

Commission Meeting

11:00 a.m.

April 2, 2025

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, April 2, 2025, with Mayor Harter presiding and Commissioners Brinkman, Curtis, Sauder and Smith present. Also present were City Manager Cocking, Deputy City Manager Detter, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery.

Representatives of SOS were in attendance to accept a proclamation declaring the month of April as "National Child Abuse and Neglect Prevention Month" in Emporia. They stated child abuse and neglect are serious problems affecting every segment of our community and finding solutions requires input and action from everyone in our community. Child abuse can have long-term psychological, emotional and physical effects that can have lifelong consequences for victims of abuse. By providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders. Working together as a community to increase awareness about child abuse and contribute to promoting the social and emotional well-being of children and families in a safe, stable, nurturing environment. They urged all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

Mayor Harter then presented the proclamation.

Roxanne VanGundy, Director of Lyon County Communications Center, was in attendance to accept a proclamation declaring the week of April 13 through 19, 2025, as "National Public Safety Telecommunicators Week" in Emporia. She stated when an emergency occurs the prompt response of sheriff's deputies, police officers, firefighters and paramedics is critical to the protection of life and preservation of property. The safety of police officers, deputies, and firefighters are dependent upon the quality and accuracy of information obtained from citizens who telephone the Lyon County Emergency Communications Center. She stated Public Safety Telecommunicators are the first and

most critical contact citizens have with emergency services. Public Safety Telecommunicators of the Lyon County Emergency Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients. She stated each Communications Officer has exhibited compassion, understanding and professionalism during the performance of their job in the past year and National Public Safety Telecommunicators is in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

Mayor Harter then presented the proclamation.

Pauline Stacchini, Executive Director Emporia Public Library, was in attendance to accept a proclamation declaring the week of April 6 through 12, 2025, as "National Library Week" in Emporia. She stated libraries spark creativity, fuel imagination, and inspire lifelong learning, offering a space where individuals of all ages can explore new ideas and possibilities. Libraries empower job seekers, entrepreneurs, and lifelong learners by providing access to resources, training, and opportunities that support career growth and economic success. Libraries nurture young minds through story times, STEAM programs, and literacy initiatives fostering curiosity and a love of learning that lasts a lifetime. She stated libraries protect the right to read, think and explore without censorship, standing as champions of intellectual freedom and free expression. She urged all residents of Emporia to visit their library, explore its resources, and celebrate all the ways the library draws us together as a community.

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.

**FRANCHISE AGREEMENT
(Kansas Gas Service)
(Ordinance Number 25-12)**

AN ORDINANCE, granting to Kansas Gas Service, a Division of ONE Gas, Inc., and its successors and assigns, a natural gas franchise, prescribing the terms thereof and relating thereto, providing definitions of terms, prescribing a franchise fee, providing terms and conditions for the use of public rights-of-way, requiring advance notice of work and duty to repair, providing for indemnification and a hold harmless agreement, providing for rules and regulations, prescribing insurance requirements, reserving certain rights, providing for revocation and termination, providing for an acceptance of the terms of the franchise, providing for a reopener, providing for notice of annexations, prescribing relevant governing law, providing for transfer and assignment of the franchise, providing for points of contact and notifications, providing for an agreement to renegotiate, and repealing all ordinances or parts of ordinances inconsistent with or in conflict with the terms hereof, to which the City Clerk assigned Ordinance Number 25-12, was presented to the Governing Body for their consideration.

Mark Detter, Deputy City Manager, was recognized and addressed the Governing Body. He stated the City of Emporia previously renewed the gas franchise agreement with Kansas Gas Service in 2005 for a period until December 1, 2025. Staff would like to renew the current agreement with Kansas Gas Service prior to the preparation of the 2026 Budget. He stated the proposed gas franchise agreement will include a 5% fee for gross receipts from sales and transmission of gas within the city limits of Emporia. The term of the agreement is 10 years with the ability to reopen the agreement in 5 years or 2030. The franchise agreement is done in lieu of the city operating a gas system and deriving benefits and expenses from a system. The primary costs incurred by the City for allowing utility to utilize the City Right-Of-Ways is maintenance of ROWs, including notifying the City of potential work in the ROWs for gas system maintenance and enhancements and responding to City one-call requests for when City utilities are to be maintenance. He stated when the gas franchise agreement with renewed in 2005 the rates increased from 2% to 5%. The franchise fees are approximately \$500,000.00 per year. Gas franchise fees have kept pace with inflation approximately 50% of the time in the 20-year period of the agreement. The gas franchise agreement should be considered in 5 years or 2030 to evaluate the fees' status related to inflation. Staff recommend approval of Ordinance Number 25-12 granting to Kansas Gas Service, A Division of One Gas, Inc., a franchise agreement with the City of Emporia, Kansas setting terms, rates,

conditions for the use of City rights-of-way, and other conditions authorizing the transmission and sale of natural gas within the City of Emporia.

Commissioner Curtis made a motion to approve Ordinance Number 25-12 granting to Kansas Gas Service, a Division of One Gas, Inc., a franchise agreement with the City of Emporia, Kansas setting terms, rates, conditions for the use of City rights-of-way, and other conditions authorizing the transmission and sale of natural gas within the City of Emporia, Kansas. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

WATER MAINTENANCE
(Southeast Transmission Water Main Improvements – WM2303)
(Project Authorization)
(Resolution Number 3763)

Mark Detter, Deputy City Manager, was recognized and addressed the Governing Body. He stated the City previously approved the bid for the southeast transmission water main and will need approximately \$7,000,000.00 more in financing for the project. He stated the City plans to amend the current KDHE revolving loan to increase the loan amount from \$15,000,000.00 to \$22,000,000.00 with \$1,000,000.00 eligible for loan forgiveness. The City is committed to making improvements, however, if the amendment to the loan is not approved, the City will issue approximately \$7,000,000.00 in General Obligation Bonds to complete the southeast transmission water main. The increase in the loan value will increase the future debt service in the water fund for the projects that include water improvements on Peyton Street, 24th Avenue, Prairie Street and Southeast Transmission water main approximately \$400,000.00 per year. Staff recommend approval of Resolution Number 3763 authorizing certain public improvements for the purpose of Southeast Transmission Water Line Improvements in an amount not to exceed \$7,000,000.00.

Commissioner Smith made a motion to approve Resolution Number 3763 of the City of Emporia, Kansas authorizing certain public improvements for the purpose of Southeast Transmission water main improvements in an amount not to exceed \$7,000,000.00. Commissioner Sauder seconded the motion. The vote follows:

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

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

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated the 2025 Spring Landfill Days at the Transfer Station will be from April 26 through May 4, 2025. The regulations for the event are as follows:

1. Residents of Lyon County and Chase County will be limited to one (1) trip.
2. April electric bill must be presented at the gate.
3. First 1,000 pounds will be free of charge. Additional materials over 1,000 pounds will be charged at the normal rates.
4. Vehicle size will be limited to passenger cars, light trucks weighing one ton or less or trailers.
5. Commercial or Industrial businesses are not eligible.
6. Tires and appliances containing refrigerant will be charged at the normal rates.
7. All loads must be secured or covered to avoid penalty fees.

He stated the event will be operated as in previous years, as developed by the combined recommendations of management and transfer station staff. He stated staff recommend approval of the 2025 Spring Landfill days at the Emporia/Lyon County Transfer Station from April 26 through May 4, 2025.

Commissioner Smith made a motion to approve the 2025 Spring Landfill Days to be held from April 26 through May 4, 2025. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

Consent Agenda

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

- a. Minutes of the Regular Meeting held on March 19, 2025.
- b. Sanitary Sewer License Agreement for 823 West Street.
- c. Southeast Transmission Watermain - BNSF License Agreement.

The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**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 APRIL 16, 2025, MEETING.

- Proclamation recognizing National Small Business Week.
- Proclamation recognizing Earth Day.
- Proclamation recognizing Arbor Day.
- Award 2025 Street Rehabilitation Project.

- **Study Session:**
 - Update from Newman Regional Hospital.
 - Discuss Champions Landing/Disc Golf.
 - Update from Emporia Human Relations Board.
 - Amend Ordinance for Grease Interceptor.

**CITY COMMISSION
(Governing Body Comment)**

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

No items for Study Session:

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

ATTEST:


Kerry Sull, City Clerk




Erren Harter, Mayor