

COMMISSION MEETING

1:30 P.M.

MARCH 2, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 2, 2022, 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
(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.

There were no comments from the public at this time.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(800 and 900 Blocks of Commercial Street)
(Dynamic Discs Open Block Party & Food Truck Festival)
(Ordinance Number 22-10)**

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 OF THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE DYNAMIC DISCS OPEN BLOCK PARTY AND FOOD TRUCK FESTIVAL EVENT APRIL 20, 2022, to which the City Clerk assigned Ordinance Number 22-10, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Emporia Main Street and Mixers and Shakers are requesting permission to host a beer garden to sell and serve alcohol in connection with Dynamic Disc Open Block Party & Food Truck Festival on April 30, 2022. The request for the 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.

Commissioner Gilligan made a motion to approve Ordinance Number 22-10, an ordinance exempting the 800 block and 900 block of Commercial Street and 9th Avenue between Commercial Street and the alley west of Commercial Street from the prohibition of the sale and consumption of alcoholic beverages for the Dynamic Discs Open Block Party & Food Truck Festival on April 30, 2022. Commissioner Sauder seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; and Mayor Smith, aye. Commissioner Brinkman abstained from the vote.

CITY COMMISSION
(Peter Pan Park - Monkey Island Project)
(Agreement and Release of Liability with Rick Eubanks)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated an Emporia citizen, Rick Eubanks, approached city staff with an idea to improve the structure at Monkey Island in Peter Pan Park. She stated Mr. Eubanks 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. She stated 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 removed the improvements at any time. She stated staff is recommending the approval of the agreements.

Commissioner Brinkman made a motion to approve the Agreement and Release of Liability for Monkey Island Project. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye;

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

**CITY COMMISSION
(Establishing Policy for Sale of Surplus City Owned Real Property)
(Resolution Number 3666)**

Assistant City Manager Massey was recognized and addressed the Governing Body. He stated staff was directed 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 and 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.

Following further discussion, Commissioner Gilligan made a motion to approve Resolution Number 3666, a resolution that establishes a policy for sale of surplus city owned property. Commissioner Giefer seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on February 16, 2022 and the Adjourned Meeting held on February 23, 2022.
- b. Consider ratification of Payroll Ordinances for the period ending on February 11, 2022.
- c. Consider approval of Change Order No. 1 for Americus Road Sanitary Sewer Extension Proposal in the amount of \$105,958.00.

The vote follows: Commissioner Brinkman aye; Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Sauder, 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 March 9th Study Session at 10:00 a.m.

- Discuss 12th Avenue Elevated Storage Tank Logo.
- Discuss Extra Strength Sewer Rate Increase.
- Discuss Sewer System Connection Policy.
- Discuss Fireworks.

City Manager Cocking discussed the request of funding from Emporia State University, Flint Hills Technical College and possible childcare solutions have been presented to the City of Emporia. He suggested creating a committee to review external applications for recommendations to the City Commission. Further discussion and committee formalization will need to be finalized before any action is taken.

**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 1:45 p.m. to 2:05 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 2:05 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.

Commissioner Brinkman then made a motion to adjourn to March 9, 2022 at 10:00 a.m. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Gilligan, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk