Commission Meeting **11:00 a.m.** **May 15, 2024**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Tuesday, May 15, 2024, with Vice Mayor Harter presiding and Commissioners Brinkman, Sauder, and Smith present. Mayor Giefer was absent. Also present were City Manager Cocking, Assistant City Manager Detter, City Clerk Sull and City Attorney Montgomery.

Ginny Samples, SOS Child Advocacy Center Director, was in attendance to accept a proclamation declaring May 17, 2024, as "World NF Awareness Day" in Emporia. She stated The Children's Tumor Foundation is observing May 17, 2024, as World Neurofibromatosis Awareness Day to educate the public about this rare genetic condition. NF affects all populations equally, regardless of race, ethnicity, or gender. The disorder can lead to blindness, deafness, bone abnormalities, disfigurement, learning disabilities, disabling pain and cancer. She stated raising public awareness to NF to help promote early diagnosis, proper management and treatment, prevention of complications, and support for research.

Vice Mayor Harter then presented the proclamation.

Daphne Mertens, and representatives of the MUPP Board, were in attendance to accept a proclamation declaring May 27 through June 2, 2024, as "Walk, Run & Bike Week" in Emporia. They stated from May 27 to June 2, Emporia will once again be the host to the Garmin UNBOUND Gravel bike race which is one of North America's premier annual, ultra-endurance cycling challenges. This year's event will include the rides of 25, 50, 100, 200 and 350 miles and the High School Junior ride. The UNBOUND Gravel rides will bring in over 4,500 participants from all 50 states Puerto Rico, and 44 foreign countries and more than 10,000 friends, family, fans and supporters will visit our community. On May 29 and May 30, 2024, the 43rd Annual Law Enforcement Torch Run will enter Lyon County at the Coffey County line and local law enforcement officers will care the Torch to El Dorado with an eventual destination at the summer games of the Special Olympics in Wichita. They stated the Multi-Use Path Planning Board encourages the residents of Emporia to follow the example of our running and bicycling visitors and get up, get out, and walk, run, or bicycle. Exercise leads to a healthy lifestyle and reduces illnesses.

Vice Mayor Harter then presented the proclamation.

Dean Grant, and representatives of the Public Works Department, were in attendance to accept a proclamation declaring May 19 through 25, 2024, as "National Public Works Week" in Emporia. He stated public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Emporia. Infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals. He stated it is in the public interest for the citizens, civic leaders, and children in the City of Emporia to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities. The year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association. He urged all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

Vice Mayor Harter 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.

No comments were made at this time.

CITY COMMISSION
(Board Appointment)

Emporia Human Relations Commission:

It was moved by Commissioner Smith seconded by Commissioner Sauder that Julie Helms be appointed to the Emporia Human Relations Commission to fill an unexpired term that expires June 1, 2025. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; and Vice Mayor Harter, aye.

CITY COMMISSION
(Strategic Plan for 2024-2026)

Tayler Wash, Director of Special Projects, was recognized and addressed the Governing Body. She stated the Commission and staff have worked diligently over the past few months to develop a comprehensive strategic plan aligned with the organization's vision, values, and priorities. She stated the strategic plan outlines organizational growth, enhancing operational efficiency, and maximizing impact. The strategic plan's framework set of objectives include responsible stewardship of resources; community growth; quality of life; and engaging and informing citizens. She stated these objectives will serve as guiding principles for decision-making, resource allocation, and performance evaluation on all levels of the organization. Quarterly updates to evaluate progress on each objective and a bi-annual review/revision of the strategic plan based on progress and needs. She stated staff recommends approval of the City of Emporia Strategic Plan for 2024-2026.

Commissioner Smith made a motion to approve the City of Emporia Strategic Plan 2024 – 2026. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Vice Mayor Harter, aye.

ENGINEERING
(Kansas Department of Transportation)
(KDOT Economic Development)
(Project No. KA-7312-01 Agreement No. 235-24)
(Overlander Road)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City of Emporia Engineering Department in coordination with the Regional Development Association and the City Manager's office submitted a KDOT Economic Development application for street, storm sewer, and waterline improvements along Overlander Road from US-50 Highway to 6th Avenue including the 6th Avenue intersection and a new reinforced concrete box (RCB) culvert bridge in 6th Avenue. The proposed project includes construction of a new 12" waterline, three (3) lane curb and gutter city street with storm sewer, along with RCB bridge culvert. He stated the current RCB is 100+ years old, load limited bridge in 6th Avenue near Overlander Road. The proposed economic development agreement will help fund paving, storm sewer, waterline, and bridge improvements to improve water service, road safety, reliability, and usability along this portion of Overlander Road. He stated KDOT's participation will be 72% of construction costs up to $2,500,000.00 agreed limit. The estimated project costs of waterline, roadway, storm sewer and RCB bridge improvements is $4,650,000.00. The City will be responsible for Right of way, preliminary and construction engineering, utility adjustments and 28% of approved costs up to $2,500,000.00 and all other costs over that amount. The City's portion will be funded from bond sale proceeds. He stated staff recommends approval of the KDOT Economic Development Agreement No. 235-24 (KDOT Project No. KA-7312-01) for improvements along Overlander Road from US-50 Highway to 6th Avenue and authorizing the mayor/city manager to sign the agreement.

Commissioner Smith made a motion to approve KDOT Economic Development Project No. KA-7312-01 Agreement No. 235-24 for the proposed roadway, waterline, and storm sewer improvements along Overlander Road from US-50 Highway to 6th Avenue and authorize the mayor/city manager to sign the agreement. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; and Vice Mayor Harter, aye.

ENGINEERING
(Kansas Department of Transportation)
(KDOT CCLIP-GI Project No. 56 KA-7274-01 Agreement No. 293-24)
(Geometric Improvements of K-99 Highway from Soden's Bridge to Kansas Ave.)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated previously, Engineering applied for KDOT CCLIP-GI, Geometric Improvements funding for K-99 Highway/Commercial Street from Kansas Avenue to Soden's Bridge. The project will consist of mill and overlay existing surface from Cottonwood River Bridge to Kansas Avenue, rebuild existing rock shoulders, remove existing blunt end headwalls at entrances, install new storm drainage pipe under drive entrances construct concrete drive entrances and re-grade ditch lines throughout to improve drainage, install pavement marking to delineate 3 lane configurations with center turn lane, construct sidewalk with ADA ramps along west side from Kansas Avenue to Logan Avenue. This portion of K-99 Highway was last resurfaced during the KLINK fiscal year 2015. KDOT has approved the application, and this is the program agreement between both parties. He stated the proposed geometric paving and drainage improvements will provide improved safety to this portion of K-99 Highway. The state's participation in the preliminary engineering, cost of construction and construction engineering will be 90% of the estimated project cost of $1,200,000.00. The City will be responsible for all Right of way, utility costs, 10% of approved costs up to $1,200,000.00 and all other costs over that amount. The City's portion will be funded by the Multi-Year Fund. He stated staff recommends approval of KDOT CCLIP-GI Agreement No. 293-24 KDOT Project No. 56 KA-7274-01 for the geometric improvements of K-99 Highway from Soden's Bridge to Kansas Avenue and authorize the mayor/city manager to sign the agreement.

Commissioner Smith made a motion to approve KDOT CCLIP GI Agreement No. 293-24 KDOT Project No. 56 KA-7274-01 for the geometric improvements of K-99 Highway from Soden's Bridge to Kansas Avenue and authorize the mayor/city manager to sign the agreement. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Vice Mayor Harter, 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 April 2024 for community:

1. Monthly Local Retail Sales Tax Receipts Update

	2023	2024	
	$ 468,956.27	$ 492,491.26	**Increase of $23,534.99** for the month, and Overall decrease of 1.62% from year 2023.
YTD	**$2,125,851.55**	**$2,091,926.48**	

2. City Share from County Tax

	2023	2024	
	$ 242,998.00	$ 250,316.44	**Increase of $7,318.44** for the month, and Overall decrease of 4.22% from year 2023.
YTD	**$1,110,836.02**	**$1,065,834.91**	

Building Permits issued from 4/1/2024 to 4/30/2024 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	64
Total of valuations associated with those building permits:	$ 3,432,306.32
Total number of dollars collected for Building Permit Fees:	$ 16,145.50
Construct – Single-family dwellings	0
Demo – Single-family dwellings	0
Flint Hills Mall CID for April 2024	$ 27,750.57
YTD	**$ 79,176.10**
Pavilions CID for April 2024	$ 11,899.73
CID #2	$ 11,899.57
YTD	**$ 130,654.57**

Consent Agenda

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

a. Approve minutes of the Regular Meeting held on May 1, 2024.

b. Ordinance No. 24-15 Authorizing Beer Garden for the All Things Gravel Expo Block Party from May 30 through May 31, 2024.

AN ORDINANCE EXEMPTING AN AREA INCLUDING 7TH AVENUE BETWEEN COMMERCIAL STREET AND MARKET STREET AND THE 600 AND 700 BLOCKS OF MECHANIC STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF

ALCOHOLIC BEVERAGES FOR THE UNBOUND EXPO BLOCK PARTY MAY 30, 2024, THROUGH MAY 31, 2024, to which the City Clerk assigned Ordinance Number 24-15, was presented to the Governing Body for their consideration.

c. Reschedule the June 19, 2024, City Commission Meeting to Tuesday, June 18, 2024, at 11:00 a.m.

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

- Asphalt Preservation.
- Selection of Architect and Engineer for Small Projects.
- Change Order for Peyton Street Waterline.

Study Session:

Review CIP
Review Outside Appropriation Request.
Homelessness Advisory Board Discussion.

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 which would be deemed privileged in the attorney-client relationship resuming the open meeting in the City Commission Meeting Room, this same date, at 11:43 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; and Vice Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 11:43 a.m., this same date in the City Commission Meeting Room, Vice Mayor Harter stated they had consultation with the City Attorney regarding a legal matter which would be deemed privileged in the attorney-client relationship and no action was taken.

Commissioner Sauder made a motion to recess the meeting until 12:30 p.m. to Conference Room 1AB. The motion failed for lack of a second.

Commissioner Brinkman made a motion to recess the meeting until 12:07 p.m. to Conference Room 1AB. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Sauder, aye; and Vice Mayor Harter, aye.

The following items were discussed at Study Sesson:

1. Discuss Economic Development Consultant.
2. Discuss Skate Park Final Concept.
3. Budget Discussion.
4. Discuss Emporia Animal Shelter Proposal.
5. Discuss June 5, 2024, Commission Meeting.

STUDY SESSON:

Animal Shelter
Shelter Management and Operation Services
Proposals

Taylor Wash, Director of Special Projects, stated the contract with the Humane Society of the Flint Hills for animal shelter management expires on July 31, 2024. She stated the City published request for proposals for shelter management and operation services. Three proposals were submitted and were assessed based on expectations set forth in the RFP which included: services available, background and experience, staffing, budget, and budget methodology. The proposals are as follows:

Organization	Total Budget	Amount Expected from City	% of Budget funded by City
Humane Society of Flint Hills	$261,000.00	$180,000.00	68.96%
Raise Your Paws	$262,783.00	$185,000.00	70.39%
Prairie Paws	$245,696.00	$157,896.00	64.27%

She stated Prairie Paws had the lowest total budget and the lowest percentage of City support in their budget. The lower percentage is offset by fundraising efforts and increase program revenue. A five (5) member committee evaluated the proposals and staff recommends awarding the proposal to Prairie Paws Animal Shelter, Inc. as the best option for advancement of the animal shelter.

Commissioner Brinkman made a motion to award the proposal and enter into contract negotiations with Prairie Paws Animal Shelter, Inc. for shelter management and operation services. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Vice Mayor Harter, aye.

City Commission
Economic Development Assessment
Proposals

Jim Witt stated there have been four (4) proposals submitted for the reorganizational study and assessment of economic development efforts for Emporia. In no order or ranking they are as follows: Wichita State University, Wichita, Kansas, timeline of completion approximately 3 months for a proposal price of approximately $25,000.00. Strategic Government Resources (SGR), Keller, Texas, timeline of completion approximately 60 days for a proposal price of approximately $40,000.00 to $50,000.00. VisionFirst Advisors, Tallahassee, Florida, timeline of completion 60 to 75 days for a proposal price of approximately $55,000 to $65,000.00 plus expenses for travel. They estimated 10% for travel in addition to a negotiated price. Next Move Group, New Orleans, this company did that last search for the present position. Their proposal price was the lowest at $19,500.00 plus expenses. He stated their price was dependent upon if they receive the search firm contract also. All four proposals vary in costs and vary in discipline and experience, and some are organizational experts, and some are economical experts.

There was discussion about firms not having any connections to any individuals for delivering any favoritism or predaciousness.

Commissioner Brinkman asked if the process of choosing a proposal for services would actually be considered in relation to what the task force did. She stated she felt there was a very passionate group of taxpayers who want to blow the system up and there is a very passionate group of taxpayers that don't want to change a thing, and somewhere in between there we will find the best solution for our community. She stated she was not sure selecting a consultant was the solution. She stated funding 100% of this entity and not having much oversite of the tax dollars collected she felt something of an RDA should continue moving forwarded, however, it needs to be restructured. She stated she felt working better together collaboratively without the help of a consultant was the answer.

Commissioner Smith stated she felt a consultant would be able to help focus on issues that need to be addressed, what needs improving, what is working and what is not working.

Commissioner Sauder agreed with both Commissioner Brinkman and Smith. He stated he believed there is great opportunity for economic development. However, he learned that consensus is hard and having a consultant with unbiased opinion to come in from the outside to help with issues would be beneficial for the cost.

Vice Mayor Harter stated one of the main issues was the timeline for getting a new RDA director. He felt this was the time to take to overview of the current situation with a consultant.

Commissioner Brinkman asked what the deliverable was.

Commissioner Sauder stated he hoped it would be a recommendation on structure, budget amount and focus.

Commissioner Smith stated she hoped it was focus, strengths, and weaknesses.

Vice Mayor Harter stated he didn't feel that it was up to the Commission or City Staff to come up with a deliverable.

Commissioner Brinkman stated if the City is spending this much money, we need to define what the deliverable is. It needs to be in the scope of our ability, hiring a consultant might come back with a plan that is not that is affordable and wasting money on a consultant's fee for a deliverable that isn't implementable.

Vice Mayor Harter and Commissioner Smith stated the consultant would also need to work with the RDA Board.

City Manager Cocking read the VisionFirst framework:

An organizational structure that allows Emporia's five city-funded entities to work together in increased collaboration and efficiency.
Recommendations to improve processes metrics and expected outcomes of the collective entities' economic development efforts.
Process and efficiency strategies utilizing best practices and research to position Emporia's entities for success.
A customer-groups-served matrix.
A shared economic development vision and mission that will guide the stakeholders in implementing economic development programs and efforts.
VisionFirst will provide a draft assessment for initial review and the project team will have the opportunity to provide edits. Upon completion of the document, VisionFirst will present the plan virtually to stakeholders.

Commissioner Brinkman asked how the five entities are defined.

Vice Mayor Harter stated, Regional Development Association of East Central Kansas, Visit Emporia, Emporia Chamber of Commerce, Emporia Main Street and Ignite. He stated every party in the City of Emporia that has an interest in economic development needs to work together.

Commissioners then discussed the need to hire a new RDA President. City Attorney Montgomery asked a question of clarification, is this line of discussion for the question of whether to continue asking the RDA to hold the position open, keeping in mind that the RDA has the decision authority over hiring their personnel.

Commissioner Sauder and Smith stated their recommendation would be for the RDA to wait on hiring a director.

Commissioner Brinkman stated there are options for compromise, the entity could be restructured with the knowledge before them.

Following further discussion, it was the consensus that the Commission does not plan to bring the work currently done by the RDA under the City of Emporia at this time.

Commissioner Smith made a motion for the City Manager to negotiate and enter into a contract with VisionFirst Advisors for Economic Development Organizational Assessment. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Vice Mayor Harter, aye; and Commissioner Brinkman, nay.

City Commission
Commission Meeting
June 5, 2024

City Manager Cocking stated due to upcoming conflicts and schedules the next regular Commission meetings will need to be rescheduled. Following discussion, Commissioner Brinkman made a motion to reschedule the Commission meeting on June 5, 2024, to Friday, June 7, 2024, at 11:00 a.m., in the Commission Meeting Room. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Vice Mayor Harter, aye.

Commissioner Brinkman made a motion to reschedule the Commission meeting on July 3, 2024, to Tuesday, July 2, 2024, at 11:00 a.m. in the Commission Meeting Room. Vice Mayor Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Vice Mayor Harter, aye; Commissioner Sauder, aye; and Commissioner Smith, aye.

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

Erren Harter

Erren Harter, Vice Mayor

ATTEST:

Kerry Sull

Kerry Sull, City Clerk

CITY OF EMPORIA, LYON COUNTY, KANSAS
SEAL
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