordinance Number 24-07 pertaining to weeds and grass.

Commissioner Smith made a motion to approve Ordinance Number 24-07, an ordinance pertaining to weeds and grass. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Emporia West Plaza Community Improvement District – CID)
(Petition)
(Resolution Number 3728)

Tayler Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated the first step in the creation of a Community Improvement District (CID) for Emporia West Plaza is the acceptance of the petition submitted by the owner as required by Kansas statutes. The petition includes the costs of projects including parking facilities; site work; infrastructure improvements; landscaping; lighting; utilities; interest on borrowed funds; administrative fees; associated costs incurred by the City; and other items eligible for reimbursement under the Act. The estimated cost of the Project is $2,605,824.67 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 is the process of the Community Improvements 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 March 19, 2024, and the second is scheduled for March 26, 2024. The notice of hearing does not bind the City to any financial action regarding the establishment of the district. This resolution will set the public hearing on the advisability of creating the CID for Emporia West Plaza on April 3, 2024, at 11:00 a.m.

Following further discussion, Commissioner Smith made a motion to accept the Emporia West Plaza Community Improvement District petition in accordance with Kansas Statutes and approve Resolution Number 3728 to provide notice for a public hearing on the advisability of creating the Emporia West Plaza Community Improvement District. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

ADMINISTRATIVE SERVICES
(ERP Selection)
(Contract with Tyler Technologies, Inc.)
(Agreement with ClientFirst Technology Consulting)

Janet Harrouff, Director of Finance, was recognized and addressed the Governing Body. She stated in January 2023, the city entered into an agreement with ClientFirst Technologies Consulting to assist in selecting an ERP vendor. Discussions were held with ClientFirst and city staff to determine the ERP needs for the city. Proposal packets were sent to six (6) venders and four (4) submitted proposals. Staff reviewed proposals and requested two (2) provide demonstrations. Tyler Technologies had been selected and the City entered into contract negotiations. She stated Tyler Technologies will provide the ERP software for Financials, Payroll and Utility Billing. Implementation for finance will take approximately 9 months to complete. Utility Billing and Payroll will start 6 months after Finance and will take 9 to 12 months to complete. The timetable may be extended due to the availability of staff. Five years of historical data will be converted to the new software. The implementation cost for Financials, Payroll and Utility Billing software is $386,096, which will be paid as costs are incurred over two (2) years. Data conversion cost is $82,100, which will be paid as incurred. There are third-party hardware fees estimated at $12,695 and trainer travel fees of $30,780. These costs will be paid for from the Internal Improvement Fund. Annual maintenance cost is $140,772, guaranteed for five (5) years. The city is currently paying Harris Enterprise $83,033.31 for annual maintenance. This maintenance cost will be paid from the annual budgets in General, Water, Wastewater and Solid Waste Funds. She stated ClientFirst has been invaluable in working through the process of identifying the city's needs in an ERP system, keeping the process moving forward and assisting in the negotiation process. City staff would like to continue utilizing ClientFirst's management in implementing the ERP systems. An agreement with ClientFirst to implement the ERP system is a cost of $89,844, this cost would be paid using the Internal Improvement Fund. She stated staff recommends approval of the contract with Tyler Technologies for the Finance, Payroll and Utility Billing ERP software; and approval of the ERP System Implementation Project Management Oversight with ClientFirst Technology Consulting.

Commissioner Harter made a motion to approve the ERP software contract with Tyler Technologies, Inc. for finance, payroll and utility billing software and approve the agreement with ClientFirst Technologies to implement ERP systems. Commissioner Smith seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

SIDEWALK
(2024 Hazardous Sidewalk Program)
(Bid)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated one (1) bid was received for the 2024 Hazardous Sidewalk Program. The bid received is used for setting unit prices for each individual project line item. Bid totals were achieved by multiplying these unit prices with our initial estimated quantities from the list of site work projected for the 2024 Hazardous Sidewalk program.

BID TABULATION FOR 2024 HAZARDOUS SIDEWALK PROGRAM

Contractor	Base Bid
S. R. Coffman Construction	***$59,630.00***
Engineer's Estimate	$52,587.50

The 2024 Hazardous Sidewalk Program is budgeted at $100,000.00, additional locations and quantities will be added throughout the year as property owners sign up for participation in the program. The program also allows the homeowner the option to hire their own bonded contractor to replace their sidewalk at these set unit prices. He stated staff recommends awarding the 2024 Hazardous Sidewalk Program to S. R. Coffman Construction in the base bid amount of $59,630.00.

Commissioner Brinkman inquired about the process for new businesses to receive notification from the City about bidding for such projects.

Following further discussion Commissioner Harter made a motion awarding the bid for the 2024 Hazardous Sidewalk Program to S.R. Coffman Construction in the amount of $59,630.00 and to authorize the City Manager to sign the agreement. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye;

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

Consent Agenda

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

a. Minutes of Regular Commission Meeting Held on February 21, 2024.

b. Advanced Metering Infrastructure Gateway Installation.

c. Ordinance Number 24-06 Providing for Acquisition by Eminent Domain.

   AN ORDINANCE PROVIDING FOR THE ACQUISITION BY EMINENT DOMAIN OF CERTAIN PRIVATE PROPERTY, EASEMENTS, AND RIGHTS-OF-WAY THEREIN FOR THE PURPOSES OF HIGHWAY, UTILITY, AND DRAINAGE IMPROVEMENTS IN LYON COUNTY, KANSAS; DESIGNATED THE LANDS REQUIRED FOR SUCH PURPOSES AND DIRECTING THE CITY ATTORNEY TO FILE A PETITION IN THE DISTRICT COURT OF LYON COUNTY, KANSAS, FOR ACQUISITION OF THE LANDS AND EASEMENTS THEREIN TAKEN AND PROVIDING FOR PAYMENT OF THE COSTS THEREOF, to which the City Clerk assigned Ordinance Number 24-06, was presented to the Governing Body for their consideration.

d. 2024 Annual Operation & Maintenance Assurance Statement of Land and Water Conservation Fund.

e. Ordinance Number 24-08 St. Patrick's Day Parade Event.

   AN ORDINANCE EXEMPTING THE PARKING LOT SOUTH OF 405 COMMERCIAL STREET AND FOURTH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA, KANSAS, FROM THE PROHIBITION ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES, to which the City Clerk assigned Ordinance Number 24-08, was presented to the Governing Body for their consideration.

f. Emergency Solutions Grant Agency Agreements with Bloom House Youth Services, Inc. and S.O.S., Inc.

The vote follows: Commissioner Sauder aye; Commissioner Harter, aye; Commissioner Brinkman, 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 MARCH 20, 2024, MEETING.

- Final Performance Public Hearing for CDBG Commercial Rehab at 17 W. 4^{th} Avenue – Radius
- Welch Stadium Agreement.
- Ordinance for Common Consumption Area for Emporia Main Street.
- Animal Shelter Contract Extension.
- Approve the Rescheduling of the April 17, 2024, Commission Meeting.

STUDY SESSION

CITY COMMISSION
(Public Comment)

This is the time for the Mayor and City Commissioners to make comments and reports to the public. No comments were made at this time.

Commissioner Smith made a motion to recess the meeting until 11:35 a.m. to Conference Room 1AB. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

STUDY SESSION:

1. Discuss Resolution to Adopt the Revised Compensation Plan.
2. Discuss Rescheduling Commission Meeting on April 17, 2024.
3. Discuss City Wide Grant Application Process.

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

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk

CITY OF EMPORIA, LYON COUNTY, KANSAS
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