

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

2. City Share from County Tax

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

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:

- Consider minutes of the Regular Meeting held on January 19, 2022.
- Consider ratification of Payroll Ordinances for the period ending January 28, 2022.
- 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