



**MEETING OF THE CITY COMMISSION – AGENDA
WEDNESDAY, MARCH 2, 2022, AT 1:30 P.M.
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER: Mayor Becky Smith

MEMBERS PRESENT

Vice Mayor Giefer
Commissioner Brinkman
Commissioner Gilligan
Commissioner Sauder

PROCLAMATIONS

PUBLIC FORUM

NEW BUSINESS

1) ORDINANCE FOR BEER GARDEN AT BLOCK PARTY FOR DYNAMIC DISCS OPEN.

Presented by Christina Montgomery, City Attorney.

RECOMMENDED ACTION: Approve Ordinance

2) AGREEMENT AND RELEASE OF LIABILITY FOR MONKEY ISLAND PROJECT.

Presented by Christina Montgomery, City Attorney and Lisa Keith, Zoo Director.

RECOMMENDED ACTION: Approve and Sign Agreement

3) RESOLUTION FOR ESTABLISHING POLICY FOR SALE OF SURPLUS REAL PROPERTY.

Presented by Lane Massey, Assistant City Manager.

RECOMMENDED ACTION: Approve Resolution

COMMUNICATIONS

1) Update for City of Emporia Stormwater Management Plan.

Presented by Trey Cocking, City Manager.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Approve the minutes of the February 16, 2022, City Commission Meeting and the minutes of the February 23, 2022, Adjourned Meeting.
- 2) Ratification and Approval of the Payroll Ordinance for the period ending February 11, 2022.
- 3) Change Order No. 1 for Americus Road Sanitary Sewer Extension Proposal.

RECOMMENDED ACTION: Approve the Consent Agenda as presented.

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Agenda Items for March 9, 2022 Study Session.

GOVERNING BODY COMMENTS

Mayor Becky Smith

Vice Mayor Danny Giefer

Commissioner Rob Gilligan

Commissioner Susan Brinkman

Commissioner Jamie Sauder

ADJOURNMENT



Commission Action Report

Title: Consider Ordinance Authorizing Beer Garden for Dynamic Discs Open Block Party & Food Truck Festival

Proposed Agenda Date: March 2, 2022

Presented By: Christina Montgomery, City Attorney

BACKGROUND:

Main Street and Bourbon Cowboy are requesting permission to host a beer garden to sell and serve alcohol in connection with the Dynamic Discs Open Block Party & Food Truck Festival on April 30, 2022.

DISCUSSION:

The request is for a beer garden in the 800 and 900 blocks of Commercial Street and 9th Avenue between Commercial Street and the alley west of Commercial Street on April 30, 2022 between the hours of 5:00 p.m. and 10:00 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.

FINANCIAL CONSIDERATIONS:

N/A

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Approve Request

ATTACHMENTS:

Ordinance and map

ORDINANCE NO. _____

AN ORDINANCE EXEMPTING AN AREA IN THE 800 BLOCK AND THE 900 BLOCK OF COMMERCIAL STREET AND 9TH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE DYNAMIC DISCS OPEN BLOCK PARTY & FOOD TRUCK FESTIVAL EVENT APRIL 30, 2022

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 in connection with the Dynamic Discs Open Block Party & Food Truck Festival 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 800 and 900 block and 9th Avenue between Commercial Street and the alley west of Commercial Street, 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 & Food Truck Festival event on April 30, 2022, between the hours of 5:00 p.m. to 10:00 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 licensing requirements 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 2nd day of March 2022.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk

10th Street

Gate

Porta
Potties

10'X10' DZ Low
Canopy + Food
Beer Tent

Dynamic Discs

Fence Panels >>

Tables +
Chairs

Gate

DJ +
Ring of Fire
Putting
Competition

Gate

9th Street

10'X10'
Canopy >>
Beer Tent

Jomez
Activity

DDO Block Party
April 30, 2022
Commercial St.
5pm - 10:00pm

Gate

8th Street



Commission Action Report

Title: Agreement and Release of Liability for Monkey Island Project

Proposed Agenda Date: March 2, 2022

Presented By: Christina Montgomery, City Attorney

BACKGROUND:

Emporia citizen Rick Eubanks approached city staff with an idea to improve the structure at Monkey Island in Peter Pan park. With the City's permission, he would like to fund the project and do the work himself at no cost to the City. In the past, the City has allowed several beautification and art projects by private citizens on City property with a signed agreement and release of liability.

DISCUSSION:

City staff has prepared an Agreement and Release of Liability that Mr. Eubanks has agreed to sign. The Agreement includes provisions protecting the City from liability in the event of injury to Mr. Eubanks or damage to property. The Agreement also specifies that the City will retain all ownership rights with respect to Monkey Island and all improvements. The City retains the right to paint, cover, or remove the improvements at any time.

FINANCIAL CONSIDERATIONS:

No up-front cost to the City

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Approve agreement

ATTACHMENTS:

Agreement and Release of Liability
Visual depiction of proposed Monkey Island improvements

AGREEMENT AND RELEASE OF LIABILITY

This Agreement made this _____ day of March 2022, by and between City of Emporia, Kansas, a municipal corporation, hereinafter referred to as “City”, and Rick Eubanks delineates the agreement of the parties regarding improvements to Peter Pan Park in the City of Emporia, Kansas.

WITNESETH:

WHEREAS, the City owns a structure formerly used to house monkeys at Peter Pan Park in an area commonly referred to as Monkey Island; and

WHEREAS, Mr. Eubanks wishes to install improvements on Monkey Island including metal cutouts, paint, and signage, hereinafter referred to as the “Project”, for the benefit of the community.

NOW, THEREFORE the parties agree as follows:

1. City agrees to allow Mr. Eubanks to install the Project as depicted in the image marked “Exhibit A”, which is hereby incorporated by reference into this agreement.
2. City shall retain all ownership rights with respect to Monkey Island and all improvements installed thereon.
3. Mr. Eubanks shall be solely responsible for any expense associated with the Project. Mr. Eubanks agrees to keep the improvements in good condition and repair at no cost to the City.
4. City shall not be liable for any damage that occurs to the improvements.
5. The Project and maintenance of improvements shall not interfere in any way with any park functions or City staff responsibilities. Mr. Eubanks will coordinate with City staff to schedule times and parameters of work.
6. Mr. Eubanks will not change or modify the Project from the depiction in Exhibit “A” without written consent of the City.
7. City, in its sole discretion, may choose to paint over or otherwise cover or remove the improvements at any time, for any reason. Should the City choose to exercise this option, notice will be given to Mr. Eubanks as soon as practicable.

AFFIRMATION: I understand that there are inherent risks associated with the Project, including, but not limited to risk of injury or death. I understand that the City of Emporia does not guarantee my health and safety while participating in the Project.

Knowing the dangers, hazards, and risks of such activities, and in consideration of being permitted to participate in the Project, on behalf of myself, my family, heirs, and personal representative(s) or administrators, I, the undersigned, agree to assume any and all risks and responsibilities surrounding my participation in this activity. I hereby release, forever discharge, and covenant not to sue the City

of Emporia, Kansas, its governing board, officers, agents, employees, from and against any and all liability for any harm, injury, damage, claims, demands, actions, causes of action, costs, and expenses of any nature that I may have or that may hereafter accrue to me, arising out of or related to my participation in the Project.

In consideration for being permitted to participate in the Project, I do hereby waive and release any claim, demand or action against the City of Emporia, its officers and employees and their insurers and sureties for any act, occurrence, accident or consideration, including negligence during the periods of volunteering. I am voluntarily subjecting myself to the events foreseen and unforeseen occurring in the performance in the Project. I fully understand this Waiver and Release.

Signature

Date

IN WITNESS WHEREOF, the parties have executed this agreement as of the date and year first written above.

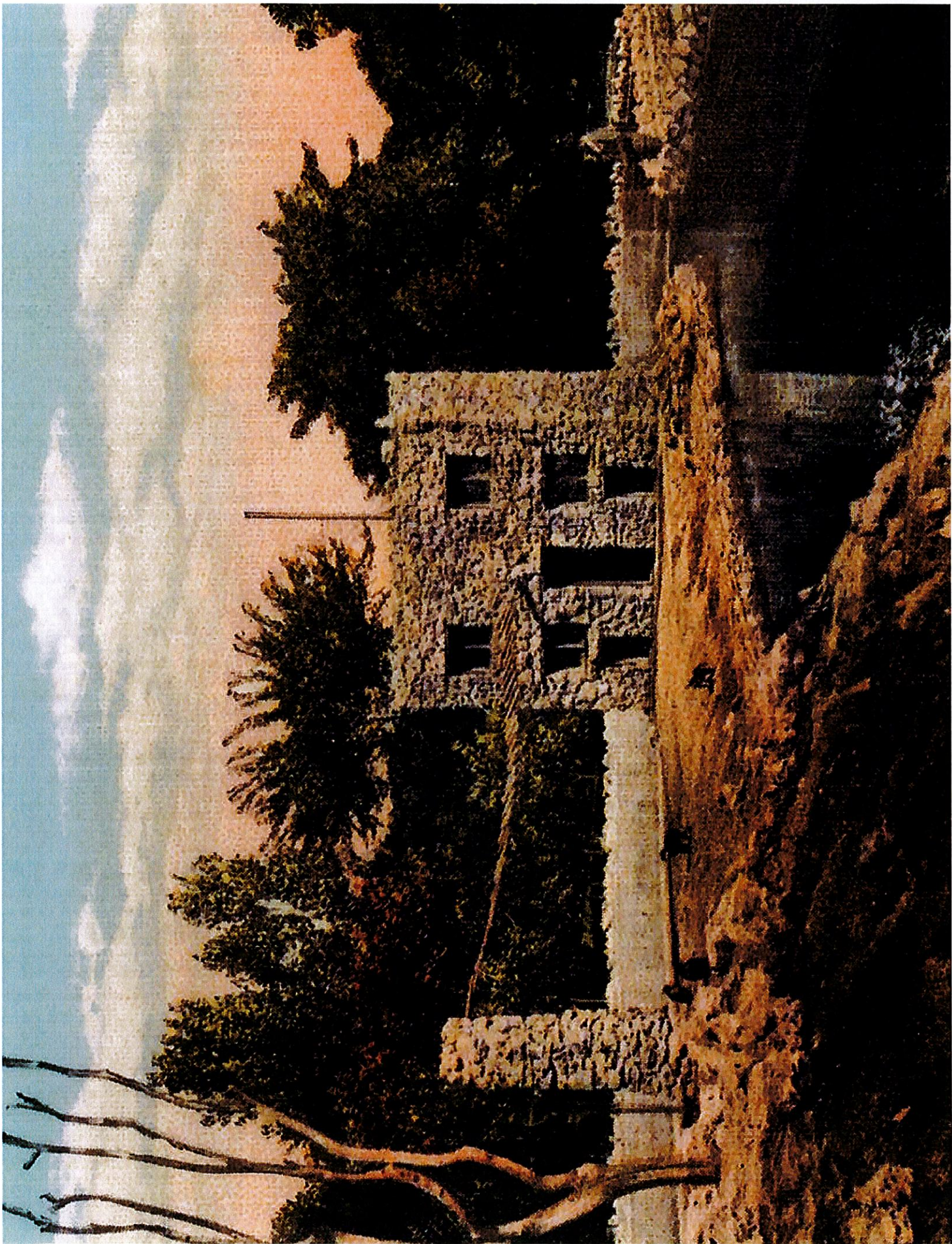
Becky Smith, Mayor

Rick Eubanks

Attest:

Kerry Sull, City Clerk







Commission Action Report

Title: Resolution for Sale of Surplus Real Property

Proposed Agenda Date: March 2, 2022

Presented By: Lane Massey, Assistant City Manager

BACKGROUND:

The City Commission desires to establish procedures for identifying and selling surplus City owned real property. Cities have general authority under K.S.A. 12-101 to "sell and convey any real or personal estate owned by the city..." K.S.A. 12-1739 authorizes cities to sell any public building and site, except otherwise provided by law, "upon such terms and in such manner as the governing body may deem to be in the best interest of the city." Further, under home rule power, cities have broad discretion regarding the sale and disposition of city property.

DISCUSSION:

It is the purpose of this policy to establish procedures for regular review of city real property inventory, identify surplus property, and make such surplus property available for sale.

FINANCIAL CONSIDERATIONS:

All proceeds from the sale of surplus public real property will be deposited into the General Fund.

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Approve Resolution #3666 establishing a policy pertaining to the Sale of Surplus City owned Real Property.

ATTACHMENTS:

Policy 1-13 and Resolution #3666

RESOLUTION NO. _____

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF EMPORIA,
KANSAS ADOPTING A SALE OF SURPLUS REAL PROPERTY POLICY**

WHEREAS, it is the objective of the Governing Body to return underutilized City owned property to its highest and best use for the benefit of the City; and

WHEREAS, The Governing Body desires to establish procedures for identifying and selling surplus City owned real property and encouraging new development thereupon; and

WHEREAS, the Governing Body has determined that it is necessary to adopt a Sale of Surplus Real Property Policy, a copy of which is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED, that the aforesaid Sale of Surplus Real Property Policy, as attached hereto, is hereby adopted and, further, the policy shall be inserted into the City of Emporia Policy Manual.

The Resolution shall take effect immediately upon its passage.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, this 2nd day of March 2022.

Becky Smith, Mayor

Attest:

Kerry Sull, City Clerk

Subject:	Issued by:	Effective Date:
Sale of Surplus Real Property	City Commission Resolution No. 3666	3/2/2022

1-13 SALE OF SURPLUS REAL PROPERTY

A. BACKGROUND

The City Commission desires to establish procedures for identifying and selling surplus City owned real property. Cities in Kansas have general authority under K.S.A. 12-101 to “sell and convey any real or personal estate owned by the city. . .” K.S.A. 12-1739 authorizes cities to sell any public building and site, except otherwise provided by law, “upon such terms and in such manner as the governing body may deem to be in the best interest of the city.” Further, under home rule power, cities have broad discretion regarding the sale and disposition of city property.

The City Commission desires to establish procedures to regularly review city owned real property, identify surplus property, and make such property available for sale or disposition for the benefit of the community.

B. PURPOSE

It is the purpose of this policy to establish procedures for regular review of city real property inventory, identification of surplus property, and making such surplus property available for sale.

C. POLICY

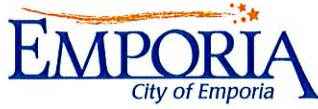
Annual Review. City staff will annually prepare a list of all City owned real property. Such list will be presented to the City Commission for review and discussion.

Identification of Surplus Property. City Commission will identify any real property being underutilized for public purposes, or other property which City Commission is interested in selling. All such property will be considered Surplus Property. Any residential surplus property may be transferred to the Emporia Land Bank at the discretion of the City Commission. All other property shall be compiled into a Surplus Property List. The Surplus Property List will be posted on the City of Emporia website.

Request to Purchase Property on Surplus Property List. Upon receipt of any request to purchase City owned real property, staff will determine if the property is on the Surplus Property List. If the property is on the Surplus Property List, staff will advertise a Request for Bids/Proposals. Such Request for Bids/Proposals may include requirements for use or development based on the Comprehensive Plan, Zoning Regulations, Subdivision Regulations, City Commission goals and priorities, or other community needs. The Request for Bids/Proposals will be open for a minimum of thirty (30) days and will be placed on the City of Emporia website and published in the local newspaper once a week for two (2) weeks, or as required by law. After Requests for

Bids/Proposals have been received, staff will review the bids and make a recommendation to the City Commission. The City Commission may approve a bid, ask for additional information, or reject all bids.

Request to Purchase Property Not on Surplus Property List. If the City receives a request to purchase real property not identified on the Surplus Property List, staff will advise City Commission. The City Commission, in its discretion, may vote to add the property to the Surplus Property List. If such property is added to the Surplus Property List, the procedure for “Requests to Purchase Property on Surplus Property List” will be followed.



Commission Action Report

Title: Americus Road Sanitary Sewer Extension Proposal
Proposed Agenda Date: March 2, 2022
Presented By: James Ubert, City Engineer

BACKGROUND:

Americus Road Sanitary Sewer Main Improvements are being constructed to provide sewer to the proposed Evergy office, laydown yard and maintenance shop. Evergy contributed to the cost of sewer extension and the city paid for the upsized to serve the greater sewer basin.

DISCUSSION:

Americus Road Sanitary Sewer Improvements project extension will add an additional 932 linear feet of 8" sanitary sewer pipe to the existing Americus Road Sanitary Sewer Improvements project, to bring the total length of project to 3,549.5 linear feet. The added 8" sanitary sewer will extend sewer along Evergy's Road 180 frontage to their west property line.

FINANCIAL CONSIDERATIONS:

Carlson Utility LLC has proposed a cost of \$100,583.00 for materials and labor to complete the extension of the 8" sanitary sewer and \$5,375.00 for the manhole modification of the manhole at US-50 Highway. The costs will be paid out of the bond issuance and \$360,00.00 contributed toward the project by Evergy.

OTHER CONSIDERATIONS:

N/A

RECOMMENDED ACTION:

Staff recommends approving Change Order No. 1.

ATTACHMENTS:

Carlson Utility proposal of cost for Change Order No. 1.

CHANGE ORDER NO. 1
ON CONTRACT WITH CARLSON UTILITY LLC FOR THE CONSTRUCTION OF
AMERICUS ROAD SANITARY SEWER EXTENSION PROJECT NO. SS2002

Date: March 2, 2022

This change in plans, made in accordance with the provisions of Paragraph 9, GS-4, General Conditions under the above Contract, provides for a change in the contract total due to estimated quantities being different than the actual quantities used in the construction of the Americus Road Sanitary Sewer Extension (Road 180), Project No. SS2002

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
ROAD 180 EXTENSION QUANTITIES ADDED:				
1	LS	Mobilization @ One Thousand Dollars (Unit Price in Words)	\$1,000.00	\$1,000.00
1	LS	Contractor Construction Staking @ Four Thousand Six Hundred Dollars (Unit Price in Words)	\$4,600.00	\$4,600.00
1	LS	Clearing and Grubbing @ Six Thousand Dollars (Unit Price in Words)	\$6,000.00	\$6,000.00
1	CY	Rock Excavation (Set Price) @ Thirty Five Dollars (Unit Price in Words)	\$35.00	\$35.00
270	LF	Trench Excavation (0 - 10') @ Three Dollars (Unit Price in Words)	\$3.00	\$810.00
662	LF	Trench Excavation (10 - 14') @ Six Dollars (Unit Price in Words)	\$6.00	\$3,972.00
932	LF	Sanitary Sewer Main (8") (SDR-35) @ Forty Eight Dollars (Unit Price in Words)	\$48.00	\$44,736.00
3	Ea	Manhole (Sanitary Sewer) (4' Dia.) @ Five Thousand Five Hundred Dollars (Unit Price in Words)	\$5,500.00	\$16,500.00
20.5	VF	Extra Manhole Depth (4' Dia.) (>6') @ Three Hundred Fifty Dollars (Unit Price in Words)	\$350.00	\$7,175.00
132	CY	Compacted Backfill (Type AA) (MR 5-5) @ Thirty Five Dollars (Unit Price in Words)	\$35.00	\$4,620.00

1	Ea	Service "Wye" (8"x6") w/ 6" Sch 40 Riser @ One Thousand Seven Hundred Dollars (Unit Price in Words)	\$1,700.00	\$1,700.00
100	LF	Temporary Slope Barrier @ Seventeen Dollars (Unit Price in Words)	\$17.00	\$1,700.00
1	CY	Sediment Removal (Set Price) @ Thirty Five Dollars (Unit Price in Words)	\$35.00	\$35.00
1	LS	Seeding, Fertilizer & Mulching @ Four Thousand Five Hundred Dollars (Unit Price in Words)	\$4,500.00	\$4,500.00
1	LS	Traffic Control @ Three Thousand Two Hundred Dollars (Unit Price in Words)	\$3,200.00	\$3,200.00

ROAD 180 EXTENSION TOTAL ADDED TO PROJECT:

\$100,583.00

US-50 & AMERICUS ROAD MANHOLE MODIFICATION QUANTITIES ADDED:

1	LS	Materials @ Two Thousand One Hundred Twenty Five Dollars (Unit Price in Words)	\$2,125.00	\$2,125.00
1	LS	Equipment @ One Thousand Seven Hundred Dollars (Unit Price in Words)	\$1,700.00	\$1,700.00
1	LS	Labor @ One Thousand Five Hundred Fifty Dollars (Unit Price in Words)	\$1,550.00	\$1,550.00

MANHOLD MODIFICATION TOTAL ADDED TO PROJECT:

\$5,375.00

TOTAL CHANGE ORDER ADDED TO PROJECT:

\$105,958.00

CONTRACTOR: **Carlson Utility, LLC**

BY: _____
OWNER or AUTHORIZED REPRESENTATIVE

APPROVED BY: **THE CITY OF EMPORIA, KS**

BY: _____
MAYOR

Date: _____

Attest: _____
CITY CLERK

COMMISSION MEETING

7:00 P.M.

FEBRUARY 16, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, February 16, 2022, with Mayor Smith presiding and Commissioners Brinkman, Gilligan and Sauder present. Commissioner Giefer was absent. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated the Emporia Human Relations Commission has recently conducted a contest for students to write an essay or create a poster demonstrating the importance of human rights and good human relations in our community. The poster contest was open to students grades 3 through 5, and consisted of two themes: "Fair Housing: Building a Better Future" and "How do you show respect for one another?" He stated there were 149 entries in the poster contest. The winners are: Giada Bulinski, 1st Place; Delta White, 2nd Place; and Viviana Baldwin, 3rd Place, all of whom received gift certificates from Emporia Main Street.

The essay contest was open to student grades 6 through 12, and challenged participants to answer one or more of the following: "What can I do to Improve Human Relations in Emporia?"; "What does Human Rights Mean to me?" and "What is the Best Way to Improve Human Rights Issues in the 21st Century?" He stated there were four entries in the essay contest. All four entries were winners. The winners are: Ahmad Zeeshaan, 1st Place; Tasha Lutes, 2nd Place; and brothers Flynn Wen and Colin Wen, 3rd Place. They also received gift certificates from Emporia Main Street.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

Presentations by individuals during "Citizen Appearance" portion of the Commission agenda shall be limited two minutes each. No personal attacks, comments or opinion shall be expressed or made against or about any member of the Commission, Mayor, City Employee, individual group or corporation.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(City Parking Lot at 4th and Commercial Street)
(St. Patrick's Day Parade Event)
(Ordinance Number 22-07)**

AN ORDINANCE EXEMPTING THE PARKING LOT NEXT TO 405 COMMERCIAL STREET IN THE CITY OF EMPORIA, KANSAS, FROM THE PROHIBITION ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES, to which the City Clerk assigned Ordinance Number 22-07, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated Town Royal requests a temporary exemption from the prohibition of the sale and consumption of alcoholic beverages for the St. Patrick's Day celebration to be held on March 19, 2022. The requested exemption is for the parking lot adjacent to the Town Royal at 405 Commercial Street from 9:00 a.m. to 1:00 a.m. on that date. She stated the proposed ordinance includes requirements that all alcohol beverages remain within City fencing and the final location to be approved by the Chief of Police, that no one under the age of 21 may possess or consume alcohol, and that Town Royal must meet all city and state requirements for alcohol sales.

Commissioner Brinkman made a motion to approve Ordinance Number 22-07, an ordinance exempting the sale and consumption of alcoholic beverages in conjunction with the St. Patrick's Day event between 9:00 a.m and 1:00 p.m. on March 19, 2022. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye Commissioner Sauder, aye; Commissioner Gilligan, aye; and Mayor Smith aye.

**CITY COMMISSION
(Kansas Department of Commerce)
(Small Cities Community Development Block Grant Program)
(Commercial Rehabilitation for Building Located at 17 W. 4th Ave.)
(Public Hearing)
(Resolution Number 3664)
(Resolution Number 3665)**

Garrett Nordstrom, CDBG Grant Administrator, was recognized and addressed the Governing Body. He stated a public hearing must be held to allow for comments before an application is submitted for a Community Development Block Grant (CDBG) for commercial rehabilitation grant for the building located at 17 W. 4th Avenue. If the grant is awarded, the owners of the building will use the funds to rehabilitate the building to put it to its highest and best use.

Mayor Smith then declared the public hearing opened.

As no one in attendance wished to address the Governing Body, Mayor Smith then declared the public hearing closed.

Garrett Nordstrom stated the next steps in the application process is to authorize staff to submit the application by approving the resolution authorizing the Mayor to sign and execute all necessary documents and the approve the resolution that declares the building at 17 W. 4th Avenue as a blighted structure under the Kansas Urban Renewal Law and that it has the following conditions of blight, decay or environmental contamination.

Commissioner Gilligan made a motion to approve Resolution Number 3664, a resolution authorizing the submission of the grant application. Commissioner Sauder seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

Commissioner Gilligan made a motion to approve Resolution Number 3665, a resolution declaring a building blighted. Commissioner Sauder seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

HOUSING

**(Authorize Grant with the Federal Home Loan Bank of Topeka)
(Affordable Housing Program Agreement - \$357,000.00)**

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated the City has been awarded a grant through the Federal Home Loan Bank of Topeka for a direct subsidy in the amount of \$357,000.00 to repair 40 homes located within the city limits of Emporia. The Federal Home Loan Bank of Topeka's Affordable Housing Program will allow repairs on houses occupied by owners, city wide, with household income of less than 60% of area median income. He stated the City has successfully completed many of these grants since 2000 and staff is recommending authorizing the Mayor to sign a grant agreement with the Federal Home Loan Bank of Topeka.

Commissioner Brinkman made a motion to authorize the Mayor to sign a grant agreement with the Federal Home Loan Bank of Topeka for \$357,000.00. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

CITY COMMISSION

**(Establish Post Construction Stormwater Management System)
(Ordinance Number 22-08)**

AN ORDINANCE ESTABLISHING A POST CONSTRUCTION STORMWATER MANAGEMENT SYSTEM FOR THE CITY OF EMPORIA, KANSAS; INCLUDING AREAS OF APPLICABILITY, OBJECTIVES, AND CRITERIA; AND AMENDING THE CODE OF THE CITY OF EMPORIA, KANSAS, 1983, BY ADDING CHAPTER 10, ARTICLE IV THERETO, to which the City Clerk assigned Ordinance Number 22-08 was presented to the Governing Body for their consideration.

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated as previously discussed this proposed ordinance would establish a post construction stormwater management system for the city. This would add Chapter 10, Article IV to the City Code. This will further help city staff to manage programs needed to be in compliance with our KDHE Municipal Separate Stormwater System (MS4) discharge permit. The permit program requirements increase in 2023 for the City. Staff is recommending approving the Post

Construction Stormwater Ordinance.

Commissioner Sauder made a motion to approve Ordinance Number 22-08, an ordinance establishing a post construction stormwater management system adding Chapter 10. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Smith, aye.

CITY COMMISSION
(Kansas Department of Commerce for Small Cities)
(Acceptance for CDBG Community Development Block Grant)
(Community Improvement Grant No. 22-PF-006)
(Highland St. 12th Ave. to 16th Ave. - \$750,000.00 Street Project)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City of Emporia has been awarded a CDBG grant of \$750,000.00 to fund Highland Street from 12th Avenue to 16th Avenue Paving and ancillary sanitary sewer, waterline and drainage improvements. The City's portion, \$750,000.00, of the project costs will be funded by bonding the project. He stated staff recommends acceptance of the Kansas Department of Commerce's CDBG grant and authorization of city staff to proceed to seek bond funding for the City's share of the proposed project along Highland Street from 12th Avenue to 16th Avenue paving and ancillary sanitary sewer, waterline and drainage improvements.

Commissioner Gilligan made a motion accepting the award of Kansas Department of Commerce's CDBG Grant NO. 22-PF-006 for Highland Street 12th Avenue to 16th Avenue paving in the amount of \$750,000.00 and authorize staff to proceed bond funding for the City's share of \$750,000.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

BONDS
(General Obligation Bonds - \$850,000.00)
(Sanitary Sewer System Improvements)
(Americus Road from US Hwy 50 to 18th Avenue)
(Ordinance Number 22-09)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE PUBLIC SANITARY SEWER SYSTEM IMPROVEMENTS, AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF, to which the City Clerk assigned Ordinance Number 22-09, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated the City of Emporia is constructing a new sewer main along the Americus Road from US Hwy 50 to 18th Avenue for an estimated cost of \$850,000.00. This ordinance will provide the maximum authority for the issuance of the general obligation bond for this project. She stated staff is recommending approval of the ordinance.

Commissioner Brinkman made a motion to approve Ordinance Number 22-09, an ordinance authorizing bond authorization for the Americus Road Sewer Main Project. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
(Kansas Public Water Supply Loan Fund)
(City of Emporia Project No. 2968)
(Amendment No. 2)

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated the City of Emporia entered into an agreement with KDHE for a \$9,969,863.00 water improvement loan on September 3, 2019. Payments for this loan originally were to start on August 1, 2021, with payments continuing through 2041. She stated the first amendment changed the first payment to February 1, 2022, which was approved November 21, 2021. Due to the small amount that has been drawn down the first payment has been scheduled for February 1, 2023 and extending the payments through 2042.

The loan will maintain the original 2.01% interest rate. She stated staff was recommending authorizing the Mayor to sign the amendment.

Commissioner Gilligan made a motion to authorize the Mayor to sign the second amendment for the first Kansas Public Water Supply Loan Fund. Commissioner Sauder seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

**CITY COMMISSION
(Lifetime Sponsorship Agreement)
(Unbound Gravel Bicycle Races)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City Commission has been supporting Unbound Gravel bicycle races in Emporia. In 2020, the City became an official sponsor of Unbound Gravel events. Being a sponsor gained the City certain promotional and marketing benefits. In exchange, The City provided an annual sponsorship payment of \$25,000.00 as well as in-kind services including police, EMT and trash removal. She stated for 2022 through 2024, Lifetime has requested a three-year agreement with a decreased annual contribution amount of \$15,000.00 in recognition of the value of in-kind services provides by the City. The proposed agreement includes a provision stating that if the City fails to provide the in-kind services agreed on, Lifetime may invoice the City for up to \$10,000.00 for replacement services. She stated the proposed agreement also include a provision allowing the City to opt out of the sponsorship agreement each year by October 30 for the following year. The City gains promotional and marketing benefits, optional booth space at the pre-event expo and six complimentary race entries.

Following further discussion, Commissioner Gilligan made a motion to approve the Lifetime Sponsorship Agreement and authorize Assistant City Manager Massey to sign. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

CITY MANAGER'S REPORTS

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

1. Monthly Local Retail Sales Tax Receipts Update

	2021	2022	
	\$396,352.40	\$464,937.29	Increase of \$68,584.89 for the month, and
YTD	\$ 396,352.40	\$ 464,937.29	Overall increase of 17.30% from year 2021

2. City Share from County Tax

	2021	2022	
	\$ 199,642.18	\$ 238,095.92	Increase of \$38,453.74 for the month, and
YTD	\$ 199,642.18	\$ 238,095.92	Overall increase of 16.15% from year 2021

3. **Building Permits issued from 1/1/2022 to 1/31/2022 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	54
Total of valuations associated with those building permits:	\$ 2,157,398.00
Total number of dollars collected for Building Permit Fees:	\$ 15,079.26

Construct - single family dwellings	0
Demo - single family dwellings	0

Flint Hills Mall CID for January 2022	\$ 15,179.61
Year to Date Total	\$ 15,179.61

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on January 19, 2022.
- b. Consider ratification of Payroll Ordinances for the period ending January 28, 2022.
- c. Consider Approval of Community Survey for City of Emporia.

The vote follows: Commissioner Brinkman aye; Commissioner Sauder, aye; Commissioner Gilligan, aye; and Mayor Smith, 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 February 23rd Study Session at 10:00 a.m.

- Presentation from Healthier Lyon County for Submittal of Sidewalk Projects for KDOT TA program.
- Discuss ESU Partnership.
- Discuss FHTC Partnership.
- Discuss City Sponsorship Application.
- Discuss Common Consumption Policy.
- Discuss Sewer System Connection Policy.
- Update for City of Emporia Stormwater Management Plan.

**Joint City/County Luncheon at 11:30 a.m.
Lyon County Annex Meeting Room #114 in the Old Lyon Co. Courthouse**

**CITY COMMISSION
(Public Comment)**

This is the time for Mayor and City Commissioners to make comments and reports to the public. No comments were made at this time.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information of private enterprises and to invite Special Projects Manager Jim Witt, from 7:30 p.m. to 8:00 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner

Gilligan, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 8:00 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed proprietary information of private enterprises and no action was taken.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session for preliminary discussion of the acquisition of real property and to invite City Engineer Jim Ubert, from 8:01 p.m. to 8:11 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 8:11 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed preliminary discussion of the acquisition of real property and no action was taken.

Commissioner Gilligan then made a motion to adjourn the meeting to February 23, 2022 at 1115 a.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk

**ADJOURNED
COMMISSION MEETING**

11:15 A.M.

FEBRUARY 22, 2022

The Governing Body of the City of Emporia, Kansas, met in Adjourned Session, Wednesday, February 22, 2022 in the City Commission Meeting Room with Mayor Smith presiding and Commissioners Brinkman, Giefer, Gilligan and Sauder present. Also present were City Manager Cocking, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Kansas Department of Commerce)
(BASE Grant Application)**

Garrett Nordstrom, Governmental Assistance Services, was recognized and addressed the Governing Body. He stated the City of Emporia has an opportunity to apply for a new BASE Grant through the Kansas Department of Commerce. Projects submitted must demonstrate the ability to be successfully implemented and have little viability without grant financing. Applicants are required to document how this project was delayed or affected negatively due to the COVID-19 pandemic and resulting negative economic conditions. There is a minimum 25% match requirement by the applicant or additional program partner. He stated projects that have suggested are Kretsinger proposed development; 16" and 12" waterline improvements to Industrial Park III; paving and parking improvements around Simmons Manufacturing and relocating a transmission line at Norfolk Iron and Metal. He stated projects submitted must show an opportunity for success and will be required to complete intensive risk assessment questions and are required to document how the project was delayed or affected negatively by COVID. The estimated amount of the projects is \$8,358,496.50 subject to price adjustments. He stated the application is due on Monday, February 28, 2022 and his recommendation is for the City to submit the BASE grant and authorize to Mayor to sign associated documents. Applying for the BASE grant does not commit any city funds at that time. If awarded, the City should received notification by the end of March, 2022.

Following further discussion, Commissioner Giefer made a motion to authorize the City of Emporia to submit the BASE grant application and authorize the Mayor to sign associated documents. Commissioner Sauder

seconded the motion. The vote follows: Commissioner Giefer, aye;
Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner
Gilligan, aye; and Mayor Smith, aye.

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

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk