

CITY COMMISSION MEETING AGENDA

CITY COMMISSION / MUNICIPAL COURT ROOM
518 MECHANIC, EMPORIA, KS
September 29, 2021 at 10:00 a.m.

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. Public Comment.
 - a. Proclamation Recognizing October 3-9 as Fire Prevention Week.
3. Consider Appointment of Members to the Emporia Human Relations Commission.
4. Consider Approval of Resolution for the Reappointment of Municipal Court Judge.
5. Consider Agreement for Municipal Court Judge Services.
6. 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: September 29, 2021

ITEM NUMBER: 2

SUBJECT: Public Comment

RECOMMENDATION:

BACKGROUND SUMMARY:

- Proclamation Recognizing October 3-9 as Fire Prevention Week.
-to accept Reason Bradford, City of Emporia Fire Marshal.

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, the City of Emporia is committed to ensuring the safety and security of all those living in and visiting our state; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,770 people in the United States in 2019, according to the National Fire Protection Association and fire departments in the United States responded to 339,500 home fires; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, Emporia residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and

WHEREAS, Emporia residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Emporia residents will make sure their smoke and CO alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, Emporia first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Emporia residents are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2021 Fire Prevention Week theme, "Learn the Sounds of Fire Safety," effectively serves to remind us it is important to learn the different sounds of smoke and carbon monoxide alarms.

THEREFORE, I Robert F. Gilligan, Mayor for the City of Emporia do hereby proclaim October 3–9, 2021, as

Fire Prevention Week

throughout this City, and I urge all the people of Emporia to "Learn the Sounds of Fire Safety" for Fire Prevention Week 2021 and to support the many public safety activities and efforts of Emporia's fire and emergency services.

ATTEST:

Robert F. Gilligan, Mayor

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: September 29, 2021

ITEM NUMBER: 3

SUBJECT: Consider Appointment of Members to the Emporia Human Relations Commission.

RECOMMENDATION: Appoint Members.

BACKGROUND SUMMARY:

The Human Relations Commission currently has four openings. The applications have been reviewed by staff. The Commission representatives have interviewed the applicants and request approval of their appointment.

Attached are the applications for your review and consideration. Members of this commission are allowed to live anywhere in Lyon County per ordinance.

ACTION RECORD

Action: _____

Motion: _____

Second: _____

Abstained: _____

Vote: _____

GEITZ _____ GIEFER _____ GILLIGAN _____ SMITH _____ BRINKMAN _____

APPLICATION FOR ADVISORY BOARD MEMBERSHIP

DATE: 07/19/2021

NAME: Hailey L Clark
First Name MI Last Name

ADDRESS: 2800 Bayfront Dr
Street
Emporia KS 66801
City State ZIP

Email: hailey.colaw@gmail.com

PHONE: 6207557338

PLACE OF EMPLOYMENT: N/A - Stay at home parent

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 9 yrs

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
HUMAN RELATIONS COMMISSION

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE

ADVISORY BOARD(S) MENTIONED ABOVE:

Fair treatment of employees is an absolute necessity. As I am a stay at home parent, I would love to have the opportunity to help defend and serve those who serve my city. I have previously worked at LCECC from 2017-2019, and have a general knowledge of the structure of the city/county government.

OTHER ACTIVITIES AND INTERESTS:

As I stated, I stay home to support my husband and care for my daughter, and strive to raise her with respect for all humans. I support my interest and defence of human rights by researching and educating myself as often as I can. I love spending time with family and friends, and enjoy using my flexible schedule to support them however I can.



APPLICATION FOR ADVISORY BOARD MEMBERSHIP

DATE: 06/28/2021

NAME: Toni A
First Name MI
Akens
Last Name

ADDRESS: 2318 road k
Street
Emporia KS 66801
City State ZIP

Email: toni_martin2009@yahoo.com

PHONE: 6203662941

PLACE OF EMPLOYMENT: Retired

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 1988

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
HUMAN RELATIONS COMMISSION

BRIEFLY DESCRIBE WHY YOU WOULD LIKE TO PARTICIPATE ON
THE

ADVISORY BOARD(S) MENTIONED ABOVE:

I like to be productive in our community as I have been state wide on several boards.
By serving as a person with disabilities, I can give a different perspective.

OTHER ACTIVITIES AND INTERESTS:

Volunteering on other organizations, gardening, playing pool & diy projects

In Lieu of Signature, Click Here

APPLICATION FOR ADVISORY BOARD MEMBERSHIP



DATE: 08/02/2021

NAME:	Máire	N	Johnson
	First Name	MI	Last Name
ADDRESS:	934 Lawrence St		
	Street		
	Emporia	KS	66801
	City	State	ZIP

Email: mjohns38@emporia.edu

PHONE: 17178021793

PLACE OF EMPLOYMENT: ESU

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

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
HUMAN RELATIONS COMMISSION

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

ADVISORY BOARD(S) MENTIONED ABOVE:

As someone who personally deals with invisible physical disabilities, as well as being an educator working with learners handling various challenges related to inclusion and access, I have a personal and professional knowledge of many of the issues this committee addresses.

OTHER ACTIVITIES AND INTERESTS:

- Professor, ESU
- Charter member, former VP and former President, ESU LGBTQ+ Faculty/Staff Advisory Council
- Student organization advisor, PRIDE

In Lieu of Signature, Click Here

1-TR

APPLICATION FOR ADVISORY BOARD MEMBERSHIP



DATE: 08/02/2021

NAME: Adele I Clark
First Name MI Last Name

ADDRESS: 1965 road 200
Street
Reading KS 66868
City State ZIP

Email: aidouglas.i.clark@gmail.com

PHONE: 6207572707

PLACE OF EMPLOYMENT: SOS, inc

HOW LONG HAVE YOU BEEN A RESIDENT OF EMPORIA? 7 years

ADVISORY BOARD(S) YOU ARE INTERESTED IN:
HUMAN RELATIONS COMMISSION

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

ADVISORY BOARD(S) MENTIONED ABOVE:

In my every day job I advocate for members of our community who have had a traumatic experience. I feel I would bring a good perspective to the board due to my advocacy work and my ability to step back and assess a situation without judgement.

OTHER ACTIVITIES AND INTERESTS:

I love participating in PTO fundraisers and attending my children's sporting events.

In Lieu of Signature, Click Here

Ordinance 18-38

(b)*Residence; Appointment To Fill Vacancy; Compensation:* Members of the commission shall reside within the boundaries of Lyon County, Kansas. Any member who moves his or her residence outside the area shall automatically cease to be a member, and a vacancy shall thereby be created. Appointment of new members to fill vacancies shall be made by the governing body. The members of the commission shall serve without compensation.

(c)*Meetings; Quorum; Attendance:* The commission shall meet regularly once each month, at a place and time decided by the commission, for the purpose of adopting regulations and conducting such other business as may come before it. Special meetings may be called by the chairperson or by a majority of the commission then presently serving. A majority of the presently serving members of the commission shall constitute a quorum for the purpose of conducting the business thereof. The human relations commission may, by majority vote of the commission, recommend to the governing body that a member's term be terminated and a new member be appointed to fill any unexpired term, whenever a member fails to comply with the attendance requirements of the commission's bylaws.

(d)*Term:* The term of office of each member of the commission shall be three (3) years and until his or her successor is appointed. Members of the commission shall serve no more than two (2) successive three (3) year terms in addition to any unexpired term to which they may have been appointed. Members may be eligible for reappointment after one year.

(e)*Officers:* The commission shall elect from among its members a chairperson and vice chairperson. The vice chairperson shall act as the chairperson during the absence or incapacity of same. The term of office for the chairperson, and vice chairperson shall be for one year, and no person shall serve more than two (2) consecutive years in the same office. The chairperson and vice chairperson may resign from office at any time during their terms and may do so without resigning from membership on the commission.

(f)*Removal Of Member:* No member or members of the commission shall attempt to act on any matter over which the commission has jurisdiction unless and until the commission has given prior approval to such action. Any member of the commission may be removed by the mayor with the consent of the governing body for inefficiency, neglect of duty or misconduct or malfeasance in office; no such removal shall be effective until the member proposed to be removed has been furnished a written statement of the charges and an opportunity to be heard thereon by the governing body.

(g)*Hearing Examiner:* It shall be the responsibility of the commission to assist in the selection of a hearing examiner to be employed by the city of Emporia for the purpose of conducting hearings for the human relations commission. The city of Emporia shall employ at least one hearing examiner to conduct hearings. In addition, the city may employ hearing examiners pro tem when necessitated by the incapacity or disqualification of the regular hearing examiner. Such hearing examiners shall be admitted to practice law before the supreme court of the state of Kansas.

AGENDA ITEM SUMMARY

MEETING DATE: September 29, 2021

ITEM NUMBER: 4

SUBJECT: Consider Resolution for the Reappointment of Municipal Court Judge.

RECOMMENDATION: Approve Resolution.

BACKGROUND SUMMARY:

Municipal Court Judge Ted Hollembeak's 4-year term expires on November 18, 2021. He is requesting consideration for reappointment. Under Charter Ordinance 32, a municipal court judge may seek to be reappointed prior to the expiration of that term, and if so appointed, may serve as municipal court judge for another 4-year term. Judge Hollembeak has been serving as municipal court judge since 2005.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

RESOLUTION NO. _____

WHEREAS, Charter Ordinance No. 32 provides that the Governing Body may reappoint an incumbent municipal court judge for a subsequent four-year term; and

WHEREAS, Municipal Court Judge Ted Hollembeak desires to be reappointed to a new four year term;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, LYON COUNTY, KANSAS, that **Ted Hollembeak** is hereby appointed Municipal Court Judge of the City of Emporia, Kansas, for the term commencing on November 19, 2021 and expiring on November 18, 2025.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, this 29th day of September 2021.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: September 29, 2021

ITEM NUMBER: 5

SUBJECT: Consider Agreement for Municipal Court Judge Services.

RECOMMENDATION: Approve Agreement.

BACKGROUND SUMMARY:

This agreement spells out the responsibilities of the City and Municipal Court Judge Ted Hollembeak during the new four-year appointment to begin November 19, 2021. The City will provide furnished office space, annual updated legal materials, and pay for membership in the Kansas Municipal Judge's Association. Judge Hollembeak will maintain his license to practice law in good standing, keep himself duly and properly informed of all laws, statutes and regulations which are necessary for the proper discharge of his duties, and diligently perform his duties in a competent, impartial manner, free of bias or prejudice. The compensation for the first year will be \$63,466.00 with an increase of 1.5% each year thereafter.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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

AGREEMENT

THIS AGREEMENT, made and entered into this 29th day of September 2021 by and between the City of Emporia, Kansas hereinafter called the "City", and Ted Hollembeak, hereinafter called "Judge".

RECITALS

A. On or about November 17, 2017 City and Judge entered into a contract for Judge to perform the duties of Judge of the Municipal Court of Emporia Kansas for a four-year term as provided by K.S.A. 12-4101 et. Seq. and Charter Ordinance No. 32 of the City of Emporia.

B. The City desires to continue the services of Ted Hollembeak as Municipal Court Judge and Ted Hollembeak desires to continue his duties as Municipal Court Judge as provided by K.S.A. 12-4101 et. Seq. and Charter Ordinance No. 32 of the City of Emporia.

THEREFORE, in consideration of the above Recitals and the terms of agreement as set forth below the parties agree as follows:

1. Beginning January 1, 2022 the Judge's compensation shall be \$63,466.00 per year payable in 26 bi-weekly payments of \$2,441.00 beginning the first full pay period of January 2022. Thereafter the annual salary shall be increased 1.5% each year in January for the remainder of the term of this agreement. The Judge's term of appointment expires November 18, 2025, unless reappointed by the City Commission in accordance with Charter Ordinance No. 32.
2. The City shall provide and maintain office furniture for the Judge's chambers in the Municipal Court area.
3. The city shall provide the following resource materials:
 - a. Annual updated West Kansas Statutes Annotated for legal research.
4. The city shall pay for Judge's membership in the Kansas Municipal Judge's Association (currently \$25.00 per year).
5. The Judge shall maintain his license to practice law in good standing before the Kansas Supreme court.

6. The Judge shall consult with the City Commission at such times as requested by the City Commission. The Judge shall diligently perform his duties in a competent, impartial manner, free of bias or prejudice.

7. The Judge shall be available for all regularly scheduled court sessions and any specially scheduled sessions as required by court case loads and also be available upon special requests by the City and maintain office hours necessary to complete his duties but said hours shall not exceed 18 hours per week.

8. The City shall pay a rate of \$65.00 per hour for a judge pro-tem when Judge is unavailable for Court up to a maximum of fifteen hours (\$975.00) per calendar year. Any amount over \$975.00 per calendar year shall be the responsibility of Judge.

9. The Judge shall keep himself duly and properly informed of all laws, statutes and regulations which are necessary for the proper discharge of his duties.

10. This agreement shall be in effect beginning with the 19th day of November 2021 and shall continue to be in effect for the completion of the fourth term of appointment of the Judge through November 18, 2025.

11. Any notices given in writing shall be addressed as follows:

City Manager
City of Emporia
P.O.Box 928
Emporia Kansas 66801

Judge Ted Hollembeak
P.O.Box 928
Emporia Kansas 66801

This Agreement shall supersede all previous verbal and written agreements and shall hereafter govern the relationship between the parties until modified or terminated.

Executed the day and date above written by:

Robert F. Gilligan, Mayor

Ted Hollembeak Judge

ATTEST:

Kerry Sull, City Clerk

AGENDA ITEM SUMMARY

MEETING DATE: September 29, 2021

ITEM NUMBER: 6

SUBJECT: Executive Session.

RECOMMENDATION:

BACKGROUND SUMMARY:

At this time, the City Commission request a 2-hour Executive Session to discuss non-elected personnel and to invite Osenbaugh-Deardoff Consulting.

ACTION RECORD

Action: _____

Motion: _____ Second: _____

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