

CITY COMMISSION MEETING

April 7, 2021 at 1:30 PM

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

Agenda

Meeting Items

1. Members Present:
2. Consent Agenda
3. Public Comment
 - A. Proclamation Naming April 22, 2021, at Earth Day in Emporia.
 - B. Proclamation Naming April 2021 as National Child Abuse and Neglect Prevention Month.
 - C. Proclamation Naming April 11-17, 2021 as National Public Safety Telecommunicators Week.
 - D. Proclamation Celebrating April 30th as Arbor Day in Emporia.
4. Consider Approval of the 2021 Annual Operation and Maintenance Assurance Agreement with Kansas Department of Wildlife, Parks and Tourism.
5. Appoint Member to the MUPP Board.
6. Appoint Member to the Joint Metropolitan Planning Commission/Board of Zoning Appeals.
7. Appoint Member to the Emporia Main Street Board.
8. Approve Bid for Aircraft Refueler for Airport.
9. Recognition of the Finance Department for the CAFR Award.
10. Consider Ordinance Authorizing the Tax Exemption of the Real Property Improvements Associated with 2019-20 Business Expansion of Glendo LLC.
11. Consider Ordinance Authorizing Beer Garden for Dynamic Discs Open Event.
12. Consider Ordinance Amending City Code Sec. 4-108 Pertaining to Business for Drinking Establishment, Private Club, and Caterers.
13. Consider Ordinance Amending City Code Sec. 16-266 Pertaining to Face Mask.
14. Report from City Manager on Activities
15. City Commission Reports and Comments
16. 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: April 7, 2021

Consent Agenda

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 March 17, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on March 26, 2021.
- c. Consider Set Bid Time and Date for the 2021 Street Rehab Project No. PV2102 and South Exchange Street Project No. PV2009.

RECOMMENDATION:

- a. Approve Minutes.
- b. Approve Payroll.
- c. Approve Time and Date.

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 2c

SUBJECT: Set 2:00pm, Tuesday, April 27, 2022, as the time and date to receive bids for the 2021 Street Rehab Project No. PV2102 and South Exchange Street Project No. PV2009.

RECOMMENDATION: Set bid date and time.

BACKGROUND SUMMARY:

The 2021 Street Rehab Project and South Exchange Street project will consist of milling and pavement overlay operations, replacement of failed curb and gutter sections, and select sidewalk/ADA ramp improvements along the following street segments:

Belmont Court (*Old Manor Rd to 18th Ave.*)
Old Manor Road (*Lincoln St to 18th Ave.*)
Trowman Way (*Cul de sac to 18th Ave.*)
9th Avenue (*Elm St to Lawrence St*)
Elm Street (*9th Ave to Grove Ave*)
12th Avenue (*Commercial St. to Whittier St.*)
Mechanic Street (*South Ave. to 2nd Ave.*)
Randolph Avenue (*Neosho St. to West St.*)
South Exchange Street (*750 ft south of Logan Ave to the David Traylor Zoo*)
Mt. Vernon (*W. 20th Ave to W. 21st Ave.*)

Add Alternate:

Elm Street (*6th Ave. to 9th Ave*)
Congress Street (*BNSF Railroad Underpass*)

The 2021 Street Rehab project is funded with by a county sales tax/multi-year fund and the South Exchange Street project is funded by a bond sale.

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 **2021 Street Rehabilitation Project No. PV2102 (Multiple locations around the city) and South Exchange Street Project No. PV2009** 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, April 27, 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, April 20, 2021, at the same location.**

The work for the Street Rehabilitation Project will consist of the approximate quantities:

Base Bid:

Mobilization	1	LS
Asphalt Milling	42297	SQYD
HMA (Commercial Grade) (Class A)	3810	TON
Asphalt Patching (4" Avg. Depth)	40	TON
Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace)	1498	LF
Concrete Pavement (6" Plain) (AE) (Remove & Replace)	438	SQYD
Concrete Sidewalk (4" Plain) (AE) (Remove & Replace)	149	SQYD
ADA Sidewalk Ramp	236	SQYD
Concrete Removal	35	SQYD
Utility Adjustment (Valve Box Riser) (Valve Box) (Water)	1	EA
Utility Adjustment (Concrete) (Valve Box) (Water)	5	EA
Utility Adjustment (Manhole Riser) (Manhole) (Sewer)	2	EA
Utility Adjustment (Concrete) (Manhole) (Sewer)	6	EA
Pavement Marking (Thermoplastic) (White) (6")	1573	LF
Pavement Marking (Thermoplastic) (White) (24")	323	LF
Pavement Marking (Thermoplastic) (Yellow) (4")	3152	LF
Pavement Marking (Thermoplastic) (Yellow) (4") (Double)	2981	LF
Pavement Marking (Thermoplastic) (Yellow) (12") (Diagonal)	147	LF
Pavement Marking (Intersection Grade) (White) (Left Arrow)	44	EA
Temp Seed and Mulch	1	LS
Inlet Sediment Barrier	1	EA
Sediment Removal (Set Price)	1	CY
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS
Flagger (Set Price)	1	HR

Add Alternate:

Mobilization	1	LS
Asphalt Milling	3918	SQYD
HMA (Commercial Grade) (Class A)	346	TON
Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace)	58	LF
Concrete Sidewalk (4" Plain) (AE) (Remove & Replace)	8	SQYD
ADA Sidewalk Ramp	24	SQYD
Utility Adjustment (Manhole Riser) (Manhole) (Sewer)	2	EA
Temp Seed and Mulch	1	LS
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS

Mt. Vernon (Street Repair):

Mobilization	1	LS
Asphalt Milling (2" Avg. Depth)	173	SQYD
HMA (Commercial Grade) (Class A) (2" Avg. Depth)	20	TON
Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace)	98	LF
Concrete Pavement (6" Plain) (AE) (Remove & Replace)	14	SQYD
Temp Seed and Mulch	1	LS
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS

South Exchange Street:

Mobilization	1	LS
Contractor Construction Staking	1	LS
Surface Grading	2580	SQYD
Asphalt Milling	60	SQYD
HMA (Commercial Grade) (Class A) (4" Depth)	600	TON
Ditch Grading	1178	LF
Storm Sewer Pipe (12" CMP)	60	LF
Tree Removal	2	EA
Temp Seed and Mulch	1	LS
Temp Slope Barrier (Silt Fence)	200	LF
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS

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 forty dollars (\$40), 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: April 7, 2021

ITEM NUMBER: 3

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

- Proclamation Naming April 22, 2021, as Earth Day in Emporia.
To Accept-Erika Martin, Assistant Professor at ESU.
- Proclamation Naming April 2021, as National Child Abuse and Neglect Prevention Month in Emporia.
To Accept-Ashley Davis & Danielle Armitage, with S.O.S, Inc. and Bev Long, with the Kansas Children's League.
- Proclamation Naming April 11-17, 2021, as National Public Safety Telecommunicators Week.
To Accept- Roxanne VanGundy, Director of Lyon County Emergency Communications.
- Proclamation Naming April 30th as Arbor Day in Emporia.
To Accept-Josh Nelson, Horticulturist for the City of Emporia.

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 _____



PROCLAMATION

WHEREAS, On April 22, 1970, United States Senator Gaylord Nelson of Wisconsin and Denis Hayes organized the first nation-wide day devoted to environmental awareness and education that was celebrated by an estimated 20 million Americans; and

WHEREAS, this day of environmental awareness and education is celebrated world-wide in some 180 countries, with the participation of over 4,000 separate organizations; and

WHEREAS, individuals and institutions have a mutual responsibility to seek ecological, economical, and ethical choices that enable the world, as well as our individual communities, to establish and maintain sustainable societies.

NOW, THEREFORE, I, Robert F. Gilligan, Mayor of the City of Emporia, Kansas, do hereby proclaim Thursday, April 22, 2021, as:

"EARTH DAY"

In Emporia, Kansas and urge all citizens to celebrate Earth Day and to remind each person of their right and responsibility to the wise use of this global home, to heal, preserve and improve the Earth and the quality of life for this and future generations, and to approach every day as an Earth Day.

On this 7th Day of April 2021

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk



Proclamation

WHEREAS, 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; and

WHEREAS, children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that can have lifelong consequences for victims of abuse; and

WHEREAS, we must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and

WHEREAS, 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, helping to secure the future of this state and nation; and

WHEREAS, communities must make every effort to promote programs and activities that benefit children and their families; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

THEREFORE, BE IT RESOLVED, that the City of Emporia hereby proclaims the month of April 2021 as

National Child Abuse and Neglect Prevention Month

in Emporia, Kansas, and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

On this 7th Day of April 2021

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk



PROCLAMATION

WHEREAS, emergencies can occur at any time that require police, fire, or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Lyon County Emergency Communications Center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and

WHEREAS, 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; and

WHEREAS, each Public Safety Telecommunicator has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

THEREFORE, BE IT RESOLVED, that I, Robert F. Gilligan, Mayor for the City of Emporia declares the week of April 11 through 17, 2021, as

National Public Safety Telecommunicators Week

in Emporia, Kansas in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

On this 7th Day of April 2021

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk



PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Whereas, Arbor Day is now observed throughout the nation and the world, and Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Robert F. Gilligan, Mayor of the City of Emporia, Kansas, do hereby proclaim April 30, 2021, as

ARBOR DAY

In the City of Emporia, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

On this 7th Day of April 2021

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 4

SUBJECT: Consider the approval of the 2021 Annual Operation and Maintenance Assurance agreement with Kansas Department of Wildlife, Parks and Tourism.

RECOMMENDATION: Approve the Agreement

BACKGROUND SUMMARY:

The City of Emporia has worked with the Kansas Department of Wildlife, Parks, and Tourism for several projects which include projects in Jones Recreation Park, David Traylor Zoo and C of E Park. The approval of this agreement is required on an annual basis.

Attached is a copy of the agreement.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
512 SE 25th AVENUE
PRATT, KS 67124

2021 ANNUAL OPERATION AND MAINTENANCE ASSURANCE STATEMENT
Land & Water Conservation Fund (LWCF)

Whereas, **City of Emporia** has received financial assistance from the Land & Water Conservation Fund for the following project(s):

NPS Project No.

20-00162

20-00632

20-00657

Project Title

Jones Recreation Park

Concession/Restroom Development

D/C of E Park Improvement

The subgrantee does hereby assure that it:

1. will not convert any portion of a project area to other than public outdoor recreation use through sale, lease, easement, construction of non-outdoor recreation facilities or by any other means without prior approval and replacement of the converted property. (see Section 6(f)(3) of the LWCF act) A "project area" will generally include all or any outdoor recreation area which has received LWCF assistance;
2. will not install any overhead electric or telephone lines on project areas;
3. will maintain the project area and facilities in a safe, attractive, and inviting manner;
4. will maintain sanitary facilities in accordance with local/state health standards;
5. will make reasonable and prompt repairs on facilities funded with LWCF throughout their estimated lifetime to prevent undue or premature deterioration;
6. will keep facilities open for public use during reasonable hours of the day and times of the year;
7. will permanently display a LWCF sign (symbol) at all project areas;
8. will comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975;
9. will not change, by addition or deletion, any structural features of facilities without prior review and approval of the Kansas Department of Wildlife, Parks & Tourism and the National Park Service.
10. will submit any new development plans for the project site to Kansas Department of Wildlife, Parks & Tourism prior to development, and all required permitting from the State Historical Preservation Office and all environmental approvals must be sent to Kansas Department of Wildlife, Parks & Tourism for their files.

City of Emporia

Project Sponsor

*** I certify that I have the authority to sign for this project sponsor ***

Date: _____

Signature: _____

Printed Name: Robert F. Gilligan

Title: Mayor City of Emporia

AGENDA ITEM SUMMARY

MEETING DATE: April 07, 2021

ITEM NUMBER: 5

SUBJECT: Consider appointing a City member to the Main Street Board.

RECOMMENDATION: Appoint Aaron Otto as a City member to the Main Street Board.

BACKGROUND SUMMARY:

The Main Street Board currently has one City member position open on the Board. The City received one application for this board. Mr. Otto's application has been reviewed by staff and he has been through the Commission interview appointment process. Attached is his application for your review and consideration.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

APPLICATION FOR ADVISORY BOARD MEMBERSHIP

DATE: 01/20/2021

NAME:	AARON	T	OTTO
	First Name	MI	Last Name

ADDRESS:	1729 Luther St		
	Street		
	EMPORIA	KS	66801
	City	State	ZIP

Email: brownsemporia27@gmail.com

PHONE: 6203425871

PLACE OF EMPLOYMENT: BROWN'S SHOE FIT CO

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 30 years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:

—

**BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE**

ADVISORY BOARD(S) MENTIONED ABOVE:

Main Street

I would like to help Emporia Main Street continue to grow and better the community through all of the events and organizations that Main street interacts with.

OTHER ACTIVITIES AND INTERESTS:

Main Street

In Lieu of Signature, Click Here

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 6

SUBJECT: Consider appointing a City member to the City/County MUPP Board.

RECOMMENDATION: Appoint Andrew Kraft as a City member to the Multi-Use Path Planning Board.

BACKGROUND SUMMARY:

The City/County MUPP Board currently has one City member position opening on the Board. Mr. Kraft's application has been reviewed by staff and he has been through the Commission interview appointment process. Attached is his application for your review and consideration.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

APPLICATION FOR ADVISORY BOARD MEMBERSHIP



DATE: 03/01/2021

NAME: Andrew T Kraft
First Name MI Last Name

ADDRESS: 1225 C Of E Dr, Apt 11
Street
Emporia KS 66801
City State ZIP

Email: akraft2801@gmail.com

PHONE: 6204819407

PLACE OF EMPLOYMENT: Green Dot Bioplastics, Inc.

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? Since 2000
sans some college years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
Multi-Use Planning Board (MUPP)

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE

ADVISORY BOARD(S) MENTIONED ABOVE:

As an avid cyclist, dog owner, and Eagle Scout I believe the mission of the MUPP board is imperative to the success of the Emporia Community. Multi-use pathways can provide access for low income residents to housing, grocery stores, healthcare, leisure activities etc. at the fraction of the cost of 'modern' car centric infrastructure. Outdoor recreation has been proven to be a great benefit to the happiness of people. I am a Gravel City Adventure and Supply Co. Ambassador and can bridge the gap between the cycling community and the city.

Aside from that, I already spend my time and money maintaining the local trails like the Cottonwood River Trail. I am responsible for reopening the trail last year by way of weed-eating, clearing downed trees, and rerouting dangerous sections that put

people at risk of falling into the river. I also put the trail on Google maps so that community members and tourists are able to find it easily.

Emporia needs more outdoor recreation opportunities and I want to help.

OTHER ACTIVITIES AND INTERESTS:

In my free time, I am active in the gravel community as well as the mountain biking community. I spend time on the trails with my dog either walking, riding, or maintaining. I enjoy camping and hiking as well. I play disc golf (Hammond Heights is my favorite course). I enjoy playing ultimate frisbee with friends at the college. I love being outside!

In Lieu of Signature, Click Here

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 7

SUBJECT: Consider the appointment of a board member to the Joint Metropolitan Planning Commission/Board of Zoning Appeals.

RECOMMENDATION: A request to appoint applicant to the Joint Metropolitan Planning Commission/Board of Zoning Appeals.

BACKGROUND SUMMARY:

The Joint Metropolitan Planning Commission/Board of Zoning Appeals has 5 openings. Two representatives from the City Commission reviewed the application of Dan Colson. Mr. Colson is employed by Emporia State University and would add a good perspective to the boards. Staff request he be appointed to the Joint Metropolitan Planning Commission/Board of Zoning Appeals.

Attached is the application for your review and consideration.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

APPLICATION FOR ADVISORY BOARD MEMBERSHIP



DATE: 02/26/2021

NAME: Dan M Colson
First Name MI Last Name

ADDRESS: 1424 Washington Street, Emporia, KS, USA
Street
Emporia KS 66801
City State ZIP

Email: dcolson@emporia.edu

PHONE: 2178983321

PLACE OF EMPLOYMENT: Emporia State University

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 1 year

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
EMPORIA-LYON COUNTY METROPOLITAN AREA PLANNING
COMMISSION

**BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE**

ADVISORY BOARD(S) MENTIONED ABOVE:

After I interviewed for a different committee/board, Rob Gilligan suggested I might be a good fit for this commission. I'm looking to help the community in any way I can. Though I have only lived within Emporia for a short time, I have worked for ESU for almost ten years, so I've been a part of our community for some time.

OTHER ACTIVITIES AND INTERESTS:

I play golf; I'm an avid reader; and I enjoy spreadsheets.

In Lieu of Signature, Click Here

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 8

SUBJECT: Consider bids for one new Aircraft Refueler.

RECOMMENDATION: Award the purchase of a 1,000-gallon avgas refueler to Westmor Fluid Solutions for a cost of \$124,950.00.

BACKGROUND SUMMARY:

The current avgas refueler is 1986 Chevy series 70 chassis. The engine is an 8-cylinder gas engine and a four-speed manual transmission. It has a two compartment (1000 gal each) steel tank on back for the total capacity of 2000 gallons. It is equipped with two hose reels and metering registers. The registers measure 1/10 gallons. The pumps are operated with two in the cab PTO's. The vehicle is 35 years old and Jet fuel sales are a major source of income for the airport.

Three requests for bid packets were sent to prospective vendors. Only one bid packed was returned. The bid from Westmor offered two bids, one for a PTO driven pump for \$124,950.00, and one for a 12 volt driven pump for \$114,900.00. The PTO driven pump is what was specified and is preferred by the Airport. The pricing does not include a trade-in. The trade-in will be sold on Purple Wave once the new truck arrives.

Following is a recommendation from Ken Adams, Airport Manager:

Tim,

Per our conversation I would recommend that the City of Emporia purchase the specified 1000-gallon avgas refueler, that is equipped with the mechanical live PTO driving the avgas transfer pump. The bid for that specifically equipped vehicle was quoted at \$124,950.00.

Ken

There is \$175,000.00 budgeted in the 2021 CIP. This will be a bonded item.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 9

SUBJECT: Recognize the Finance Department Staff for Certificate of Achievement in Financial Reporting (CAFR).

RECOMMENDATION: Recognize the Finance Department.

BACKGROUND SUMMARY:

This is the thirty-fifth year (1985-2019) in a row that the Government Finance Officers Association of the U.S. and Canada have awarded their Certificate of Achievement for Excellence in Financial Reporting to the City of Emporia. This award is for the financial report ending December 31, 2019. To receive the award, the governmental unit must publish a financial report that is easy to read, efficiently organized, comprehensive and whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements.

Members of the Finance Department for the City of Emporia are:

Janet Harrouff, Director of Administrative Services
Tammy Hopper, Accounting Clerk
Chelsea Tyson, Accounting Clerk

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 10

SUBJECT: Consider Ordinance Authorizing the Tax Exemption of the Real Property Improvements Associated with the 2019-20 Business Expansion of Glendo LLC.

RECOMMENDATION: Approval of the Ordinance.

BACKGROUND SUMMARY:

The City Commission has previously approved an "Incentive Compliance Agreement" to exempt property taxes on the 2019-20 real property improvements associated with the Glendo LLC business expansion. The "Incentive Compliance Agreement" provided for a ten-year property tax exemption on the real property associated with the expansion. Glendo LLC has completed the expansion project and met the criteria that was established by the City Commission in the "Incentive Compliance Agreement". A copy of the "Public Notice" is included for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

NOTICE OF HEARING ON EXEMPTION OF CERTAIN PROPERTY FROM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES

The Governing Body of Emporia, Kansas, will meet on April 7, 2021, at 1:45 p.m. in the City Commission Chambers, Civic Building, 522 Mechanic, Emporia, Kansas, for the purpose of hearing a request by Glendo LLC, 900 Overlander Road, Emporia, Kansas, for an exemption from taxation for the real property expenses associated with the 2019-20 business expansion. The total real property expenses associated with the 2019-20 business expansion was \$3,641,643.00. The Governing Body will consider a request for a 10-year property tax exemption on the real property improvements associated with the expansion. Detailed information is available at the City Manager's office. For further information, please contact Mark McAnarney, City Manager, 522 Mechanic, Emporia, Kansas 66801 or (620) 343-4252. Oral and written comments will be recorded and become a part of the City of Emporia, Kansas Official Record.

Reasonable accommodations are available for persons needing assistance. Request for accommodations should be submitted to Mark McAnarney, City Manager, 522 Mechanic Street, Emporia, Kansas 66801 or (620) 343-4252 by April 6, 2021.

Kerry Sull, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE EXEMPTING CERTAIN PROPERTY FROM AD VALOREM TAXATION
FOR ECONOMIC DEVELOPMENT PURPOSES IN EMPORIA, LYON COUNTY, KANSAS.**

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

SECTION ONE: In accordance with Section 13 of Article 11 of the Kansas Constitution, the following property, commonly referred to as the 2019-20 business expansion to Glendo LLC. is hereby exempted from ad valorem taxation as follows: Real Property for a term of ten (10) calendar years. Said property is located on a tract of land described as follows:

A tract of land lying in the Southeast Quarter of Section 7, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas more particularly described as follows: Beginning at the Southwest corner of the Southeast Quarter, thence North along the West line of Said Section for a distance of 1620.00 feet, to the point of beginning; thence East on a line parallel to the South Section line of said Section for a distance of 937.44 feet to the center line of a drainage easement, thence Northwesterly along the center line of drainage easement for a distance of 329.94 feet, thence Westerly along a line parallel with the South section line of said Section for a distance of 924.14 feet; thence South along the West line of said Section for 330.00 feet to the point of beginning, except any part thereof now in street, road or highway.

Also

Lots 4 and 5 in MARTIN/EAGLE SUBDIVISION to the City of Emporia, Lyon County, Kansas.

More commonly known as 900 Overlander Road, Emporia, Kansas.

Real Property	Cost	Completion Date
2019-20 Building Addition	\$3,641,643.00	September of 2020
REAL PROPERTY TOTAL	\$3,641,643.00	

SECTION TWO: The City and the owner will execute an agreement for each year that the tax exemption for economic development is appropriate as a condition precedent to the annual exemption. If such an agreement is not executed by the parties, the exemption as set forth in this Ordinance is automatically hereby canceled, nullified, and set aside without further action by this Governing Body.

SECTION THREE: A certified copy of this Ordinance shall be provided to the owner of the property and to the Appraiser, Clerk, and Treasurer of Lyon County, Kansas.

SECTION FOUR: The City of Emporia has adopted Uniform Policies and Procedures for granting tax exemptions.

SECTION FIVE: The City of Emporia has completed a Cost-Benefit Analysis and its effect on state revenues on the request for property tax exemption by Glendo LLC

SECTION SIX: The City has provided notice of the "Public Hearing" for the Glendo LLC tax exemption request. The "Public Hearing" notice was published in The Emporia Gazette on March 27, 2021. U.S.D. #253 and Lyon County were notified of the "Public Hearing" by hand delivery on March 29, 2021

SECTION SEVEN: The Governing Body of the City of Emporia, Kansas, after conducting a public hearing pursuant to published notice as provided by law, has determined that property belonging to Glendo LLC is used exclusively in manufacturing articles of commerce and storing goods used in interstate commerce and should be granted tax exemption for economic development purposes. The City has determined that Glendo LLC is engaged in manufacturing articles of commerce and storing goods used in interstate commerce. The City has approved the request for property tax exemption on the real property purchased in conjunction with the expansion of Glendo LLC in Emporia, Kansas. Glendo LLC has agreed to create approximately a minimum of 6 new jobs with an increase in company annual payroll of not less than \$290,000.00

SECTION EIGHT: The City has determined that the approval of this exemption is necessary to create and retain jobs in Emporia, Kansas. The City has approved the 10-year real property tax exemption for the tax years 2021-2030.

SECTION NINE: The City Clerk shall cause this Ordinance to be published one (1) time in the official newspaper and that this Ordinance shall take effect and be in force from and after its adoption and publication in the official City newspaper.

PASSED AND ORDAINED by the Governing Body of Emporia, Kansas this 7th day of April of 2021.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 11

SUBJECT: Consider Ordinance Authorizing Beer Garden for Dynamic Discs Open Event.

RECOMMENDATION: Approve Ordinance.

BACKGROUND SUMMARY:

Dynamic Discs and Bourbon Cowboy request permission to host a beer garden in connection with the Dynamic Discs Open Event in the 600 and 900 blocks of Commercial Street, on May 1, 2021 between the hours of 5:00 p.m. and 10:30 p.m. The beer garden will be enclosed by City fencing in a location approved by the Chief of Police. The applicant will be required to meet City and state requirements for alcohol sales.

The ordinance and map of the proposed beer garden locations are attached.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

ORDINANCE NO. _____

AN ORDINANCE EXEMPTING AN AREA IN THE 600 BLOCK AND THE 900 BLOCK OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE DYNAMIC DISCS OPEN EVENT MAY 1, 2021

WHEREAS, sponsors of the Dynamic Discs Open event and the Bourbon Cowboy have requested an exemption from the prohibition of sale and consumption of enhanced cereal malt beverages (CMB) and/or alcoholic liquor on Commercial Street in the 600 block and the 900 block of Commercial Street in connection with the Dynamic Discs Open Block Party special event;

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

SECTION 1. Pursuant to K.S.A. 2011 SUPP. 41-719, as amended, the Governing Body temporarily exempts Commercial Street in the 600 and 900 block, with the exact location to be approved by the Chief of Police or designee, from the prohibition on the sale and consumption of enhanced cereal malt beverage (CMB) and alcoholic liquor when it is being sold or consumed in conjunction with the Dynamic Discs Open Block Party event on May 1, 2021, between the hours of 5:00 p.m. to 10:30 p.m., as authorized by the city manager and subject to any other laws or ordinances regulating the possession, sale and/or consumption of enhanced CMB and alcoholic liquor.

SECTION 2. Sale and consumption shall be allowed within an area delineated by City of Emporia fencing in a manner approved by the Chief of Police or designee which clearly distinguishes the area where alcoholic beverages are permitted. No one under the age of 21 shall possess or consume alcoholic beverages and event sponsors shall be held strictly accountable for any violations. No alcoholic beverages shall be consumed in vehicles while on the street at any special event.

SECTION 3. No person shall remove any alcoholic liquor or CMB from inside the boundaries of the special event as delineated by signs, posted map or other means which reasonably identify the boundaries of the special event.

SECTION 4. Licensees must meet all the requirements for obtaining a temporary license for sale of alcoholic beverages by the city and the state.

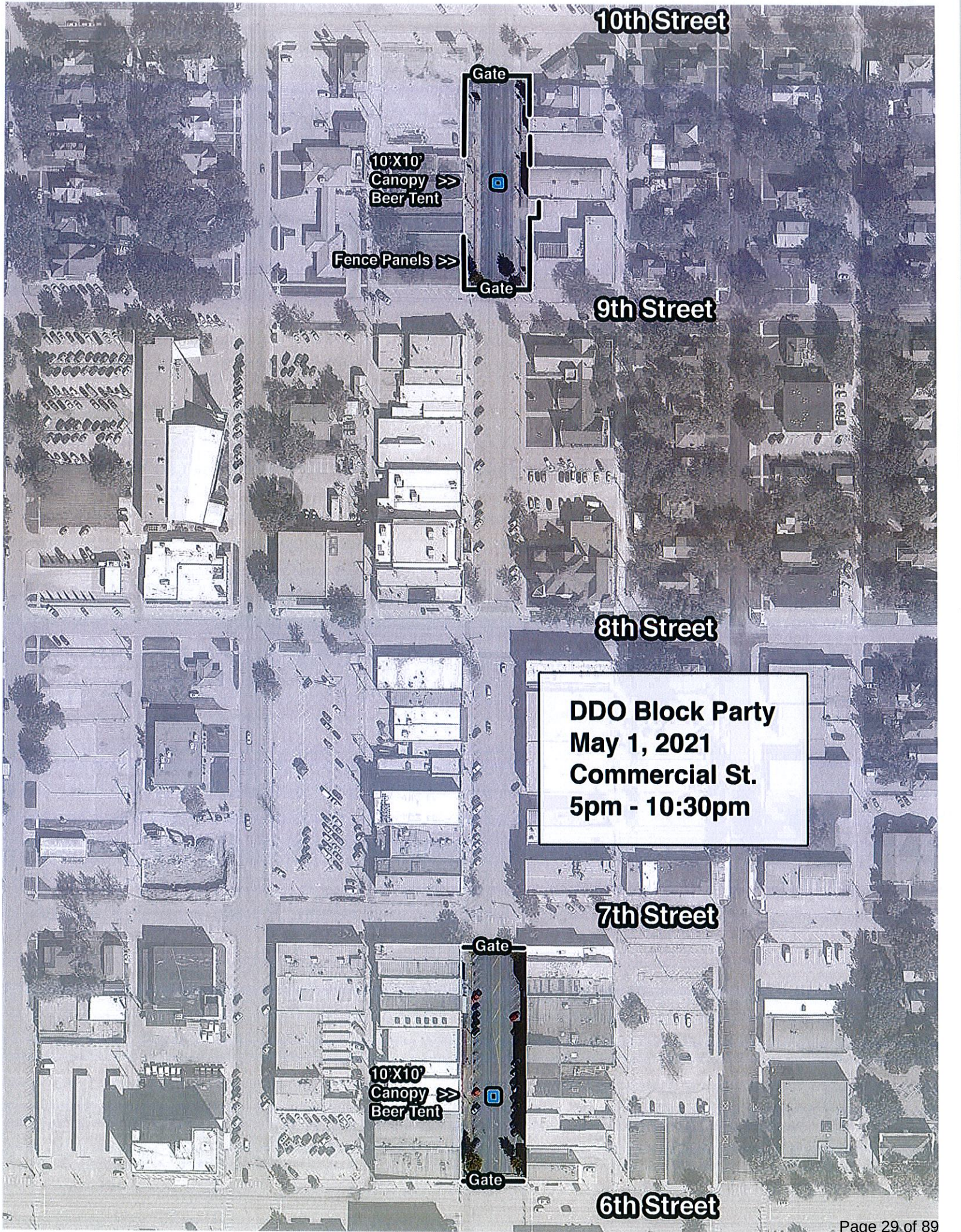
SECTION 5. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 7th day of April 2021.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk



DDO Block Party
May 1, 2021
Commercial St.
5pm - 10:30pm

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 12

SUBJECT: Consider Ordinance Amending City Code Sec. 4-108 Pertaining to Business Regulations for Drinking Establishment, Private Club, and Caterers.

RECOMMENDATION: Approve Ordinance.

BACKGROUND SUMMARY:

City Code Sec. 4-108 currently prohibits drinking establishments from serving, mixing, or allowing consumption of alcohol between the hours of 2:00 a.m. and 9:00 a.m. This ordinance proposal modifies that prohibition to the hours of 2:00 a.m. and 6:00 a.m. The proposed ordinance authorizes drinking establishments to begin serving, mixing, and allowing consumption of alcohol three hours earlier and will bring City Code into conformity with K.S.A. 41-2614 and 41-2615.

This ordinance proposal also includes language clarifying requirements for hotel mini-bars and regulations relating to underage possession and consumption of alcohol on licensed premises.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, PERTAINING TO DRINKING ESTABLISHMENTS, PRIVATE CLUBS, AND CATERERS AND AMENDING CITY CODE SECTION 4-108; BUSINESS REGULATIONS.

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

Section 1. Section 21-23 of the Code of the City of Emporia, Kansas, is hereby amended as follows:

Sec. 4-108. Business regulations.

(a) The city license issued hereunder shall allow the licensee to operate only at the premises specified in such license in accordance with the provisions of this article, the laws of the state, and the rules and regulations adopted by the director of alcoholic beverage control of the department of revenue.

(b) No drinking establishment or private club licensed hereunder shall allow the serving, mixing, or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(c) No caterer licensed hereunder shall allow the serving, mixing, or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(d) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

(e) Possession or consumption by minor prohibited.

(1) No licensee or permit holder, or any owner, officer or employee thereof, shall knowingly or unknowingly permit the possession or consumption of alcoholic liquor or cereal malt beverage by a minor on premises where alcoholic beverages are sold by such licensee or permit holder, except that a licensee's or permit holder's employee who is not less than 18 years of age may serve alcoholic liquor or cereal malt beverage under the on-premises supervision of the licensee or permit holder, or an employee who is 21 years of age or older.

(2) Violation of subsection (e) is a misdemeanor punishable by a fine of not less than \$100 and not more than \$250 or imprisonment not exceeding 30 days, or both.

(3) It shall be a defense to a prosecution under this section if:

(A) The defendant permitted the minor to possess or consume the alcoholic liquor or cereal malt beverage with reasonable cause to believe that the minor was 21 or more years of age; and

(B) to possess or consume the alcoholic liquor or cereal malt beverage, the minor exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age.

(Ord. No. 88-11, § 4, 5-4-88; Ord. No. 21-____, § 1, 4-7-21)

Section 2. That Sections 4-108 of the Code of the City of Emporia, Kansas as it existed prior to the adoption of this ordinance is hereby repealed, and the newly adopted Section 4-108 shall be included and incorporated in the Code of Ordinances of the City of Emporia, Kansas as an amendment thereto.

Section 3. This ordinance shall take effect after its publication in the official City newspaper.

PASSED AND APPROVED this 7th day of April 2021

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 13

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 April 10, 2021 at 11:59 p.m. This ordinance proposes an extension of the provisions of Sec. 16-266 until amended superseded, or rescinded. 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. 21-_____

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 30 million cases of illness and more than 549,000 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 first proclaimed for the State of Kansas on March 12, 2020, ratified, and continued by 2020 Special Session HB 2016 and subsequent extensions and continuations by the State Finance Council; 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 more than 300,000 reported positive cases of COVID-19 spread including 4,913 deaths; and

WHEREAS, recent weeks months have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike in Kansas and across the nation; and

WHEREAS, this trend of COVID-19 spread remains 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 which has been extended by subsequent amendments, 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 amended, superseded, or rescinded.

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 of the city code shall be in effect until amended, superseded, or rescinded by the Emporia City Commission."

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 7th day of April 2021.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 14

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.

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

Tentative Agenda for April 14th Study Session at 10:00 a.m.

- Financial Update from Greg Vahrenberg
- Discuss Agreement with Animal Shelter.
- Discuss Projects for Second State Revolving Fund Drinking Water Loan.
- Discuss Urban Growth Area Agreement.
- Sewer System Connection Policy
- Continued Discussion for City of Emporia Stormwater Management Plan.
- Highland Street Improvements.
- Review Housing Policy Draft.
- Discuss Motor Grader for Street Department.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 15

SUBJECT: City Commissioners Reports and Comments

RECOMMENDATION:

BACKGROUND SUMMARY:

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

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

CITY COMMISSION MEETING

AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS
April 7, 2021 at 1:30 pm

1. Members present: Mayor Gilligan

<u>Vice Mayor Smith</u>	<u>Commissioner Geitz</u>
<u>Commissioner Giefer</u>	<u>Commissioner Brinkman</u>
<u>City Manager McAnarney</u>	<u>City Clerk Sull</u>
<u>Asst. City Mgr. Massey</u>	<u>City Attorney Montgomery</u>
2. Consent Agenda
3. Public Comment
 - a. Proclamation Naming April 22, 2021, at Earth Day in Emporia.
 - b. Proclamation Naming April 2021 as National Child Abuse and Neglect Prevention Month.
 - c. Proclamation Naming April 11-17, 2021 as National Public Safety Telecommunicators Week.
 - d. Proclamation Celebrating April 30th as Arbor Day in Emporia.
4. Consider Approval of the 2021 Annual Operation and Maintenance Assurance Agreement with Kansas Department of Wildlife, Parks and Tourism.
5. Appoint Member to the MUPP Board.
6. Appoint Member to the Joint Metropolitan Planning Commission/Board of Zoning Appeals.
7. Appoint Member to the Emporia Main Street Board.
8. Approve Bid for Aircraft Refueler for Airport.
9. Recognition of the Finance Department for the CAFR Award.
10. Consider Ordinance Authorizing the Tax Exemption of the Real Property Improvements Associated with 2019-20 Business Expansion of Glendo LLC.
11. Consider Ordinance Authorizing Beer Garden for Dynamic Discs Open Event.
12. Consider Ordinance Amending City Code Sec. 4-108 Pertaining to Business for Drinking Establishment, Private Club, and Caterers.
13. Consider Ordinance Amending City Code Sec. 16-266 Pertaining to Face Mask.
14. Report from City Manager on Activities.
15. City Commission Reports and Comments.
16. 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 48 hours before the event at 620-343-4285 or jlynch@emporia-kansas.gov*

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

Consent Agenda

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 March 17, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on March 26, 2021.
- c. Consider Set Bid Time and Date for the 2021 Street Rehab Project No. PV2102 and South Exchange Street Project No. PV2009.

RECOMMENDATION:

- a. Approve Minutes.
- b. Approve Payroll.
- c. Approve Time and Date.

BACKGROUND SUMMARY:

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 2c

SUBJECT: Set 2:00pm, Tuesday, April 27, 2022, as the time and date to receive bids for the 2021 Street Rehab Project No. PV2102 and South Exchange Street Project No. PV2009.

RECOMMENDATION: Set bid date and time.

BACKGROUND SUMMARY:

The 2021 Street Rehab Project and South Exchange Street project will consist of milling and pavement overlay operations, replacement of failed curb and gutter sections, and select sidewalk/ADA ramp improvements along the following street segments:

Belmont Court (*Old Manor Rd to 18th Ave.*)
Old Manor Road (*Lincoln St to 18th Ave.*)
Trowman Way (*Cul de sac to 18th Ave.*)
9th Avenue (*Elm St to Lawrence St*)
Elm Street (*9th Ave to Grove Ave*)
12th Avenue (*Commercial St. to Whittier St.*)
Mechanic Street (*South Ave. to 2nd Ave.*)
Randolph Avenue (*Neosho St. to West St.*)
South Exchange Street (*750 ft south of Logan Ave to the David Traylor Zoo*)
Mt. Vernon (*W. 20th Ave to W. 21st Ave.*)

Add Alternate:

Elm Street (*6th Ave. to 9th Ave*)
Congress Street (*BNSF Railroad Underpass*)

The 2021 Street Rehab project is funded with by a county sales tax/multi-year fund and the South Exchange Street project is funded by a bond sale.

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 **2021 Street Rehabilitation Project No. PV2102 (Multiple locations around the city) and South Exchange Street Project No. PV2009** 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, April 27, 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, April 20, 2021, at the same location.**

The work for the Street Rehabilitation Project will consist of the approximate quantities:

Base Bid:

Mobilization	1	LS
Asphalt Milling	42297	SQYD
HMA (Commercial Grade) (Class A)	3810	TON
Asphalt Patching (4" Avg. Depth)	40	TON
Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace)	1498	LF
Concrete Pavement (6" Plain) (AE) (Remove & Replace)	438	SQYD
Concrete Sidewalk (4" Plain) (AE) (Remove & Replace)	149	SQYD
ADA Sidewalk Ramp	236	SQYD
Concrete Removal	35	SQYD
Utility Adjustment (Valve Box Riser) (Valve Box) (Water)	1	EA
Utility Adjustment (Concrete) (Valve Box) (Water)	5	EA
Utility Adjustment (Manhole Riser) (Manhole) (Sewer)	2	EA
Utility Adjustment (Concrete) (Manhole) (Sewer)	6	EA
Pavement Marking (Thermoplastic) (White) (6")	1573	LF
Pavement Marking (Thermoplastic) (White) (24")	323	LF
Pavement Marking (Thermoplastic) (Yellow) (4")	3152	LF
Pavement Marking (Thermoplastic) (Yellow) (4") (Double)	2981	LF
Pavement Marking (Thermoplastic) (Yellow) (12") (Diagonal)	147	LF
Pavement Marking (Intersection Grade) (White) (Left Arrow)	44	EA
Temp Seed and Mulch	1	LS
Inlet Sediment Barrier	1	EA
Sediment Removal (Set Price)	1	CY
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS
Flagger (Set Price)	1	HR

Add Alternate:

Mobilization	1	LS
Asphalt Milling	3918	SQYD
HMA (Commercial Grade) (Class A)	346	TON
Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace)	58	LF
Concrete Sidewalk (4" Plain) (AE) (Remove & Replace)	8	SQYD
ADA Sidewalk Ramp	24	SQYD
Utility Adjustment (Manhole Riser) (Manhole) (Sewer)	2	EA
Temp Seed and Mulch	1	LS
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS

Mt. Vernon (Street Repair):

Mobilization	1	LS
Asphalt Milling (2" Avg. Depth)	173	SQYD
HMA (Commercial Grade) (Class A) (2" Avg. Depth)	20	TON
Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace)	98	LF
Concrete Pavement (6" Plain) (AE) (Remove & Replace)	14	SQYD
Temp Seed and Mulch	1	LS
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS

South Exchange Street:

Mobilization	1	LS
Contractor Construction Staking	1	LS
Surface Grading	2580	SQYD
Asphalt Milling	60	SQYD
HMA (Commercial Grade) (Class A) (4" Depth)	600	TON
Ditch Grading	1178	LF
Storm Sewer Pipe (12" CMP)	60	LF
Tree Removal	2	EA
Temp Seed and Mulch	1	LS
Temp Slope Barrier (Silt Fence)	200	LF
Permanent Seeding, Fertilizer and Mulch	1	LS
Traffic Control	1	LS

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 forty dollars (\$40), 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: April 7, 2021

ITEM NUMBER: 3

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

- Proclamation Naming April 22, 2021, as Earth Day in Emporia.
To Accept-Erika Martin, Assistant Professor at ESU.
- Proclamation Naming April 2021, as National Child Abuse and Neglect Prevention Month in Emporia.
To Accept-Ashley Davis & Danielle Armitage, with S.O.S, Inc. and Bev Long, with the Kansas Children's League.
- Proclamation Naming April 11-17, 2021, as National Public Safety Telecommunicators Week.
To Accept- Roxanne VanGundy, Director of Lyon County Emergency Communications.
- Proclamation Naming April 30th as Arbor Day in Emporia.
To Accept-Josh Nelson, Horticulturist for the City of Emporia.

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 _____



PROCLAMATION

WHEREAS, On April 22, 1970, United States Senator Gaylord Nelson of Wisconsin and Denis Hayes organized the first nation-wide day devoted to environmental awareness and education that was celebrated by an estimated 20 million Americans; and

WHEREAS, this day of environmental awareness and education is celebrated world-wide in some 180 countries, with the participation of over 4,000 separate organizations; and

WHEREAS, individuals and institutions have a mutual responsibility to seek ecological, economical, and ethical choices that enable the world, as well as our individual communities, to establish and maintain sustainable societies.

NOW, THEREFORE, I, Robert F. Gilligan, Mayor of the City of Emporia, Kansas, do hereby proclaim Thursday, April 22, 2021, as:

“EARTH DAY”

In Emporia, Kansas and urge all citizens to celebrate Earth Day and to remind each person of their right and responsibility to the wise use of this global home, to heal, preserve and improve the Earth and the quality of life for this and future generations, and to approach every day as an Earth Day.

On this 7th Day of April 2021

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk



Proclamation

WHEREAS, 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; and

WHEREAS, children have a right to be safe and to be provided an opportunity to thrive, learn and grow; and

WHEREAS, child abuse can have long-term psychological, emotional, and physical effects that can have lifelong consequences for victims of abuse; and

WHEREAS, we must come together as partners so that the voices of our children are heard by all and we are as a community extending a helping hand to children and families in need; and

WHEREAS, 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, helping to secure the future of this state and nation; and

WHEREAS, communities must make every effort to promote programs and activities that benefit children and their families; and

WHEREAS, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families.

THEREFORE, BE IT RESOLVED, that the City of Emporia hereby proclaims the month of April 2021 as

National Child Abuse and Neglect Prevention Month

in Emporia, Kansas, and urge all citizens to recognize this month by dedicating ourselves to the task of improving the quality of life for all children and families.

On this 7th Day of April 2021

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk



PROCLAMATION

WHEREAS, emergencies can occur at any time that require police, fire, or emergency medical services; and,

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the Lyon County Emergency Communications Center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and ensuring their safety; and

WHEREAS, 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; and

WHEREAS, each Public Safety Telecommunicator has exhibited compassion, understanding and professionalism during the performance of their job in the past year.

THEREFORE, BE IT RESOLVED, that I, Robert F. Gilligan, Mayor for the City of Emporia declares the week of April 11 through 17, 2021, as

National Public Safety Telecommunicators Week

in Emporia, Kansas in honor of the men and women whose diligence and professionalism keep our city and citizens safe.

On this 7th Day of April 2021

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk



PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Whereas, Arbor Day is now observed throughout the nation and the world, and Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Robert F. Gilligan, Mayor of the City of Emporia, Kansas, do hereby proclaim April 30, 2021, as

ARBOR DAY

In the City of Emporia, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

On this 7th Day of April 2021

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 4

SUBJECT: Consider the approval of the 2021 Annual Operation and Maintenance Assurance agreement with Kansas Department of Wildlife, Parks and Tourism.

RECOMMENDATION: Approve the Agreement

BACKGROUND SUMMARY:

The City of Emporia has worked with the Kansas Department of Wildlife, Parks, and Tourism for several projects which include projects in Jones Recreation Park, David Traylor Zoo and C of E Park. The approval of this agreement is required on an annual basis.

Attached is a copy of the agreement.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

KANSAS DEPARTMENT OF WILDLIFE, PARKS & TOURISM
512 SE 25th AVENUE
PRATT, KS 67124

2021 ANNUAL OPERATION AND MAINTENANCE ASSURANCE STATEMENT
Land & Water Conservation Fund (LWCF)

Whereas, **City of Emporia** has received financial assistance from the Land & Water Conservation Fund for the following project(s):

NPS Project No.

20-00162

20-00632

20-00657

Project Title

Jones Recreation Park

Concession/Restroom Development

D/C of E Park Improvement

The subgrantee does hereby assure that it:

1. will not convert any portion of a project area to other than public outdoor recreation use through sale, lease, easement, construction of non-outdoor recreation facilities or by any other means without prior approval and replacement of the converted property. (see Section 6(f)(3) of the LWCF act) A "project area" will generally include all or any outdoor recreation area which has received LWCF assistance;
2. will not install any overhead electric or telephone lines on project areas;
3. will maintain the project area and facilities in a safe, attractive, and inviting manner;
4. will maintain sanitary facilities in accordance with local/state health standards;
5. will make reasonable and prompt repairs on facilities funded with LWCF throughout their estimated lifetime to prevent undue or premature deterioration;
6. will keep facilities open for public use during reasonable hours of the day and times of the year;
7. will permanently display a LWCF sign (symbol) at all project areas;
8. will comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975;
9. will not change, by addition or deletion, any structural features of facilities without prior review and approval of the Kansas Department of Wildlife, Parks & Tourism and the National Park Service.
10. will submit any new development plans for the project site to Kansas Department of Wildlife, Parks & Tourism prior to development, and all required permitting from the State Historical Preservation Office and all environmental approvals must be sent to Kansas Department of Wildlife, Parks & Tourism for their files.

City of Emporia

Project Sponsor

*** I certify that I have the authority to sign for this project sponsor ***

Date: _____

Signature: _____

Printed Name: Robert F. Gilligan

Title: Mayor City of Emporia

AGENDA ITEM SUMMARY

MEETING DATE: April 07, 2021

ITEM NUMBER: 5

SUBJECT: Consider appointing a City member to the Main Street Board.

RECOMMENDATION: Appoint Aaron Otto as a City member to the Main Street Board.

BACKGROUND SUMMARY:

The Main Street Board currently has one City member position open on the Board. The City received one application for this board. Mr. Otto's application has been reviewed by staff and he has been through the Commission interview appointment process. Attached is his application for your review and consideration.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

APPLICATION FOR ADVISORY BOARD MEMBERSHIP

DATE: 01/20/2021

NAME:	AARON	T	OTTO
	First Name	MI	Last Name

ADDRESS:	1729 Luther St		
	Street		
	EMPORIA	KS	66801
	City	State	ZIP

Email: brownsemporia27@gmail.com

PHONE: 6203425871

PLACE OF EMPLOYMENT: BROWN'S SHOE FIT CO

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 30 years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:

—

**BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE**

ADVISORY BOARD(S) MENTIONED ABOVE:

Main Street

I would like to help Emporia Main Street continue to grow and better the community through all of the events and organizations that Main street interacts with.

OTHER ACTIVITIES AND INTERESTS:

Main Street

In Lieu of Signature, [Click Here](#)

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 6

SUBJECT: Consider appointing a City member to the City/County MUPP Board.

RECOMMENDATION: Appoint Andrew Kraft as a City member to the Multi-Use Path Planning Board.

BACKGROUND SUMMARY:

The City/County MUPP Board currently has one City member position opening on the Board. Mr. Kraft's application has been reviewed by staff and he has been through the Commission interview appointment process. Attached is his application for your review and consideration.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

APPLICATION FOR ADVISORY BOARD MEMBERSHIP



DATE: 03/01/2021

NAME: Andrew T Kraft
First Name MI Last Name

ADDRESS: 1225 C Of E Dr, Apt 11
Street
Emporia KS 66801
City State ZIP

Email: akraft2801@gmail.com

PHONE: 6204819407

PLACE OF EMPLOYMENT: Green Dot Bioplastics, Inc.

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? Since 2000
sans some college years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
Multi-Use Planning Board (MUPP)

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE

ADVISORY BOARD(S) MENTIONED ABOVE:

As an avid cyclist, dog owner, and Eagle Scout I believe the mission of the MUPP board is imperative to the success of the Emporia Community. Multi-use pathways can provide access for low income residents to housing, grocery stores, healthcare, leisure activities etc. at the fraction of the cost of 'modern' car centric infrastructure. Outdoor recreation has been proven to be a great benefit to the happiness of people. I am a Gravel City Adventure and Supply Co. Ambassador and can bridge the gap between the cycling community and the city.

Aside from that, I already spend my time and money maintaining the local trails like the Cottonwood River Trail. I am responsible for reopening the trail last year by way of weed-eating, clearing downed trees, and rerouting dangerous sections that put

people at risk of falling into the river. I also put the trail on Google maps so that community members and tourists are able to find it easily.

Emporia needs more outdoor recreation opportunities and I want to help.

OTHER ACTIVITIES AND INTERESTS:

In my free time, I am active in the gravel community as well as the mountain biking community. I spend time on the trails with my dog either walking, riding, or maintaining. I enjoy camping and hiking as well. I play disc golf (Hammond Heights is my favorite course). I enjoy playing ultimate frisbee with friends at the college. I love being outside!

In Lieu of Signature, Click Here

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 7

SUBJECT: Consider the appointment of a board member to the Joint Metropolitan Planning Commission/Board of Zoning Appeals.

RECOMMENDATION: A request to appoint applicant to the Joint Metropolitan Planning Commission/Board of Zoning Appeals.

BACKGROUND SUMMARY:

The Joint Metropolitan Planning Commission/Board of Zoning Appeals has 5 openings. Two representatives from the City Commission reviewed the application of Dan Colson. Mr. Colson is employed by Emporia State University and would add a good perspective to the boards. Staff request he be appointed to the Joint Metropolitan Planning Commission/Board of Zoning Appeals.

Attached is the application for your review and consideration.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

APPLICATION FOR ADVISORY BOARD MEMBERSHIP



DATE: 02/26/2021

NAME: Dan M Colson
First Name MI Last Name

ADDRESS: 1424 Washington Street, Emporia, KS, USA
Street
Emporia KS 66801
City State ZIP

Email: dcolson@emporia.edu

PHONE: 2178983321

PLACE OF EMPLOYMENT: Emporia State University

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 1 year

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
EMPORIA-LYON COUNTY METROPOLITAN AREA PLANNING
COMMISSION

**BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE**

ADVISORY BOARD(S) MENTIONED ABOVE:

After I interviewed for a different committee/board, Rob Gilligan suggested I might be a good fit for this commission. I'm looking to help the community in any way I can. Though I have only lived within Emporia for a short time, I have worked for ESU for almost ten years, so I've been a part of our community for some time.

OTHER ACTIVITIES AND INTERESTS:

I play golf; I'm an avid reader; and I enjoy spreadsheets.

In Lieu of Signature, Click Here

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 8

SUBJECT: Consider bids for one new Aircraft Refueler.

RECOMMENDATION: Award the purchase of a 1,000-gallon avgas refueler to Westmor Fluid Solutions for a cost of \$124,950.00.

BACKGROUND SUMMARY:

The current avgas refueler is 1986 Chevy series 70 chassis. The engine is an 8-cylinder gas engine and a four-speed manual transmission. It has a two compartment (1000 gal each) steel tank on back for the total capacity of 2000 gallons. It is equipped with two hose reels and metering registers. The registers measure 1/10 gallons. The pumps are operated with two in the cab PTO's. The vehicle is 35 years old and Jet fuel sales are a major source of income for the airport.

Three requests for bid packets were sent to prospective vendors. Only one bid packed was returned. The bid from Westmor offered two bids, one for a PTO driven pump for \$124,950.00, and one for a 12 volt driven pump for \$114,900.00. The PTO driven pump is what was specified and is preferred by the Airport. The pricing does not include a trade-in. The trade-in will be sold on Purple Wave once the new truck arrives.

Following is a recommendation from Ken Adams, Airport Manager:

Tim,

Per our conversation I would recommend that the City of Emporia purchase the specified 1000-gallon avgas refueler, that is equipped with the mechanical live PTO driving the avgas transfer pump. The bid for that specifically equipped vehicle was quoted at \$124,950.00.

Ken

There is \$175,000.00 budgeted in the 2021 CIP. This will be a bonded item.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

Abstained: _____ Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 9

SUBJECT: Recognize the Finance Department Staff for Certificate of Achievement in Financial Reporting (CAFR).

RECOMMENDATION: Recognize the Finance Department.

BACKGROUND SUMMARY:

This is the thirty-fifth year (1985-2019) in a row that the Government Finance Officers Association of the U.S. and Canada have awarded their Certificate of Achievement for Excellence in Financial Reporting to the City of Emporia. This award is for the financial report ending December 31, 2019. To receive the award, the governmental unit must publish a financial report that is easy to read, efficiently organized, comprehensive and whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements.

Members of the Finance Department for the City of Emporia are:

Janet Harrouff, Director of Administrative Services
Tammy Hopper, Accounting Clerk
Chelsea Tyson, Accounting Clerk

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 10

SUBJECT: Consider Ordinance Authorizing the Tax Exemption of the Real Property Improvements Associated with the 2019-20 Business Expansion of Glendo LLC.

RECOMMENDATION: Approval of the Ordinance.

BACKGROUND SUMMARY:

The City Commission has previously approved an "Incentive Compliance Agreement" to exempt property taxes on the 2019-20 real property improvements associated with the Glendo LLC business expansion. The "Incentive Compliance Agreement" provided for a ten-year property tax exemption on the real property associated with the expansion. Glendo LLC has completed the expansion project and met the criteria that was established by the City Commission in the "Incentive Compliance Agreement". A copy of the "Public Notice" is included for your review.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

NOTICE OF HEARING ON EXEMPTION OF CERTAIN PROPERTY FROM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES

The Governing Body of Emporia, Kansas, will meet on April 7, 2021, at 1:45 p.m. in the City Commission Chambers, Civic Building, 522 Mechanic, Emporia, Kansas, for the purpose of hearing a request by Glendo LLC, 900 Overlander Road, Emporia, Kansas, for an exemption from taxation for the real property expenses associated with the 2019-20 business expansion. The total real property expenses associated with the 2019-20 business expansion was \$3,641,643.00. The Governing Body will consider a request for a 10-year property tax exemption on the real property improvements associated with the expansion. Detailed information is available at the City Manager's office. For further information, please contact Mark McAnarney, City Manager, 522 Mechanic, Emporia, Kansas 66801 or (620) 343-4252. Oral and written comments will be recorded and become a part of the City of Emporia, Kansas Official Record.

Reasonable accommodations are available for persons needing assistance. Request for accommodations should be submitted to Mark McAnarney, City Manager, 522 Mechanic Street, Emporia, Kansas 66801 or (620) 343-4252 by April 6, 2021.

Kerry Sull, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE EXEMPTING CERTAIN PROPERTY FROM AD VALOREM TAXATION
FOR ECONOMIC DEVELOPMENT PURPOSES IN EMPORIA, LYON COUNTY, KANSAS.**

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

SECTION ONE: In accordance with Section 13 of Article 11 of the Kansas Constitution, the following property, commonly referred to as the 2019-20 business expansion to Glendo LLC. is hereby exempted from ad valorem taxation as follows: Real Property for a term of ten (10) calendar years. Said property is located on a tract of land described as follows:

A tract of land lying in the Southeast Quarter of Section 7, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas more particularly described as follows: Beginning at the Southwest corner of the Southeast Quarter, thence North along the West line of Said Section for a distance of 1620.00 feet, to the point of beginning; thence East on a line parallel to the South Section line of said Section for a distance of 937.44 feet to the center line of a drainage easement, thence Northwesterly along the center line of drainage easement for a distance of 329.94 feet, thence Westerly along a line parallel with the South section line of said Section for a distance of 924.14 feet; thence South along the West line of said Section for 330.00 feet to the point of beginning, except any part thereof now in street, road or highway.

Also

Lots 4 and 5 in MARTIN/EAGLE SUBDIVISION to the City of Emporia, Lyon County, Kansas.

More commonly known as 900 Overlander Road, Emporia, Kansas.

Real Property	Cost	Completion Date
2019-20 Building Addition	\$3,641,643.00	September of 2020
REAL PROPERTY TOTAL	\$3,641,643.00	

SECTION TWO: The City and the owner will execute an agreement for each year that the tax exemption for economic development is appropriate as a condition precedent to the annual exemption. If such an agreement is not executed by the parties, the exemption as set forth in this Ordinance is automatically hereby canceled, nullified, and set aside without further action by this Governing Body.

SECTION THREE: A certified copy of this Ordinance shall be provided to the owner of the property and to the Appraiser, Clerk, and Treasurer of Lyon County, Kansas.

SECTION FOUR: The City of Emporia has adopted Uniform Policies and Procedures for granting tax exemptions.

SECTION FIVE: The City of Emporia has completed a Cost-Benefit Analysis and its effect on state revenues on the request for property tax exemption by Glendo LLC

SECTION SIX: The City has provided notice of the "Public Hearing" for the Glendo LLC tax exemption request. The "Public Hearing" notice was published in The Emporia Gazette on March 27, 2021. U.S.D. #253 and Lyon County were notified of the "Public Hearing" by hand delivery on March 29, 2021

SECTION SEVEN: The Governing Body of the City of Emporia, Kansas, after conducting a public hearing pursuant to published notice as provided by law, has determined that property belonging to Glendo LLC is used exclusively in manufacturing articles of commerce and storing goods used in interstate commerce and should be granted tax exemption for economic development purposes. The City has determined that Glendo LLC is engaged in manufacturing articles of commerce and storing goods used in interstate commerce. The City has approved the request for property tax exemption on the real property purchased in conjunction with the expansion of Glendo LLC in Emporia, Kansas. Glendo LLC has agreed to create approximately a minimum of 6 new jobs with an increase in company annual payroll of not less than \$290,000.00

SECTION EIGHT: The City has determined that the approval of this exemption is necessary to create and retain jobs in Emporia, Kansas. The City has approved the 10-year real property tax exemption for the tax years 2021-2030.

SECTION NINE: The City Clerk shall cause this Ordinance to be published one (1) time in the official newspaper and that this Ordinance shall take effect and be in force from and after its adoption and publication in the official City newspaper.

PASSED AND ORDAINED by the Governing Body of Emporia, Kansas this 7th day of April of 2021.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 11

SUBJECT: Consider Ordinance Authorizing Beer Garden for Dynamic Discs Open Event.

RECOMMENDATION: Approve Ordinance.

BACKGROUND SUMMARY:

Dynamic Discs and Bourbon Cowboy request permission to host a beer garden in connection with the Dynamic Discs Open Event in the 600 and 900 blocks of Commercial Street, on May 1, 2021 between the hours of 5:00 p.m. and 10:30 p.m. The beer garden will be enclosed by City fencing in a location approved by the Chief of Police. The applicant will be required to meet City and state requirements for alcohol sales.

The ordinance and map of the proposed beer garden locations are attached.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

ORDINANCE NO. _____

AN ORDINANCE EXEMPTING AN AREA IN THE 600 BLOCK AND THE 900 BLOCK OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE DYNAMIC DISCS OPEN EVENT MAY 1, 2021

WHEREAS, sponsors of the Dynamic Discs Open event and the Bourbon Cowboy have requested an exemption from the prohibition of sale and consumption of enhanced cereal malt beverages (CMB) and/or alcoholic liquor on Commercial Street in the 600 block and the 900 block of Commercial Street in connection with the Dynamic Discs Open Block Party special event;

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

SECTION 1. Pursuant to K.S.A. 2011 SUPP. 41-719, as amended, the Governing Body temporarily exempts Commercial Street in the 600 and 900 block, with the exact location to be approved by the Chief of Police or designee, from the prohibition on the sale and consumption of enhanced cereal malt beverage (CMB) and alcoholic liquor when it is being sold or consumed in conjunction with the Dynamic Discs Open Block Party event on May 1, 2021, between the hours of 5:00 p.m. to 10:30 p.m., as authorized by the city manager and subject to any other laws or ordinances regulating the possession, sale and/or consumption of enhanced CMB and alcoholic liquor.

SECTION 2. Sale and consumption shall be allowed within an area delineated by City of Emporia fencing in a manner approved by the Chief of Police or designee which clearly distinguishes the area where alcoholic beverages are permitted. No one under the age of 21 shall possess or consume alcoholic beverages and event sponsors shall be held strictly accountable for any violations. No alcoholic beverages shall be consumed in vehicles while on the street at any special event.

SECTION 3. No person shall remove any alcoholic liquor or CMB from inside the boundaries of the special event as delineated by signs, posted map or other means which reasonably identify the boundaries of the special event.

SECTION 4. Licensees must meet all the requirements for obtaining a temporary license for sale of alcoholic beverages by the city and the state.

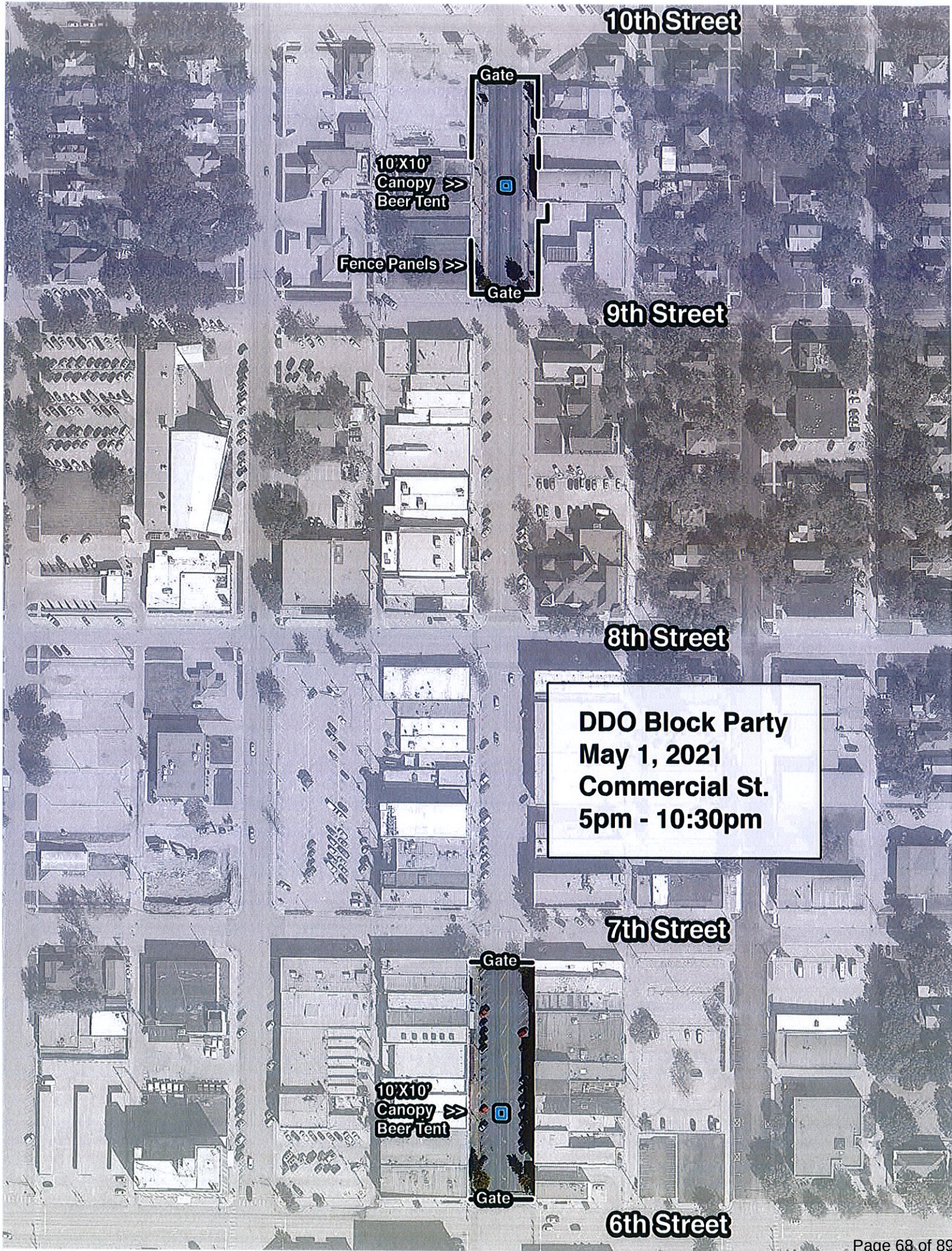
SECTION 5. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED this 7th day of April 2021.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk



DDO Block Party
May 1, 2021
Commercial St.
5pm - 10:30pm

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 12

SUBJECT: Consider Ordinance Amending City Code Sec. 4-108 Pertaining to Business Regulations for Drinking Establishment, Private Club, and Caterers.

RECOMMENDATION: Approve Ordinance.

BACKGROUND SUMMARY:

City Code Sec. 4-108 currently prohibits drinking establishments from serving, mixing, or allowing consumption of alcohol between the hours of 2:00 a.m. and 9:00 a.m. This ordinance proposal modifies that prohibition to the hours of 2:00 a.m. and 6:00 a.m. The proposed ordinance authorizes drinking establishments to begin serving, mixing, and allowing consumption of alcohol three hours earlier and will bring City Code into conformity with K.S.A. 41-2614 and 41-2615.

This ordinance proposal also includes language clarifying requirements for hotel mini-bars and regulations relating to underage possession and consumption of alcohol on licensed premises.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, PERTAINING TO DRINKING ESTABLISHMENTS, PRIVATE CLUBS, AND CATERERS AND AMENDING CITY CODE SECTION 4-108; BUSINESS REGULATIONS.

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

Section 1. Section 21-23 of the Code of the City of Emporia, Kansas, is hereby amended as follows:

Sec. 4-108. Business regulations.

(a) The city license issued hereunder shall allow the licensee to operate only at the premises specified in such license in accordance with the provisions of this article, the laws of the state, and the rules and regulations adopted by the director of alcoholic beverage control of the department of revenue.

(b) No drinking establishment or private club licensed hereunder shall allow the serving, mixing, or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(c) No caterer licensed hereunder shall allow the serving, mixing, or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(d) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment caterer may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

(e) Possession or consumption by minor prohibited.

(1) No licensee or permit holder, or any owner, officer or employee thereof, shall knowingly or unknowingly permit the possession or consumption of alcoholic liquor or cereal malt beverage by a minor on premises where alcoholic beverages are sold by such licensee or permit holder, except that a licensee's or permit holder's employee who is not less than 18 years of age may serve alcoholic liquor or cereal malt beverage under the on-premises supervision of the licensee or permit holder, or an employee who is 21 years of age or older.

(2) Violation of subsection (e) is a misdemeanor punishable by a fine of not less than \$100 and not more than \$250 or imprisonment not exceeding 30 days, or both.

(3) It shall be a defense to a prosecution under this section if:

(A) The defendant permitted the minor to possess or consume the alcoholic liquor or cereal malt beverage with reasonable cause to believe that the minor was 21 or more years of age; and

(B) to possess or consume the alcoholic liquor or cereal malt beverage, the minor exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document that reasonably appears to contain a photograph of the minor and purporting to establish that such minor was 21 or more years of age.

(Ord. No. 88-11, § 4, 5-4-88; Ord. No. 21-____, § 1, 4-7-21)

Section 2. That Sections 4-108 of the Code of the City of Emporia, Kansas as it existed prior to the adoption of this ordinance is hereby repealed, and the newly adopted Section 4-108 shall be included and incorporated in the Code of Ordinances of the City of Emporia, Kansas as an amendment thereto.

Section 3. This ordinance shall take effect after its publication in the official City newspaper.

PASSED AND APPROVED this 7th day of April 2021

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 13

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 April 10, 2021 at 11:59 p.m. This ordinance proposes an extension of the provisions of Sec. 16-266 until amended superseded, or rescinded. 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. 21-_____

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 30 million cases of illness and more than 549,000 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 first proclaimed for the State of Kansas on March 12, 2020, ratified, and continued by 2020 Special Session HB 2016 and subsequent extensions and continuations by the State Finance Council; 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 more than 300,000 reported positive cases of COVID-19 spread including 4,913 deaths; and

WHEREAS, recent weeks months have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike in Kansas and across the nation; and

WHEREAS, this trend of COVID-19 spread remains 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 which has been extended by subsequent amendments, 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 amended, superseded, or rescinded.

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 of the city code shall be in effect until amended, superseded, or rescinded by the Emporia City Commission."

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 7th day of April 2021.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 14

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.

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

Tentative Agenda for April 14th Study Session at 10:00 a.m.

- Financial Update from Greg Vahrenberg
- Discuss Agreement with Animal Shelter.
- Discuss Projects for Second State Revolving Fund Drinking Water Loan.
- Discuss Urban Growth Area Agreement.
- Sewer System Connection Policy
- Continued Discussion for City of Emporia Stormwater Management Plan.
- Highland Street Improvements.
- Review Housing Policy Draft.
- Discuss Motor Grader for Street Department.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 15

SUBJECT: City Commissioners Reports and Comments

RECOMMENDATION:

BACKGROUND SUMMARY:

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

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGENDA ITEM SUMMARY

MEETING DATE: April 7, 2021

ITEM NUMBER: 16

SUBJECT: Executive Session

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commission request 15 minutes for an Executive Session to discuss proprietary information of a new business in Emporia.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 17, 2021, with Mayor Gilligan presiding and Commissioners Brinkman, Geitz, Giefer and Smith present. 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 February for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2020	2021	
	\$467,146.06	\$460,043.09	Decrease of \$7,102.97 for the month, and
YTD \$	863,100.58	\$ 856,395.49	Overall decrease of 0.78% from year 2020

2. City Share from County Tax

	2020	2021	
	\$239,537.49	\$231,104.54	Decrease of \$8,432.95 for month, and
YTD \$	444,734.76	\$ 430,746.72	Overall decrease of 3.15% from year 2020

3. Building Permits issued from 2/1/2021 to 2/28/2021 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	29
Total of valuations associated with those building permits:	\$ 390,540.00
Total number of dollars collected for Building Permit Fees:	\$ 3,395.00
Construct - single family dwellings	1
Demo - single family dwellings	1
Flint Hills Mall CID for February	\$ 17,207.15
Year to Date Total	\$ 34,883.43

Consent Agenda

Mayor Gilligan requested that item e. Consider Set Bid Time and Date for Motor Grader for Street Department, be removed from the Consent Agenda.

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

- a. Consider minutes of the Meeting held on March 3, 2021.

- b. Consider ratification of Payroll Ordinance for the period ending on March 12, 2021.
- c. Consider the Approval of February Budget.
- d. Consider Set Bid Time and Date for Aircraft Refueler for Emporia Municipal Airport.
- f. Consider Approval of Change Order #3 with Caldwell, Inc. To Change the Final Completion Date of the Contract.

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

**CONSENT AGENDA
(Item e.)**

- e. Consider Set Bid Time and Date for Motor Grader for Street Department.

Mayor Gilligan asked that this item be discussed at a study session for possible alternative purchasing options.

Commissioner Geitz made a motion to table Item e. to the Study Session to be held on March 24, 2021. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Public Comment)**

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

Vicki VanKooten, representing the North Central Area on Aging Friendship Center, was in attendance to accept a proclamation declaring March 2021 as "19th Annual March for Meals Month" in Emporia.

She stated March for Meals celebrates 19 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation. Volunteers for Meals on Wheels programs in Emporia are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare. Meals on Wheels program in Emporia deserve recognition for the heroic contributions and essential services they provided amid the COVID-19 pandemic. She urged every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2021 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

Mayor Gilligan then presented the proclamation.

CITY COMMISSION
(Consider Amending City Code Section 16-266)
(Requiring Individuals to Wear Face Masks)
(Ordinance Number 21-08)

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 21-08, was presented to the Governing Body for their consideration.

Jennifer Millbern and Dr. Oyenuga, representing Lyon County Public Health, were recognized and addressed the Governing Body. They reviewed the recent information on COVID-19 of new infections, incidence rate, community goals, community's positivity rate and Lyon County's level of community transmission. They also reported total number of vaccine prime doses and booster doses through Lyon County Public Health. They spoke in favor of maintaining the current mask requirement to help protect each other as the easiest and most effective way to keep the spread of COVID-19 down. They urged

citizens to participate in signing up to receive the vaccine starting Monday, March 22, 2021 when the State of Kansas moves in to Phase 3 and Phase 4 of the vaccination plan.

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 March 23, 2021 at 11:59 p.m. This ordinance proposal extends the expiration date to April 27, 2021 at 11:50 p.m. All other mask or face covering requirements pursuant to Sec. 16-266 would remain the same.

Following discussion, Commissioner Geitz made a motion to approve Ordinance Number 21-08, an ordinance extending the expiration date and amending the expiration date to April 10, 2021. This will allow the Lyon County to review the County's mask requirement on April 8, 2021. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Board Appointments)**

Emporia Public Library Board:

It was moved by Commissioner Smith, seconded by Commissioner Brinkman that Victor Acosta be appointed to the Emporia Public Library Board to fill an unexpired term that will expire on April 30, 2022; Scott Capes be appointed to the Emporia Public Library Board to fill an unexpired term that will expire on April 30, 2023; and Steve Younger be appointed to the Emporia Public Library Board for a term that expires on April 30, 2025. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Golf Advisory Board:

It was moved by Commissioner Geitz, seconded by Commissioner Smith that Megan Beitz and Dan Colson be appointed to the Golf Advisory Board

for terms that expire December 31, 2023. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Grant Agreement - Family Promise of the Flint Hills)
(Kansas Housing Resources Corporation - Emergency Solution Grant)

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated the City was recently awarded an Emergency Solution Grant from the Kansas Housing Resources Corporation on behalf of Family Promise of the Flint Hills. The proposed grant agreement formally describes the duties and expectations of both parties in the administration and usage of this grant. He stated staff was recommending authorizing the Mayor to execute a grant agreement.

Commissioner Geitz made a motion authorizing the Mayor to execute a grant agreement with Family Promise of the Flint Hills. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

WATER SERVICE
(Consider Bids for Water Service Remodeling)

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated City staff has been talking and planning for a couple of years about moving the Human Resources Department to the Accounting/Water Service area in order to provide additional office coverage as well as cross training. This project has been budgeted from the Multi-Year Fund. The current budge amount is \$261,242.50. He stated Peter Hauff with Emig & Hauff Associates will make a recommendation for the project.

Peter Hauff, Emig & Hauff Associates, was recognized and addressed the Governing Body. He stated four bids were received as follows:

BID TABULATION FOR WATER DEPARTMENT REMODEL

Contractor	Base Bid	Time of Completion	Total
Mitchell-Markowitz Const.	\$144,685	90 Days	\$144,685
Loyd Builders	\$135,650	80 Days	\$135,650
Evergreen Design-Build	\$137,500	80 Days	\$137,500
Conco Construction	\$118,500	84 Days	\$118,500

He stated mechanical and electrical work was removed from the general contractor. These services will be sub-contracted directly by the City. He stated the bids received include the costs for general demolition, new partition framing, bullet resistant glass and panels, and plumbing work. The bids do not include work that will need to be done to modify the existing mechanical system, electrical systems, install new floor finishes, wall bases, patching existing finishes, remove and replace existing ceiling tiles. He stated all four bidders are well qualified and he has personally worked with all of them. He stated he was recommending awarding the Water Department remodeling to Conco Construction for a total of \$118,500.00.

Commissioner Geitz made a motion to award the Water Department remodeling to Conco Construction for a total of \$118,500.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**PAVING
(2021 Chip Seal Program)
(Bids)**

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated bids were received for the 2021 chip seal program. The following is the bid tabulation:

BID TABULATION FOR CHIP SEAL PROGRAM 2021

	APAC-Kansas Shears Division	Vance Brothers Kansas, City
Edge Milling		
Cost per SY	\$3.00	\$7.40
Cost for 930 SY	\$2,790.00	\$6,882.00
Skim Coat		
Cost per ton	\$103.18	\$400.00
Cost for 20 ton	\$2,063.00	\$8,000.00
Crack Seal		
Cost per pound	\$2.37	\$2.39
Cost per 11,000 pounds	\$26,070.00	\$26,290.00
Chip Seal		
Cost per SY	\$2.02	\$2.52
Cost for 53,937 SY	\$108,952.74	\$135,921.24
Fog Seal		
Cost per SY	\$0.49	\$0.71
Cost for 53,937 SY	\$26,429.13	\$38,295.27
TOTAL PROJECT COST	\$166,305.47	\$215,388.51
Project start date	May 1, 2021	10 days after award
Days to complete project	11	12

He stated this project will consist of providing all labor and equipment to lay approximately 930 square yards of milling, 20 tons of leveling course, 11,000 pounds of crack seal, 53,937 square yards of chip seal and 53,937 square yards of fog seal. The budgeted amount for this program is \$200,000.00 and staff is recommending awarding the chip seal program to APAC-Kansas Shears Division in the amount of \$166,305.47.

Commissioner Smith made a motion to award the 2021 chip seal program to APAC-Kansas Shears Division in the amount of \$166,305.47. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, 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 MARCH 24, 2021 AT 9:30 A.M.

Presentation from Nannette Pogue former Finance Director of Dodge City.

Update on RHID Policy.

Continued Discussion on Development Agreement with Flint Hills Crossing.

Discuss Electric Vehicle Charging Station.

Sewer System Connection Policy.

Continued Discussion for City of Emporia Stormwater Management Plan.

Highland Street Improvements.

Discussion of Drinking Establishment Hours.

EXECUTIVE SESSION

Commissioner Brinkman made a motion to adjourn into Executive Session for consultation with the City Attorney from 7:36 p.m. to 8:06 p.m., in the City Commission Meeting Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 8:06 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had consultation with the City Attorney and no action was taken.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk