

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 21, 2020, with Mayor Giefer presiding and Commissioners Geitz, Gilligan and Smith present. Commissioner Brinkman was present via phone. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of September for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2019	2020	Decrease of \$39,007.00 for the month, and
	\$460,147.53	\$421,140.53	Overall increase of 0.74% from year 2019
YTD	\$ 3,699,831.85	\$ 3,727,209.62	

2. City Share from County Tax

	2019	2020	Decrease of \$19,791.92 for month, and
	\$229,667.58	\$209,875.66	Overall increase of 3.99% from year 2019
YTD	\$1,827,432.99	\$1,900,338.69	

3. Building Permits issued from 9/1/2020 to 9/30/2020 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	77
Total of valuations associated with those building permits:	\$2,588,233.00
Total number of dollars collected for Building Permit Fees:	\$ 14,850.00
Construct - single family dwellings	1
Demo - single family dwellings	0

Flint Hills Mall CID for September	\$ 18,401.18
Year to Date Total	\$ 153,959.46

Consent Agenda

Commissioner Geitz requested that item c. Consider the Approval of September Budget, be removed from the Consent Agenda.

It was moved by Commissioner Geitz, seconded by Commissioner Gilligan that the remaining balance of the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Meeting held on October 7th and Adjourned Meeting on October 14, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on October 9, 2020.

- d. Consider Change Order No. 1 for the Industrial Park III Resurfacing & Drainage Improvement Project NO. PV2004, KDOT Project No. 56 KA-5730-01.
- e. Consider Change Order No. 1 for the 2020 Street Rehabilitation Project No. PV2001 (Various locations around the City).
- f. Consider Approval of Memorandum of Agreement with Lyon Co. Regarding SPARK Funds.

The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith , aye; and Mayor Giefer, aye.

**CONSENT AGENDA
(Item c.)**

- c. Consider the Approval of September Budget.

Commissioner Geitz stated this budget report contains six months of operation during the pandemic and the City of Emporia's financial situation is better than most other cities. He thanked staff for holding the line on expenses and stated staff has done a good job with being in survival mode for the past six months. Commissioner Geitz made a motion to approve Item c of the consent agenda. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

**CITY COMMISSION
(Board Appointments)**

Human Relations Commission:

It was moved by Commissioner Geitz, seconded by Commissioner Smith that Teresa Taylor-Williams be appointed to the Human Relations Commission for a term that expires on May 31, 2024. The vote follows: Commissioner

Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

Community Housing Board/Land Bank:

_____It was moved by Commissioner Smith, seconded by Commissioner Gilligan that Melissa Ogleby be re-appointed to Community Housing Board/Land Bank for a term that expires on May 31, 2023. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Consider Select Realtor to sell City-Owned Homes)
(306 and 310 S. Congress Street)**

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated proposals were solicited and a total of six (6) were received from various Realtors to sell the most recent houses built through the housing infill program located at 306 and 310 S. Congress Street. He stated requirements are that the realtor list the properties on the multiple listing service (MLS) and hold an open house within 30 days. The agreement will have a term of 3 months and will be reviewed before the listing is renewed with the realtor. He stated staff was recommending the selection of Aaron Sewell, with Ek Real Estate, to sell the homes at 306 and 310 S. Congress Street.

Following further discussion, Commissioner Geitz made a motion to approve the selection of Aaron Sewell to sell City-owned homes at 306 and 310 S. Congress Street and authorize the Mayor to execute all related documents. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

ENGINEERING
(Watermain Project No. WM1904)
(KDHE Project No. KPWSLF 2968)
(Elm St. 6th Ave. To Newman Hospital - 9th Ave. Elm St. To Lawrence St.)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the watermain project on Elm Street from 6th Avenue to Newman Hospital and 9th Avenue from Elm Street to Lawrence Street. The project had ten (10) plan holders and five (5) bids were submitted: The bids are as follows:

BID TABULATION WATERMAIN PROJECT NO. WM1904

Contractor	Base Bid
Carlson Utility, LLC	\$ 603,636.00
Middlecreek Corporation	\$ 731,387.50
Orr Wyatt Streetscapes	\$ 732,103.40
Nowak Construction Co., Inc.	\$ 748,877.80
Smoky Hill, LLC	\$ 899,271.00
Engineer's Estimate	\$ 667,247.00

He stated the project is funded with the KDHE revolving loan fund money KPWSLF No. 2968. He stated Carlson Utility is the apparent low bid. Carlson Utility has previously done work for the City and staff is confident in their work. He stated staff is recommending awarding the Watermain Project to Carlson Utility, LLC for a total base bid amount of \$603,636.00, subject to KDHE approval.

Commissioner Smith made a motion awarding the project to Carlson Utility, LLC for the Watermain Project Elm Street (6th Avenue to Newman Hospital), 9th Avenue (Elm Street to Lawrence Street) Project No. WM1904 in the amount of \$603,636.00 subject to KDHE approval. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

PAVING
(Accept Standard Agreement for Preliminary Engineering)
(KDOT CCLIP US-50 - 6th Avenue & Prairie Street)
(Intersection Improvements Project No. PV1909)
(KDOT Project No. 50-56 KA-5412-01)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated this a standard KDOT agreement for preliminary engineering and design services for the intersection improvements at 6th Avenue. The Commission previously approved the selection of the consulting engineer for the KDOT CCLIP Intersection Improvement Project. He stated the project will make intersection improvements at the southwest and northeast corners of the intersection, utility adjustments/improvements, miscellaneous sidewalk and traffic signal upgrades. This agreement is a 90/10 cost share with KDOT and has a total budget of \$660,000,00 with the City's share up to \$60,000 to be paid from the Multi Year Fund. He stated KDOT has approved the agreement and staff is recommending City Commission approval.

Commissioner Geitz made a motion to approve the standard agreement for preliminary engineering and design services for 6th Avenue and Prairie Street Intersection Improvements Project No. PV1909 and authorize the Mayor to sign the agreement. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

SOLID WASTE
(Review 2019 Annual Solid Waste Management Plan)
(Resolution Number 3639)

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated KDHE Regulation and State Statute require an annual review and 5-year updates to the current plan. This is the annual review which has been reviewed and unanimously approved by the Solid Waste Management Planning Committee at their annual meeting held October 13, 2020. This review is for Chase County, Lyon County and the City of Emporia. Each Commission within Lyon and Chase Counties must adopt the plan in order to gain approval from the Kansas Department of Health and Environment, Bureau

of Waste Division. He stated staff was recommending adopting the Solid Waste Management Plan for the year 2019.

Commissioner Smith made motion Resolution Number 3639, a resolution adopting the Solid Waste Management Plan of Chase County, Lyon County and the City of Emporia for 2019. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

SANITATION
(Consider Increase in Solid Waste Fees)
(Commercial Brush and Tires)
(Ordinance Number 20-31)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO LANDFILL FEES; AMENDING CITY CODE SECTION 23-74, was presented to the Governing Body for their consideration, to which the City Clerk assigned Ordinance Number 20-31, was presented to the Governing Body for their consideration.

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated this proposed ordinance includes the addition of a fee for disposal of brush and trees from commercial companies and an increase in the per ton fee to accept processed tires. He stated the fee for commercial brush and tree disposal will be \$10.00 per ton with a \$10.00 minimum charge. The fee for processed tires will increase from \$7.25 per ton to \$25.00 per ton with a \$10.00 minimum charge. Both fees will allow the transfer station to better cover the expenses associated with the services being provided. He stated staff is recommending the adoption of the addition of a fee for disposal of brush and trees from commercial companies and the increase per ton for processed tires. He stated the effective date of the ordinance would be January 1, 2021.

Commissioner Gilligan made a motion to approve Ordinance Number 20-31, an ordinance pertaining to landfill fees and amending City Code 23-74. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Consider Amending Requiring Individuals to Wear Face Masks)
(Ordinance Number 20-32)

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, to which the City Clerk assigned Ordinance Number 20-32, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated City Code Sec. 16-266 requiring individuals to wear face masks or other face coverings in certain circumstances is scheduled to expire September 16, 2020 at 11:59 p.m. She stated this proposed ordinance extends the expiration date to October 21, 2020 at 11:59 p.m. All other requirements pursuant to Sec 16-266 would remain the same.

Commissioner Gilligan made a motion to approve Ordinance Number 20-32, an ordinance amending City Code Sec. 16-266 extending the expiration date to November 21, 2020, at 11:59 p.m. pertaining to face masks. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

CITY COMMISSION
(City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR OCTOBER 28TH STUDY SESSION

Discuss Contract with Main Street.
Discuss Rescheduling Meeting Dates in November.

Commissioner Brinkman then left the meeting.

EXECUTIVE SESSION

Commissioner Geitz made a motion to adjourn into Executive Session for proprietary information of a business and to invite Special Projects Manager Jim Witt from 7:23 p.m. to 7:33 p.m., in the City Commission Meeting Room. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 7:33 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed proprietary information of a business and no action was taken.

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

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk