

COMMISSION MEETING

11:00 A.M.

MAY 4, 2022

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, May 4, 2022, with Mayor Smith presiding and Commissioners Brinkman, Giefer, and Harter present. Commissioner Sauder was absent. Also present were City Manager Cocking, City Clerk Sull and City Attorney Montgomery. Assistant City Manager Massey was absent.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Hate speech, profanity, and defamation are not allowed. Please state your name and address prior to making comments.

Destiny Farr, Lyon/Morris County Human Services Coordinator for ECKAN, was in attendance to accept a proclamation declaring the month of May, 2022, as "Community Action Month" in Emporia. She stated ECKAN has made essential contributions to individuals and families in the City of Emporia by providing them with innovative and cost-effective programs such as emergency rent and utility assistance, transportation assistance, food voucher, food pantry, Senior Farmer's Market Checks and laundry services. Community Action Agencies are needed as major participants in the reform of the welfare system as we know it. She stated individuals and families on limited income continue to need opportunities to improve their lives and their living conditions, ensuring that all citizens are able to live in dignity. She stated the poverty rate in the City of Emporia is 20.51% and Kansas must continue the wage war on poverty by providing support and opportunities for all citizens in need of assistance. She urged all citizens to recognize the hard work and dedication of Kansas Community Action Agencies.

Mayor Smith then presented the proclamation.

Wayne Bell, District Director of Small Business Administration, was in attendance to accept a proclamation declaring the week of May 1 through May 7, 2022, as "National Small Business Week" in Emporia.

He stated from the storefront shops that anchor Main Street to the high-tech startups that keep America on the cutting edge to the small manufacturers driving our competitiveness on the global stage, small businesses are the backbone of our economy and the cornerstones of our nation's promise. When we support small businesses, jobs are created, local communities and preserve their unique culture. He stated the City of Emporia supports and joins in this national effort to help America's small businesses do what they do best - grow their businesses, create jobs and ensure that our local communities remain as vibrant tomorrow as they are today.

Mayor Smith then presented the proclamation.

Dean Grant, Director of Public Works, and Public Works employees, were in attendance to accept a proclamation declaring May 15 through 21, 2022, as "National Public Works Week" in Emporia. He stated public works professionals focus on infrastructure, facilities, emergency management, and services that are of vital importance to sustainable and resilient communities and the public health, high quality of life, and well-being of the people of the City of Emporia. Infrastructures, facilities and services could not be provided without the dedicated efforts of public works professionals. He stated it is in the public interest for the citizens, civic leaders, and children in the City of Emporia to gain knowledge and maintain ongoing interest and understanding of the importance of public works first responders and public works programs in their respective communities. The year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association. He urged all citizens to join with representative of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety and quality of life.

Mayor Smith then presented the proclamation.

Ed Owens, Police Chief, was in attendance to accept a proclamation declaring May 15 through 21, 2022, as "National Police Week" in Emporia. He stated every day our Nation's dedicated law enforcement officers put themselves at risk to keep their fellow Americans safe. Law Enforcement officers deserve our appreciation for the work they do and citizens fulfill an important civic responsibility by supporting their work to protect our communities. He stated on Peace Officers Memorial Day and during Police Week, we honor the heroism of all our law enforcement officers, especially those who have given their lives so that others might live. By joint resolution of the US Congress in 1962, the President of the United States designated May 15th of each year as "Peace Officers Memorial Day" and the week in which it falls as "Police Week" and also directed the flag be flown at half-staff on Peace Officers Memorial Day on May 15th each year. He urged everyone to remember those throughout our Nation who lost their lives while protecting others.

Mayor Smith then presented the proclamation.

CITY COMMISSION
(Board Appointments)

Community Housing Board/Emporia Land Bank:

____It was moved by Commissioner Brinkman seconded by Commissioner Giefer that Maria Salazar be reappointed to the Community Housing Board/Emporia Land Bank for a term that expires April 20, 2026. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Smith, aye.

ENGINEERING
(Road 180 Paving Improvements Project No. PV1910)
(KDOT Project No. 56 KA-6154-01)
(Accept Right of Way Easement Acquisitions)
(Evergy - James & Lydia Kostner - Smoots Enterprises II, LLC)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated Road 180 Paving Improvements Project No. PV1910, KDOT Project No. 56 KA-6154-01 consists of roadway and drainage from Americus Road to Road F5. Right of Way purchases are necessary to construct the paving improvements project. He stated easement acquisition purchases will need to be acquired from Evergy Kansas Central Inc., James and Lydia Kostner, and Smoots Enterprises II, LLC.

Commissioner Harter made a motion to accept the Right of Way easement acquisitions from Evergy Kansas Central, Inc., James and Lydia Kostner, and Smoots Enterprises II, LLC. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

ENGINEERING
(2023 Sidewalk System Improvement Project)
(KDOT Transportation Alternatives Program)
(Resolution Number 3672)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated at a previous study session, the MUPP Board has proposed two (2) sidewalk projects for submittal for the 2023 Sidewalk System Improvement project to the KDOT TA program. He stated this project will furnish 80% of the total cost for two sidewalk improvement and construction projects. The proposed sidewalks are 24th Avenue from Prairie Street to Lincoln Street and on 12th Avenue from Mr. Goodcents to Burlingame Road and 12th Avenue to Riley Avenue along Burlingame Road. He stated the City will be responsible for 20% of the total estimated contract price, a total cost estimate of \$604,680.00 with the City's responsibility being \$120,936.00. Staff is recommending approval of Transportation Alternative Program resolution

of support and funding of the City's portion of the project if funded by KDOT.

Commissioner Brinkman made a motion to approve Resolution Number 3672, a resolution to submit an application to the Transportation Alternative Program for the 2023 Sidewalk System Improvement Project. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Smith, aye.

CITY COMMISSION
(Approve Marking Agreement)
(HomeServe Service line Warranty Program)
(Utility Service Partners Private Label, Inc.)

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated HomeServe made a presentation about the service line warranty program they offer. The program provides a warranty for water and sewer services lines that are the homeowner's responsibility. She stated the program is endorsed by the National League of Cities. The contract has been changed to reflect the city will not be receiving the \$0.50 per subscription per month and this is reflected on the homeowner's monthly fee. There is no cost to the City of Emporia, homeowners pay a subscription fee for the service line warranty program. Staff is recommending approval of the marking agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America and approve letter that will be sent to residential customers in Emporia.

Commissioner Giefer made a motion to approve the contract and letter that will sent to residential customers in Emporia. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Mayor Smith, aye.

Consent Agenda

City Manager Cocking removed item e. from the Consent Agenda.

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

- a. Consider minutes of the Regular Meeting held on April 20, 2022.
- b. Consider ratification of Payroll Ordinances for the period ending on April 25, 2022.
- c. Free Dump Days from May 14 through 22, 2022.
- d. Set Bid Date and Time for 2022 Street Resurfacing Project.
- f. Change Order No. 1 for Funston Street Paving Improvements Project.
- g. Approve Ordinance No. 22-18 Authorizing Beer Garden on June 2, 2022 for Unbound Expo Event.
- h. Approve Ordinance No. 22-19 Authorizing Beer Garden on June 3, 2022 for Unbound Expo Event.

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

CONSENT AGENDA (Item e.)

- e. Consider Approval of City Surplus Real Property List.

City Manager Cocking stated item e. would be discussed at a future meeting.

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 May 18th Study Session at 11:00 a.m.

- Proclamation Recognizing May as MUPP Walk, Run and Bike Days in Emporia.
- Approve Lease Agreement for Mini Excavator for Underground Utilities
- Approve Bird Scooter Contract.
- Executive Session

**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 Brinkman made a motion to adjourn into Executive Session to discuss confidential matters of a third party and to invite Chuck Scott, RDA President, from 11:33 a.m. to 11:53 a.m., in the City Commission Meeting Room. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 11:53 a.m., this same date, in the City Commission Meeting Room, Commissioner Giefer made a motion to continue the Executive Session Discussion with Chuck Scott, RDA President, from 11:56 a.m. to 12:06 p.m. Commissioner Harter seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Brinkman, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 12:06 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had discussed confidential matter of a third party and no action was taken.

Commissioner Giefer then made a motion to adjourn to Study Session in Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Smith, aye.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk