

**Commission Meeting****10:00 a.m.****May 7, 2025**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, May 7, 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.

Colleen Smith, Lyon/Morris County Human Resources Coordinator for ECKAN, was in attendance to accept a proclamation declaring the month of May as "Community Action Month" in Emporia. She stated Community Action has made essential contributions across this nation for 61 years, inspiring a spirit of hope, creating opportunities for millions of people to be part of the American Dream, improving communities. Community Action remains committed to a nation that creates opportunities for all people to thrive, builds strong, resilient communities, and ensures a more equitable society. She stated Community Action builds and promotes economic stability as an essential aspect of enabling and enhancing stronger communities in cities, suburbs and rural areas change. Community Action coordinates federal, state, local and private resources to achieve results for people and communities. Community Action month recognizes the hard work and dedication of Emporia Community Action Agencies.

Mayor Harter then presented the proclamation.

Representatives with Radical Life were in attendance to accept a proclamation declaring the month of May as "Foster Care Awareness Month" in Emporia. They stated every child deserves a safe, loving and stable home, yet thousands of children in Kansas enter the foster care system each year due to abuse, neglect or family hardship. They stated Radical Life, Inc. has been a steadfast advocate for vulnerable children, providing essential services, support, and resources to bio and foster families, youth in care, and those aging out of the system. They stated raising awareness about the needs of children and families involved with foster care encourages more individuals and families to consider fostering, mentoring, or supporting child welfare initiatives such as family stability programs. They stated May is National Foster Care Awareness month, and Radical Life, Inc., along with community artists and members involved with foster care have created

an art exhibit at the Emporia Arts Council, on display the month of May entitles, "Stories from Foster Care." They encouraged all residents to support foster children, families, and organizations like Radical Life, Inc., in their mission to provide every child with hope, stability, and a loving future.

Mayor Harter then presented the proclamation.

Representatives of the MUPP Board were in attendance to accept a proclamation declaring May 29 through June 4, 2025, as "Walk, Run & Bike Days" in Emporia. They stated from May 29 through June 4, 2025, Emporia will be the focus of two major bicycling and running events. From May 29 to June 1, 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 with this year's event to include the rides of 25, 50, 100, 200 and 350 miles and the High School Junior ride as well as the open air, market style "All things Gravel" expo. The UNBOUND Gravel rides will bring in over 5,000 participants from all 50 states and 46 foreign countries and more than 10,000 friends, family, fans and supporters will visit our community. On June 3 and June 4, the 44<sup>th</sup> Annual Law Enforcement Torch Run will enter Lyon County at the Coffey County line and local law enforcement officers will carry 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 everyone to walk, run, or ride a bicycle to work during the week of these events. They encouraged 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 related to a sedentary life.

Mayor Harter then presented the proclamation.

Jeff Meek, Assistant Director of Public Works, and representatives of the Public Works Department, were in attendance to accept a proclamation declaring the week of May 18 through May 24, 2025, 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 public health, high quality of life

and well-being of the people of Emporia, Kansas. Infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportations, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens. He stated it is in the public interest for the citizens, civic leaders, and children in Emporia, Kansas, to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in the community. The year 2025 marks the 65<sup>th</sup> 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.

Mayor Harter then presented the proclamation.

Ed Owens, Chief of Police, was in attendance to accept a proclamation declaring May 11 through May 17, 2025, as "National Police Week" in Emporia. He stated every day, our Nation's dedicated law enforcement officers put themselves at risk to keep their fellow Americans safe. Law enforcement officers deserve our appreciation for the work they do, and citizens fulfill an important civic responsibility by supporting their work to protect our communities. On Peace Officers Memorial Day and during Police Week, we honor the heroism of all our law enforcement officers, especially those who have given their lives so that others might live. By joint resolution of the US Congress in 1962, it asked the President of the United States to designate May 15<sup>th</sup> of each year as "Peace Officers Memorial Day" and the week in which it falls as "Police Week" and directed the flag be flown at half-staff on Peace Officers Memorial Day on May 15<sup>th</sup> of each year. He urged everyone to remember those throughout our Nation who lost their lives while protecting others.

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.

**ENGINEERING  
(2025 Concrete Street Repair – Project No. PV2503)  
(Bids)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the 2025 concrete street repair project consists of various locations around the City. The locations in the Base Bid include: West Ridge Ct. and South Parkway Ct.; Coronado Ave./Monterey Drive; Coronado Ave./Montezuma Ct. Drive, Coronado Ave. and Rio Vista Dr.; 18<sup>th</sup> Ave. and East Wilman St. intersection; 18<sup>th</sup> Ave. and Center St. intersection; and 15<sup>th</sup> Ave. from Lincoln St. to Lawrence St. Add Alternate No. 1 location is 1701 Del Oso Drive to 1801 Del Oso Drive, and Add Alternate No. 2 location is Weaver Street, Railroad to 6<sup>th</sup> Avenue. He stated there were four responsive bids received as follows:

**BID TABULATION 2025 CONCRETE STREET REPAIR PROJECT**

| <b>Bidder</b>                           | <b>Base Bid</b>            | <b>Add Alt<br/>No. 1</b>  | <b>Add Alt<br/>No. 2</b>   |
|-----------------------------------------|----------------------------|---------------------------|----------------------------|
| <b><i>Quality Built Const., LLC</i></b> | <b><i>\$192,855.02</i></b> | <b><i>\$39,374.35</i></b> | <b><i>\$ 85,519.74</i></b> |
| S.R. Coffman Const., Inc.               | \$204,878.50               | \$46,556.00               | \$ 86,794.00               |
| Burlington Const., Inc.                 | \$263,866.00               | \$43,765.00               | \$103,103.00               |
| Barkley Const., LLC                     | \$298,590.00               | \$50,485.00               | \$138,360.00               |
| Engineer's Estimate                     | \$249,684.00               | \$50,125.00               | \$118,285.00               |

Staff recommend awarding the bid to Quality Built Construction, LLC for the Base Bid plus Add Alternates No. 1 and 2 in the amount of  $\$192,855.02 + \$39,374.35 + \$85,519.74 = \$317,749.11$ . He stated Quality Built Construction, LLC, has successfully completed City projects in the past as a general contractor and subcontractor.

Commissioner Smith made a motion to award the Base Bid plus Add Alternates No. 1 and No. 2 to Quality Built Construction, LLC in the amount of \$192,855.02 + \$39,374.35 + \$85,519.74 = \$317,749.11. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**FRANCHISE AGREEMENT  
(IdeaTek Telcom, LLC)  
(Ordinance Number 25-15)**

A CONTRACT FRANCHISE ORDINANCE GRANTING TO IDEATEK TELCOM, LLC, TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE CITY OF EMPORIA KANSAS, to which the City Clerk assigned Ordinance Number 25-15, was presented to the Governing Body for their consideration.

James Watson, Assistant City Attorney, was recognized and addressed the Governing Body. He stated a franchise is a non-exclusive right granted by the City to a corporation to use public right of way. The City has franchise ordinances with the telephone, gas, electric and cable utilities. He stated franchise rights are granted by ordinance setting forth the terms of the use and must include a franchise fee to be paid by the corporation for the use of public property. Franchise fees help off-set the expenses incurred by the City in administering the use of public's right-of-way. IdeaTek Telcom, LLC, will install service lines on public rights of ways held by the City of Emporia and provide services to the general public within the city as part of its expanding business service. Franchise compensation shall be paid on a quarterly basis paid no later than forty-five (45) days after the end of the remittal period, equal to five percent (5%) of gross receipts. The term of this franchise ordinance shall be for a period of ten (10) years beginning May 7, 2025, and ending May 6, 2035. Staff recommend the approval of Ordinance Number 25-15 granting franchise to IdeaTek Telcom, LLC.

Commissioner Curtis made a motion to approve Ordinance Number 25-15 granting franchise to IdeaTek Telcom, LLC. Commissioner Smtih seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

### **Consent Agenda**

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

- a. Minutes of the Regular Meeting held on April 16, 2025.
- b. 2025 Federal Fund Exchange Agreement.
- c. License Agreement with GCA Services Group, Inc. at 716 Commercial St.
- d. Application to the Kansas Housing Resources Corporation for Emergency Solutions Grant for SOS, Inc. and Bloom House Youth Services, Inc.
- e. Grant Agreement with Kansas Department of Commerce Small Cities CDBG Program for Improvements to 417 Commercial St.
- f. Resolution 3764 Adopting a Common Consumption Area Special Events Policy.
- g. Ordinance 25-14 Pertaining to Costs and Fees in Municipal Court.

AN ORDINANCE PERTAINING COSTS AND FEES IN MUNICIPAL COURT; AMENDING SECTION 2-1 AND SECTION 2-3 OF THE CODE OF THE CITY OF EMPORIA, KANSAS AND REPEALING SAID SECTIONS AS THEY EXISTED PRIOR TO ADOPTION OF THIS ORDINANCE, to which the City Clerk assigned Ordinance Number 25-14, was presented to the Governing Body for their consideration.

- h. Water Treatment Plant Electrical for added Turbidimeters and Communications Addition.

The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, 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 MAY 21, 2025, MEETING.**

- Proclamation recognizing World Neurofibromatosis Awareness Day.
- Contract with Champions Landing.
- **Study Session:**
  - Legal Publications on City's Website.
  - TGT Discussion.
  - Chicken or Fowl Pen Discussion.
  - Stormwater ERU/Becker Addition.
  - Discuss Emporia/Lyon County Joint Traffic Safety Committee.
  - Sanitary Sewer Overflows (SSO's).

**CITY COMMISSION  
(Governing Body Comment)**

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

**EXECUTIVE SESSION**

Commissioner Brinkman made a motion to recess into Executive Session for 30 minutes inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for the executive session is provided by K.S.A. 75-4319(b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume in Conference Room 1AB at approximately 10:55 a.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 10:59 a.m., this same date, in Conference Room 1AB, Mayor Harter stated they had consultation with the City Attorney regarding a legal matter and no action was taken.

**The following items were discussed at the Study Session:**

1. Open Meetings Law Changes.
2. Allocation of Transient Guest Tax (TGT) Revenue and Appointment of Liaison Commissioners.
3. Discuss RDA Restructure

**City Commission  
Visitor-Services Contract  
Appointment of Liaison Commissioners**

Staff recommended that two commissioners be appointed as liaisons to participate in further discussions with the Visitor-services contract that includes broader tourism planning and return to the Commission with a plan to market Emporia.

Mayor Harter volunteered himself and Commissioner Smith to serve as liaisons and continue to work with city staff, Chamber board, Chamber director, and Main Street board and Main Street director to participate in the Visitor-services contract.

**City Commission  
RDA Restructure  
Appointing Governing Body Representatives**

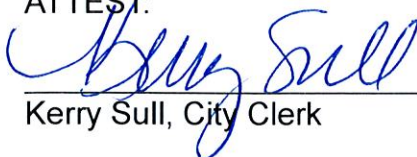
Commissioner Curtis made a motion to appoint Commissioner Brinkman and Commissioner Sauder to the RDA Members Board as representatives for 2025. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

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



Erren Harter, Mayor

ATTEST:

  
Kerry Sull, City Clerk

