

**COMMISSION MEETING**

**11:00 A.M.**

**JANUARY 4, 2023**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January 4, 2023, in the City Commission Meeting Room with Mayor Smith presiding and Commissioners Brinkman, Giefer, Harter, and Sauder present. Also present were City Manager Cocking, City Clerk Sull and City Attorney Montgomery.

**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.*

No comments were made at this time.

**CITY OF EMPORIA  
(Adopt 2023 Legislative Policy Statement)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the City annually adopts its legislative position detailing the City's goals from the State Legislature during the upcoming legislative session. The 2023 draft proposal includes statements supporting the City's top five (5) level position on Home Rule, Economic Development, Housing, Mental Health and Water as follows:

**HOME RULE** - We believe the governing of public affairs should be as close to the people as possible and that Home Rule is essential to vigorous, effective and responsible local government under our representative system. Home Rule is crucial to the continued ability of locally elected officials to solve problems in ways most appropriate to local needs and conditions. Legislative which affirms the ability to pass local laws on the same subject is strongly supported.

**ECONOMIC DEVELOPMENT** - We support the Department of Commerce economic development and workforce development incentives including Rural housing Incentive Districts, the PEAK program and the HPIP program.

**HOUSING** - The lack of quality, affordable housing in the city and across the state creates an impediment to growth and economic development. We support programs that encourage access to quality housing, including but not limited to, the recommendations of the State Housing Study.

**MENTAL HEALTH** - We support allocating additional resources for mental health programs. Funds should be allocated for community mental health centers, and additional bed space for patients with mental health issues.

**WATER** - Access to water is paramount for the continued growth and viability of our communities. We support conservation, protection, and development of current and future water supplies to ensure access to clean, safe, and affordable water for all Kansas residents.

Commissioner Brinkman made a motion to adopt the City of Emporia 2023 Legislative Policy Statement. Commissioner Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**ENGINEERING**  
**(Highland Street CDBG Improvements - Project No. PV2104)**  
**(12<sup>th</sup> Avenue to 16<sup>th</sup> Avenue)**  
**(Bid)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City applied for and received funding for utility and street/drainage improvements along Highland Street from 12<sup>th</sup> Avenue to 16<sup>th</sup> Avenue. He stated this project will include street paving, sanitary sewer, storm sewer and water main improvements. Only one bid was received as follows:

**BID TABULATION FOR HIGHLAND STREET IMPROVEMENTS**

| <b>Bidder</b>                      | <b>Base Bid</b>       | <b>Add Alt. #1</b>    |
|------------------------------------|-----------------------|-----------------------|
| <b>APAC-Shears Kansas Division</b> | <b>\$1,280,400.92</b> | <b>\$1,315,997.35</b> |
| Engineer's Estimate                | \$1,493,994.00        | \$1,541,789.00        |

He stated the Kansas Department of Commerce Community Development Block Grant will fund up to \$750,000.00 of the \$1,280,400.92 amount bid for the project. Staff was recommending awarding the bid to APAC-Shears Kansas Division, Inc., for the Highland Street Paving Improvements Project base bid in the amount of \$1,280,400.92.

Following further discussion Commissioner Giefer made a motion to award APAC-Shears Kansas Division Inc, the Highland Street Improvements Bid, Project No. PV2104 for the base bid amount of \$1,280,400.92.

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

**ENGINEERING**  
**(Road F from US Hwy 50 to Road 180)**  
**(City Project No. PV1907, KDOT Project No. KA-5281-01)**  
**(Easement Acquisitions)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the Kansas Department of Transportation conducted a US 50 Access Management Plan Corridor Study in 2015. The plan identified the City's Industrial Park IV area as having economic development significance to the US-50 Highway corridor. He stated Road F from US-Hwy 50 to Road 180 is within the corridor study and the City received 100% KDOT funding for the construction of Roadway and Drainage Improvements in 2019. Accepting the right of way and easements from Emporia Enterprises, Roy's LLC, Larry B. Estes & Richard L. Sommers and Wanda R. Myers are needed to facilitate construction of the roadway and drainage improvements.

Commissioner Harter made a motion to accept the right of way and easements from Emporia Enterprises, Roy's LLC, Larry B. Estes & Richard L. Sommers and Wanda R. Myers for Road F Paving Improvements Project No. PV1907, KDOT Project No. KA-5281-01 for proposed paving and drainage improvements. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Smith, aye.

**ENGINEERING**  
**(Pathways to a Healthy Community Pledge)**  
**(Multimodal Transportation and Recreation Trails)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City received funding in 2022 from the Kansas Department of Transportation Alternatives Program for two (2) multi-use concrete path projects along 12<sup>th</sup> Avenue and Burlingame Road and along 24<sup>th</sup> Avenue from Lincoln Street to Prairie Street. Daphne Mertens with Healthier Lyon County has secured \$100,000 in funding through the Pathways

to a Healthy Kansas Grant Program, in partnership with Blue Cross & Blue Shield. The Pathways to a Healthy Kansas Grant Program requires a pledge and minimum requirement to participate and receive funding be agreed to and signed by the City. He stated the City's estimated share of those projects is about \$125,000, of which \$100,000 can be paid from the Pathways Grant. He stated staff was recommending approval of the Pathways to a Healthy Community Pledge for Multimodal Transportation and Recreational Trails Package with Healthier Lyon County and authorize the Mayor to sign the pledge.

Commissioner Giefer made a motion to approve the Pathways to a Healthy Community Pledge for Multimodal Transportation and Recreational Trails Package with Healthier Lyon County and authorize the Mayor to sign the pledge. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Brinkman aye; Commissioner Harter, aye; and Mayor Smith, aye.

**EMPORIA MUNICIPAL GOLF COURSE  
(Wide Area Mower)  
(Bids)**

Kevin Hanlin, Director of Public Lands and Facilities, was recognized and addressed the Governing Body. He stated bids were received to replace a 1996 John Deere F1145 with well over 5000 hours on it for the golf course. This mower will be used to cut rough areas of the golf course. The bids are as follows:

| Vendor                                             | Make/Model                                               | Total                     |
|----------------------------------------------------|----------------------------------------------------------|---------------------------|
| <b><i>Prairieland Partners<br/>Emporia, KS</i></b> | <b><i>John Deere 1600<br/>Turbo Terrain Cut 128"</i></b> | <b><i>\$67,859.33</i></b> |
| Van-Wall Equipment<br>Lenexa, KS                   | John Deere 1600<br>Turbo Terrain Cut 128"                | \$72,650.00               |
| Professional Turf Products<br>Lenexa, KS           | Toro Groundsmaster<br>4000-D 132"                        | \$93,108.37               |

He stated the 1996 mower will be sold through Purple Wave. The budgeted amount for the new mower is \$81,550.00 The low bid from Prairieland

Partners came in at \$13,690.97 under the budgeted amount. He stated staff was recommending the purchase of a John Deere 1600 Turbo Terrain Cut Commercial Mower with 128" cut from Prairieland Partners.

Commissioner Harter made a motion to award the purchase of a wide area rough mower to Prairieland Partners in the amount of \$67,859.33. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, 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 Harter that the Consent Agenda listed below be ratified as a whole:

- a. Approve minutes of the Regular Meeting held on December 21, 2022.

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

### **CITY COMMISSION (City Manager's Report)**

This is a verbal report that announces upcoming events, recognized employees for outstanding contributions 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 JANUARY 18, 2023 11:00 a.m.**

Proclamation Naming Catholic School Week.

Resolution to Amend IRB for Capitol Holdings, LLC.

Public Hearing to Appeal Decision to State Historic Preservation Officer for Property Located at 224 E. 6<sup>th</sup> Avenue.

**2022 CITY COMMISSION  
(State of City Speech)  
(Mayor Becky Smith)**

2022 has been the start of wonderful things and the continuation of great things already in motion.

Our new city manager, Trey, got his feet under him and has been rolling forward making improvements to an already strong organization.

We lost one commissioner to Missouri and the commission elected Erren Harter to join us and help guide the city. I feel he has been a great addition. Along with a new commissioner we have a police chief, fire chief, a new communications manager, new ESU president, library director, RDA director and the list goes on. With all the new faces it has been a pleasure getting to show how our city is an amazing place to call home. And how our city organization keeps it going every day of the year.

This commission is dedicated to improving and maintaining our infrastructure. 3.50 million in streets, 2.6 inn water mains, in the water plant improvements we invested 2.3 million, in sewer improvements 1.1 million was invested. Park updates received almost 800,000 including the addition of pickle ball courts that was years in discussion and became a great partnership with the private sector.

Housing continues to be a big topic, but we have new developments going in as we speak and some headway is being gained every month. This not only includes single family but multifamily downtown and throughout the community.

Retail exploded this year. with more coming soon. A new Fairfield Inn and convention center is being built and we will see the QuickTrip project move forward. Our downtown remains vital and will always be the heart of the city. When industries are looking to expand or relocate, or even just someone looking to move, the first thing they look at is how strong our downtown is with shopping, restaurants and even more upper story living than most places.

This year our employees took center stage in my eyes. They received raises, bonuses, and we are getting ready to do a salary study that will tell us where we fit and how we can improve our employees' lives. Every single one goes above and beyond and everyone is pulling to move Emporia forward. The city never closes. There is always police, fire, someone on call for water or street emergencies. There are no snow days for city staff. My father was a city employee for many years, and I truly think growing up around the city and seeing the hard-working people is why I chose to run for commissioner almost 6 years ago.

Thank you to my fellow commissioners, this job is not always the easiest or the most popular, and we don't always agree, but once a decision has been made, we move forward together. 2022 was an amazing year for Emporia Kansas, I can't even begin to list everything wonderful that has

happened, but I also know 2023 will be even better.

Thank you for allowing me to be a part of it. I am truly honored to serve.

Becky Smith

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

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Becky Smith, Mayor

ATTEST:

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Kerry Sull, City Clerk

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Commissioners Brinkman, Giefer, Harter, Sauder and Smith convened as the Governing Body.

Commissioner Smith made a motion nominating Danny Giefer to serve as Mayor for the coming year. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

Commissioner Smith made a motion nominating Susan Brinkman to serve as Vice-Mayor for the coming year. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Approve Surety Bonds)**

Commissioner Smith made a motion to approve Surety Bonds for the City Manager Cocking, City Clerk Sull and City Treasurer Harrouff. The City has obtained Surety Bonds from Cincinnati Insurance Co. for the 2023 fiscal year. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Designate Official City Newspaper)**

Commissioner Sauder made a motion to designate The Emporia Gazette to be the official City newspaper, as per K.S.A. 12-1420. The City is required by State law to designate an official newspaper, which must have a general circulation in the City. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye;

**CITY COMMISSION  
(Designate Financial Institutions)**

Commissioner Harter made a motion to designate the following financial institution to serve as depositories of funds of the City of Emporia, per K.S.A. Supp. 9-401: Citizens State Bank; Community National Bank & Trust; ESB Financial; Lyon County State Bank and Capital Federal. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**REGIONAL DEVELOPMENT ASSOCIATION OF EAST-CENTRAL KANSAS BOARD  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Commissioner Smith as the representative of the Governing Body to participate in the activities of the Regional Development Associate of East-Central Kansas Board. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**JOINT ECONOMIC DEVELOPMENT ADVISORY COUNCIL  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Commissioner Sauder as a representative of the Governing Body to participate in the activities of the Joint Economic Development Advisory Council. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**RECREATION COMMISSION  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Commissioner Brinkman as a representative of the Governing Body to participate in the activities of the Emporia Recreation Commission. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**EMPORIA COMMUNITY FOUNDATION BOARD  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Commissioner Harter as a representative of the Governing Body to participate in the activities of the Emporia Community Foundation Board. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**WILLIAM ALLEN WHITE COMMUNITY PARTNERSHIP  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Commissioner Brinkman as a representative of the Governing Body to participate in the activities of the William Allen White Community Partnership. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**EMPORIA ENTERPRISES  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Mayor Giefer as a representative of the Governing Body to participate in the activities of

the Emporia Enterprises Board. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**EMPORIA CONVENTION AND ADVISORY BOARD  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Commissioner Smith as a representative of the Governing Body to participate in the activities of the Emporia Convention and Advisory Board. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**EMPORIA MAIN STREET  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Commissioner Harter as the representative of the Governing Body to participate in the activities of the Emporia Main Street. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**JOINT CITY/COUNTY FACILITIES AND SERVICES COMMUNITY BOARD  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Commissioner Sauder as a representative of the Governing Body to participate in the activities of the Joint City/County Facilities and Services Community Board. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

**EMPORIA PUBLIC LIBRARY BOARD  
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to appoint Mayor Giefer as a representative of the Governing Body to participate in the activities of the Emporia Public Library Board. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; and Mayor Giefer, aye.

Commissioner Sauder made a motion to recess the meeting until 11:45 a.m. to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**The following items were discussed at Study Session:**

Update from Empowerment Ministries.

Comparison of Government Bodies in Kansas.

Discuss 6<sup>th</sup> Avenue Banners.

Discuss Joint Legislative Statements for Emporia and Lyon County.

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

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Danny Giefer, Mayor

ATTEST:

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Kerry Sull, City Clerk