

CITY COMMISSION MEETING

January 20, 2021 at 7:00 PM

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS

Agenda

Meeting Items

1. Members Present:
2. Mayor and City Commission Reports and Comments
3. Consent Agenda
4. Public Comment
5. Consider Proposal for Replacement of the Emporia Public Library Roof and Skylight
6. Consider Ordinance Amending City Code Sec. 16-266 Pertaining to Face Mask
7. Report from City Manager on City Activities
8. Executive Session



**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact City of Emporia Jeff Lynch, ADA Coordinator at least 48hours before the event at 620-343-4285 or jlynch@emporia-kansas.gov*

AGENDA ITEM SUMMARY

MEETING DATE: January 20, 2021

ITEM NUMBER: 2

SUBJECT: Mayor and City Commissioners Reports and Comments.

RECOMMENDATION:

BACKGROUND SUMMARY

This is a time for the Mayor and City Commissioners to make comments and reports to the Public.

The following is general information for the month of December for the community:

1) Monthly Local Retail Sales Tax Receipts Update

	2019	2020	Increase of \$4,267.86 for the month, and
	\$413,482.82	\$417,750.68	Overall increase of 0.62% from year 2019
YTD	\$ 4,960,937.71	\$ 4,991,594.83	

2) City Share from County Tax

	2019	2020	Increase of \$4,416.92 for the month, and
	\$203,954.48	\$208,371.40	Overall increase of 2.90% from year 2019
YTD	\$ 2,463,818.17		

3) Building Permits issued from 12/1/2020 to 12/31/2020 for new construction, remodeling / repairs and demolition.
Information for December and January will be provided at the meeting on February 17, 2021.

Flint Hills Mall CID for December	\$ 18,218.66
Year to Date Total	\$ 217,146.77

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____
GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: January 20, 2021

ITEM NUMBER: 3

SUBJECT:

Consent agenda:

The items listed on the Consent Agenda are considered by the Governing Body to be routine business items. Approval of the items may be made by a single motion, second and majority vote with no separate discussion of any item listed. Should a member of the Governing Body desire to discuss any item, at his/her request, it will be removed from the Consent Agenda and considered separately.

- a. Consider minutes of the Regular Meeting held on January 6, 2021 and the Adjourned Meeting held on January 13, 2021.
- b. Consider ratification of Payroll Ordinance for the periods ending on January 1, 2021.
- c. Consider Approval of Budget for December.
- d. Consider Set Bid Time and Date for New Police Vehicles.
- e. Consider Set Bid Time and Date to receive Bids for the 30th Avenue Paving Improvements Project No. PV2006.

RECOMMENDATION:

- a. Approve Minutes.
- b. Approve Payrolls.
- c. Approve Budget.
- d. Approve Time and Date.
- e. Approve Time and Date.

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: January 20, 2021

ITEM NUMBER: 3d

SUBJECT: Set 2:00 p.m., January 26, 2021 as the time and date to receive bids for new police vehicles.

RECOMMENDATION: Set the Time and Date.

BACKGROUND SUMMARY:

Two (2) New vehicles were budgeted in 2021. The old ones will be transferred down to other departments in order to get as extended life as possible from each vehicle. The oldest/worst vehicles will be sold on Purple Wave.

The 2021 budget for replacing police vehicles is \$114,000.00.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: January 20, 2021

ITEM NUMBER: 3e

SUBJECT: Set 2:00 p.m., Tuesday, February 9, 2021 as the time and date to receive bids for the 30th Avenue Paving Improvements Project No. PV2006 (Crestview Drive to Prairie Street).

RECOMMENDATION: Set bid time and date.

BACKGROUND SUMMARY:

The project is being bond funded.

Attached is the Invitation to Bid.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

INVITATION TO BID

Sealed bids for the **30th Avenue Paving Improvements Project No. PV2006 (Crestview Dr. to Prairie St.)** will be received at the office of the City Clerk, City of Emporia, Kansas located upstairs at 104 E. 5th Avenue, up to **2:00 p.m. on Tuesday, February 23, 2021, and then publicly opened in the Engineering Department's Conference Room located at 522 Mechanic Street. A pre-bid conference will be held at 2:00 p.m. on Tuesday, February 16, 2021, at the same location.**

The work for the 30th Avenue Paving Improvements Project will consist of the approximate quantities:

Base Bid:

Mobilization	1	LS
Removal of Existing Structures	1	LS
Foundation Stabilization (Set Price)	1	CY
Contractor Construction Staking	1	LS
Clearing and Grubbing	1	LS
Common Excavation	1895	CY
Ditch Grading	184	LF
Pavement Removal	764	CY
Compaction of Earthwork (Type B) (MR-90)	806	CY
Compaction of Earthwork (Type A) (MR 5-5)	1012	CY
Flowable Fill (Low Strength)	147	CY
Water (Grading) (Set Price)	1	MGAL
Water (Aggregate Base) (Set Price)	1	MGAL
Combined Material (AB-3) (6" Compacted)	6501	SY
Curb and Gutter (2'-6" Combined) (AE)	3520	LF
Concrete Pavement (9" Uniform) (NRDJ) (AE)	388	SY
Concrete Pavement (6" Reinforced) (AE)	270	SY
Mailbox (Relocation)	4	EA
Sidewalk Construction (4") (AE)	204	SY
ADA Sidewalk Ramp	18	SY
12" CMP	15	LF
HMA (Commercial Grade) (Class A)	3314	TONS
Inlet (Type 22 Curb) (Precast)	11	EA
Storm Sewer Manhole (5'x5') (Precast)	2	EA
Storm Sewer Manhole Special (3'x3') (Precast)	1	EA
Storm Sewer (15" HDPE)	516	LF
Storm Sewer (18" HDPE)	823	LF
Storm Sewer (12" RCP)	43	LF
Storm Sewer (15" RCP)	114	LF
Storm Sewer (18" RCP)	31	LF
Storm Sewer (24" RCP)	40	LF
6" ADS Pipe	96	LF
Reinforced Concrete Box (4' x 3') (Precast)	54	LF
Flared Wingwalls	10	CY
Fence (Chain Link) (6')	20	LF
Temporary Inlet Sediment Barrier	11	EA
Temporary Slope Barrier (Silt Fence)	200	LF

Sediment Removal (Set Price)	1	CY
Temporary Seeding	1	LS
Permanent Seeding and Mulch	1	LS
Pavement Marking (Thermo) (4" Yellow) (Double)	1641	LF
Pavement Marking (Thermo) (24" Type II Crosswalk) (White)	40	LF
Pavement Marking (Thermo) (24" STOP Bar) (White)	28	LF
Sign (Flat Sheet) (High Performance)	30	SF
Sign Post (1 3/4" PSST)	36	LF
Sign Post Footing (1 3/4" PSST)	4	EA
Removal of Existing Signs and Post	6	EA
Traffic Control	1	LS

Add Alternate:

12" Steel Casing	40	LF
24" Steel Casing	90	LF
30" Steel Casing	40	LF

Plans and bid documents are on file at the office of the City Engineer, 522 Mechanic Street, P.O. Box 928, Emporia, KS 66801 (620-343-4260). The cost for plans and bid documents is sixty dollars (\$60), which is nonrefundable. If the Contractor prefers plans and bid documents sent by UPS, there is an additional required fee of ten dollars (\$10). Also, the Contractor may request an electronic copy of plans and bid documents for a flat rate fee of twenty dollars (\$20). The City of Emporia 2014 Master Set of Specifications (for all projects) is available upon request for a cost of \$20 for a hard copy. A contractor either shall have a current set of City Master Specs or have a signed contractor's acknowledgement on file with the City Engineer's Office that they have read and shall abide by the 2014 Master Set of Specifications on the City Web page in order to bid City of Emporia projects. Each bid shall be accompanied by a certified check, a cashier's check, or an approved bidder's bond in an amount of not less than five percent (5%) of the total amount of the bid. Any bid bond must be with a surety and guaranty company authorized to do business in the State of Kansas and acceptable to the City as Surety.

The Bidder to whom the Contract is awarded will be required to furnish statutory bond in the amount of one hundred percent (100%) of the Contract, and performance and maintenance bond in the amount of one hundred percent (100%) of the Contract; the bonds to be acceptable to the City of Emporia, Kansas, and conform to the requirements of the Contract documents.

The City of Emporia, Kansas, reserves the right to reject any or all bids and to waive defects in bids. No bids will be withdrawn for a period of sixty (60) days after the time set for opening of bids.

If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact Jeff Lynch, City of Emporia ADA Coordinator at least 48 hours before the event at 620-343-4291 or e-mail jlynch@emporia-kansas.gov.

THE CITY OF EMPORIA, KANSAS
Kerry Sull
City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: January 20, 2021

ITEM NUMBER: 4

SUBJECT: Public Comment.

RECOMMENDATION:

BACKGROUND SUMMARY:

Citizen Appearance Procedures

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinions shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: January 20, 2021

ITEM NUMBER: 5

SUBJECT: Consider proposal for replacement of the Emporia Public Library roof and skylight.

RECOMMENDATION: Award the project to Mitchell-Markowitz for the total price of \$218,750.00.

BACKGROUND SUMMARY:

This will be a total replacement of the Emporia Public Library skylight and installation of new roof. The proposal we received from Mitchell-Markowitz included Wray roofing as the roofing contractor.

Attached is a memo from Kevin Hanlin outlining the project to date.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

Memo

TO: City Commission

FROM: Kevin Hanlin, Facility Manager

CC: Department Heads

DATE: January 14, 2021

SUBJECT: Library Roof and Skylight

This item was discussed by the Commission on January 22, 2020. Staff was directed to work with an engineer/architect to design a new skylight and new roofing cover. Staff worked with BG Consultants to complete the design. Project RFP was sent to 19 construction contractors and we had one contractor attend the pre-bid conference on December 22, 2020 and one bid was received January 13, 2021.

The single bid received by Mitchell-Markowitz Construction was in the amount of \$218,750.00. The CIP budgeted amount for this project is \$114,000. During the Commission's initial discussion of the item, staff was directed bids may be accepted without the item returning to the Commission for approval unless bids exceed the budgeted amount by 20%.

AGENDA ITEM SUMMARY

MEETING DATE: January 20, 2021

ITEM NUMBER: 6

SUBJECT: Consider Ordinance Amending City Code Sec. 16-266 Pertaining to Face Masks.

RECOMMENDATION: Approve Ordinance.

BACKGROUND SUMMARY:

City Code Sec. 16-266 requiring individuals to wear face masks or other face coverings in certain circumstances is scheduled to expire January 26, 2021 at 11:59 p.m. This ordinance proposal extends the expiration date to February 23, 2021 at 11:59 p.m. All other mask or face covering requirements pursuant to Sec. 16-266 would remain the same.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS REQUIRING INDIVIDUALS TO WEAR MASKS OR OTHER FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND AMENDING CITY CODE SECTION 16-266

WHEREAS, the governing body of the City of Emporia prioritizes the protection of the health, safety, welfare and economic well-being of residents and visitors of the City of Emporia; and

WHEREAS, the spread of COVID-19 in the City of Emporia has resulted in illness, quarantines, school closures, and temporary closure of business resulting in lost wages and financial hardship; and

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 22,740,142 cases of illness and more than 379,225 deaths as a result of the illness across the United States; and

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020; and

WHEREAS, a State of Disaster emergency was proclaimed for the State of Kansas on March 12, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-10 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, as of this date, in Kansas there have been 252,041 reported positive cases of COVID-19 spread including 3,355 deaths; and

WHEREAS, after a steady trend of decreasing metrics, recent weeks have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike in Kansas and across the nation; and

WHEREAS, this trend of increased COVID-19 spread is a danger to the health and safety of residents and visitors to the City of Emporia, and also presents a serious threat to reopening and reviving the City's economy; and

WHEREAS, wearing a mask in public is the easiest and most effective way to protect each other and keep our businesses open and our economy running; and

WHEREAS, the City of Emporia must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also

simultaneously safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization; and

WHEREAS, the City of Emporia approved Ordinance 20-24 on August 5th, 2020 requiring individuals to wear masks or other face coverings in certain circumstances, and

WHEREAS, for the aforementioned and other reasons, the governing body of the City of Emporia is acting pursuant to its constitutional home rule authority to provide for the health, safety, welfare, and economic well-being of residents and visitors of the City of Emporia by amending Section 16-266 of the Code of Ordinances of the City of Emporia, Kansas and extending the requirement that masks or other face coverings be worn as described in the ordinance until February 23, 2021.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas;

Section 1. That Section 16-266 of the Code of Ordinances of the City of Emporia, Kansas, is hereby amended to read as follows:

“Sec. 16-266 Mask or other Face Coverings in Certain Circumstances.

(a) Mask or other face coverings; definitions. The following words or phrases when used in this article shall have the following meanings:

- (1) "Mask or other face covering" means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.
- (2) "Public space" means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.”

(b) Mask or other face coverings; when required; exemptions.

- (1) All persons in the city shall cover their mouths and noses with masks or other face coverings when they are in the following situations:
 - (A) While inside, or in line to enter, any indoor public space;
 - (B) Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee thereof or a health care provider;

- (C) Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle; or,
 - (D) While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.
- (2) All businesses, organizations and non-profit associations in the City of Emporia must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering as follows:
- (A) Employees, when working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;
 - (B) Employees, when working in any space where food is prepared or packaged for sale or distribution to others;
 - (C) Employees, when working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;
 - (D) Customers, members, visitors, or members of the public, when in a facility managed by the business or organization;
 - (E) Employees, when in any room or enclosed area where other people (except for individuals who reside together) are present and are unable to maintain a 6-foot distance except for infrequent or incidental moments of closer proximity.
- (3) The following individuals are exempt from wearing masks or other face coverings in the situations described in subsections (b)(1) and (b)(2):
- (A) Persons age five years or under—children age two years and under in particular should not wear a face covering because of the risk of suffocation;
 - (B) Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
 - (C) Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
 - (D) Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;

- (E) Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
 - (F) Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6- foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
 - (G) Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
 - (H) Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;
 - (I) Persons engaged in an activity or event held or managed by the Kansas Legislature;
 - (J) Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary; and,
 - (K) Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.
- (4) It shall be an affirmative defense to any prosecution under subsection (a) or (b) that the person in violation is an individual listed under subsection (c)."

(c) Mask or other face coverings; penalties; enforcement.

- (1) Any person, business or organization violating the provisions of this Section of the Code of the City of Emporia shall be guilty of an infraction. The person or persons responsible for any business or organization that does not comply with subsection(b)(2) includes a sole proprietor, or any officer, partner, member, manager, director, or other supervisor for the business or organization, who may be held jointly and severally responsible for such violation with respect to any enforcement of the violation.
- (2) A violation of this section shall be punished by a fine of twenty five (\$25.00) dollars upon a first conviction, by a fine of fifty (\$50.00) dollars upon a second conviction, and by fine of one hundred dollars (\$100.00) dollars upon a third or subsequent conviction, plus court costs.

(d) Mask or other face coverings; effective term. The provisions of Section 16-266 through Section 16-268 of the city code shall be in effect until 11:59 p.m. on February 23, 2021."

Section 2. That the provisions of this ordinance as amended shall be included and incorporated in the code of the City of Emporia, Kansas.

Section 3. Effective Date. This ordinance shall take effect upon publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 20th of January, 2021.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: January 20, 2021

ITEM NUMBER: 7

SUBJECT: Report from the City Manager on City Activities

RECOMMENDATION: This is a verbal report that announces upcoming events, recognizes employees for outstanding contributions and provides the public with information that may be of general interest.

BACKGROUND SUMMARY: This is an opportunity 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.

January 27th Study Session

- Review RHID Policies.
- Online Backflow Management System.
- Update for Ordinance for Alcohol to Minors.
- Discuss Building at 618 Mechanic.
- Discuss Pickle Ball Court Agreement.
- Sewer System Connection Policy.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: January 20, 2021

ITEM NUMBER: 8

SUBJECT: Executive Session

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commissioners request an Executive Session to discuss proprietary information of a private business in the City of Emporia.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____