

Commission Meeting

11:00 a.m.

April 16, 2024

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Tuesday, April 16, 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.

Casey Woods, Director of Emporia Main Street, was in attendance to accept a proclamation declaring the week of April 28 through May 4, 2024, as "National Small Business Week" in Emporia. He stated from storefront shops that anchor Main Street to the high-tech startups that keep America on the cutting edge, small businesses are the backbone of our economy and the cornerstone of our nation's promise. When we support small businesses, jobs are created, local communities preserve their unique culture. He stated the City of Emporia supports and joins in this national effort to help America's small businesses do what they do best – grow their business, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today.

Mayor Giefer then presented the proclamation.

Marcia Lawrence, representing the National Resources Advisory Board, was in attendance to accept a proclamation declaring April 22, 2024, as "Earth Day" in Emporia. Earth Day originated on April 22, 1970. Environmental awareness and education are celebrated worldwide in some 180 countries with participation of over 4,000 separate organizations. Individuals and institutions have a mutual responsibility to seek ecological, economical, and ethical choices that enable the world, as well as our individual communities, to establish and maintain sustainable societies. She urged all citizens to celebrate Earth Day and to remind each person of their right and responsibility to the wise use of this global home, to heal, preserve and improve the Earth and the quality of life for this and future generations, and to approach every day as an Earth Day.

Mayor Giefer then presented the proclamation.

Lori Edie, representing the City Horticulturist, was in attendance to accept a proclamation declaring April 26, 2024, as "Arbor Day" in Emporia. Arbor Day was first observed with the planting of more than a million trees in Nebraska and Arbor Day is observed throughout the nation and the world. Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife. Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community. She urged all citizens to celebrate Arbor Day, to support the efforts to protect our trees and woodlands and to plant trees to promote the well-being of this and future generations. She stated in honor of the Mayor the City is planting a Greenspire Linden. This tree has the potential to grow up to 40 feet high and 30 feet around, it's known for its pyramidal shape and is a very fast-growing tree. This year will mark 38 years for Emporia to be recognized as a Tree City through the Arbor Day Foundation. She stated everyone is invited to celebrate Arbor Day and the planting will be held at Peter Pan Park east of ball fields on Friday, April 26, 2024, at 1:00 p.m.

Mayor Giefer then presented the proclamation.

**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.

Michelle Huber, 28 Union Street, addressed the Governing Body. She stated there is a lot of people that enjoy using Quaker Park. It is located in the east side of town, and it may be too much for kids to cross the tracks to go to other parks in the area.

**CITY COMMISSION
(Board Appointment)**

Emporia Human Relations Commission:

It was moved by Commissioner Smith seconded by Commissioner Sauder that Christy Grant be appointed to the Emporia Human Relations Commission to fill an unexpired term that expires June 1, 2024. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**PLANNING AND DEVELOPMENT
(Annexing Real Property and Right of Way into City Limits)
(Industrial Park IV)
(Ordinance Number 24-12)**

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 12-520c, to which the City Clerk assigned Ordinance Number 24-12, 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 received a petition and consent from Emporia Enterprises, owners of Industrial Park IV, for annexation into the City. The City is in the process of upgrading Road F to help serve the area of Industrial Park IV with road improvements and access to city utilities to assist in making the site shovel ready. The property does not currently adjoin the boundaries of the City of Emporia and abuts public right of way not incorporated into the city limits. He stated the Commission previously adopted a resolution requesting that the Lyon County Board of County Commissioners make certain findings regarding the annexation. The Lyon County Board of County Commissioners adopted a resolution finding that annexing the right of way would not hinder or prevent the proper growth or development of the area. He stated once the County Commission finds that the annexation may proceed, an ordinance annexing the property into city limits needs to be approved. He stated staff recommends approval of Ordinance Number 24-12, an ordinance annexing the property into city limits.

Commissioner Smith made a motion to approve Ordinance Number 24-12, annexing and incorporating certain land within the boundaries of the City of Emporia. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye and Mayor Giefer, aye.

**DAVID TRAYLOR ZOO
(Bald Eagle Pond Renovation)
(Bids)**

Lisa Keith, Zoo Director, was recognized and addressed the Governing Body. She stated the Bald Eagle exhibit was constructed in 2001. The exhibit pond/waterfall plumbing, and rockwork have deteriorated over time and is leaking and in need of repair or total reconstruction. This project was up for bid in January 2024 and received no responses. She stated a second bid request was published March 23, 2024, with a pre-bid on April 3, 2024, which no one attended. Bid information was sent out to six vendors. She stated one bid was received from Total Habitat in the amount of \$112,515.00 that met bid specifications and came in under the budgeted amount. There was \$120,000.00 budgeted in the Multi-Year Fund 2023 CIP and held over to 2024 for this project. This is a demolition and rebuild of the water feature and due to the unique complexity of this project and staff recommends awarding the bid to Total Habitat in the amount of \$112,515.00. She stated the Zoo has worked with Total Habitat in the past and they have been pleased with their specialized work in the exhibits.

Commissioner Harter made a motion to award the bid for the Bald Eagle Pond Renovation to Total Habitat in the amount of \$112,515.00. 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
(Lockwood Subdivision)
(Development Agreement for RHID Project)
(Ordinance Number 24-13)**

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS ESTABLISHING A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH FOR THE LOCKWOOD SUBDIVISION, to which the City Clerk assigned Ordinance Number 24-13, was presented to the Governing Body for their consideration.

Commissioners Sauder and Harter recused themselves from any discussion.

Tayler Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated the Reinvestment Housing Incentive District is a program that is designed to aid developers in building housing within communities by assisting in the financing of public infrastructure improvements. She stated RHID captures the increase in real property taxes created by a housing development project for up to twenty-five (25) years. The City is eligible to participate in the RHID program due to the population size and identified housing needs in the community. This property was approved for RHID eligibility on July 27, 2022. After ownership changes, a public hearing was held for the development of Lockwood Subdivision on October 18, 2023. She stated this is the final step in order to start the time on this RHID to approve and publish the ordinance and outline the details of the development plan. Revenue can be used for reimbursement for incurred costs or to pay debt service on bonds. This development will include 24 single-family homes with an average market sales price. Water and sewer will be public and paid for by the developer, and streets will be private. She stated the developer is not requesting any financial assistance from the City. The City will receive a 3% administrative fee for handling funds going to the developer as reimbursement. She stated staff recommends approval of Ordinance Number 24-13 establishing Lockwood RHID and approve accepting the Development Plan.

Commissioner Brinkman made a motion to approve Ordinance Number 24-13, an ordinance establishing the Lockwood RHID and adopting a plan for development.

Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Fairview Hotels, LLC)
(Development Agreement)**

Tayler Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated this is the Development Agreement between the City of Emporia and Fairview Hotels, LLC, located at 3010 Eagle Drive. The project budget is approximately \$17,195,000.00 which will utilize several incentives to ensure the construction and sustainability of the hotel and conference center. The Fairview Hotel and conference center will include approximately 88 hotel rooms and a large conference center which will address a major need for our community. The ownership group is committed to successful development in the community as is evidenced by their existing Hampton Inn Hotel in the same CID area. The Fairview Hotels, LLC group has completed the process for a Community Improvement District of 2% sales tax at the location which includes the site and the already existing Hampton Inn; and Industrial Revenue Bonds with a ten-year (10) property tax abatement. The Development Agreement details the responsibilities of the City and Developer. The City will not have any out-of-pocket costs for this project. The City will be impacted through the Transient Guest Tax rebate and the City will receive a 3% administrative fee related to the CID. She stated staff recommends approval of the Fairview Hotels, LLC Development Agreement.

Commissioner Smith made a motion to approve the Development Agreement between the City of Emporia, Kansas, and Fairview Hotels, LLC. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

**SOLID WASTE
(Transfer Station)
(Approve 2024 Spring Landfill Days)**

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated the 2024 Spring Landfill Days at the Transfer Station will be from April 27, 2024, to May 5, 2024. The following rules for the event are as follows:

1. Patrons will be limited to one (1) trip utilizing their April electric bill.
2. Loads over 1,000 pounds will be charged at normal tipping fee rates.
3. Vehicle size will be limited to passenger cars and light trucks weighing one ton or less or trailers.
4. Commercial or industrial businesses are not eligible.
5. Tires and appliances containing refrigerant will be charged the normal rates.
6. All loads must be secure or covered to avoid penalty fees.

He stated the event will be operated as in previous years and developed as a result of the combined recommendation of management and transfer station staff. He stated staff recommends approval of 2024 free landfill days at the Emporia/Lyon County Transfer Station from April 27, 2024, to May 5, 2024.

Commissioner Smith made a motion to approve the 2024 Spring Landfill Days at the Emporia/Lyon County Transfer Station from April 27, 2024, to May 5, 2024. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, 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 March 2024 for community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2023	2024	Decrease of \$58,725.96 for the month, and
	\$ 542,877.36	\$ 484,151.40	Overall decrease of 3.59% from year 2023.
YTD	\$1,656,865.28	\$1,599,435.22	

2. City Share from County Tax

	2023	2024	Decrease of \$30,564.48 for the month, and
	\$ 276,038.36	\$ 245,473.88	Overall decrease of 6.42% from year 2023.
YTD	\$ 867,838.02	\$ 815,518.47	

Building Permits issued from 3/1/2024 to 3/31/2024 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:	\$10,550,111.49
Total number of dollars collected for Building Permit Fees:	\$ 37,588.50

Construct – Single-family dwellings	7
Demo – Single-family dwellings	0

Flint Hills Mall CID for March 2024	\$ 10,479.97
YTD	\$ 51,425.53

Pavilions CID for March 2024	\$ 12,269.02
CID #2	\$ 12,257.78
YTD	\$ 94,597.49

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on April 3, 2024.
- b. William Allen White Elementary Parking License Agreement with USD 253.

The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, 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 MAY 1, 2024, MEETING.

- Proclamation Recognizing Community Action Month.
- Proclamation Recognizing National Police Week.

- Proclamation Recognizing MUPP Walk, Run & Bike Week.
- Award 2024 Street Rehabilitation Project.
- Quaker Park – Next Step.
- Emergency Shelter Grant Application.
- Award SE Transmission Waterline – Materials Only.
- Hamm Contract Extension
- Change Order for Mechanic Street Parking Lot.
- Change Order for Peyton Street Waterline Project.

Study Session:

**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 Smith made a motion to recess into Executive Session for consultation with the City Attorney regarding a legal matter resuming the open meeting in the City Commission Meeting Room, this same date, at 11:45 a.m. and invite Tayler Wash, Director of Special Projects. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 11:45 p.m., this same date in the City Commission Meeting Room, Mayor Giefer 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 12:05 p.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.

The following items were discussed at Study Session:

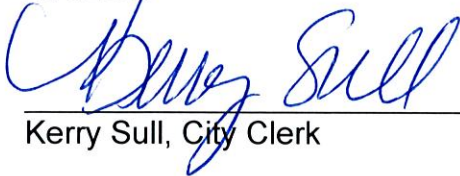
1. Quaker Park Update.
2. Economic Development Structure Advisory Task Force Final Report.
3. Wastewater Industrial Pretreatment Code Changes.
4. City Boards & Commission Handbook.

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



Danny Giefer, Mayor

ATTEST:



Kerry Sull, City Clerk

