

COMMISSION MEETING**7:00 P.M.****MARCH 17, 2021**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 17, 2021, with Mayor Gilligan presiding and Commissioners Brinkman, Geitz, Giefer and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

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

1. Monthly Local Retail Sales Tax Receipts Update

	2020	2021	
	\$467,146.06	\$460,043.09	Decrease of \$7,102.97 for the month, and
YTD \$	863,100.58	\$ 856,395.49	Overall decrease of 0.78% from year 2020

2. City Share from County Tax

	2020	2021	
	\$239,537.49	\$231,104.54	Decrease of \$8,432.95 for month, and
YTD \$	444,734.76	\$ 430,746.72	Overall decrease of 3.15% from year 2020

3. **Building Permits issued from 2/1/2021 to 2/28/2021 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	29
Total of valuations associated with those building permits:	\$ 390,540.00
Total number of dollars collected for Building Permit Fees:	\$ 3,395.00
Construct - single family dwellings	1
Demo - single family dwellings	1
Flint Hills Mall CID for February	\$ 17,207.15
Year to Date Total	\$ 34,883.43

Consent Agenda

Mayor Gilligan requested that item e. Consider Set Bid Time and Date for Motor Grader for Street Department, be removed from the Consent Agenda.

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

a. Consider minutes of the Meeting held on March 3, 2021.

- b. Consider ratification of Payroll Ordinance for the period ending on March 12, 2021.
- c. Consider the Approval of February Budget.
- d. Consider Set Bid Time and Date for Aircraft Refueler for Emporia Municipal Airport.
- f. Consider Approval of Change Order #3 with Caldwell, Inc. To Change the Final Completion Date of the Contract.

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

**CONSENT AGENDA
(Item e.)**

- e. Consider Set Bid Time and Date for Motor Grader for Street Department.

Mayor Gilligan asked that this item be discussed at a study session for possible alternative purchasing options.

Commissioner Geitz made a motion to table Item e. to the Study Session to be held on March 24, 2021. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

Vicki VanKooten, representing the North Central Area on Aging Friendship Center, was in attendance to accept a proclamation declaring March 2021 as "19th Annual March for Meals Month" in Emporia.

She stated March for Meals celebrates 19 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation. Volunteers for Meals on Wheels programs in Emporia are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare. Meals on Wheels program in Emporia deserve recognition for the heroic contributions and essential services they provided amid the COVID-19 pandemic. She urged every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2021 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

Mayor Gilligan then presented the proclamation.

CITY COMMISSION
(Consider Amending City Code Section 16-266)
(Requiring Individuals to Wear Face Masks)
(Ordinance Number 21-08)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS REQUIRING INDIVIDUALS TO WEAR MASKS OR OTHER FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND AMENDING CITY CODE SECTION 16-266, to which the City Clerk assigned Ordinance Number 21-08, was presented to the Governing Body for their consideration.

Jennifer Millbern and Dr. Oyenuga, representing Lyon County Public Health, were recognized and addressed the Governing Body. They reviewed the recent information on COVID-19 of new infections, incidence rate, community goals, community's positivity rate and Lyon County's level of community transmission. They also reported total number of vaccine prime doses and booster doses through Lyon County Public Health. They spoke in favor of maintaining the current mask requirement to help protect each other as the easiest and most effective way to keep the spread of COVID-19 down. They urged

citizens to participate in signing up to receive the vaccine starting Monday, March 22, 2021 when the State of Kansas moves in to Phase 3 and Phase 4 of the vaccination plan.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated City Code Sec. 16-266 requiring individuals to wear face masks or other face coverings in certain circumstances is scheduled to expire March 23, 2021 at 11:59 p.m. This ordinance proposal extends the expiration date to April 27, 2021 at 11:50 p.m. All other mask or face covering requirements pursuant to Sec. 16-266 would remain the same.

Following discussion, Commissioner Geitz made a motion to approve Ordinance Number 21-08, an ordinance extending the expiration date and amending the expiration date to April 10, 2021. This will allow the Lyon County to review the County's mask requirement on April 8, 2021. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Board Appointments)**

Emporia Public Library Board:

____It was moved by Commissioner Smith, seconded by Commissioner Brinkman that Victor Acosta be appointed to the Emporia Public Library Board to fill an unexpired term that will expire on April 30, 2022; Scott Capes be appointed to the Emporia Public Library Board to fill an unexpired term that will expire on April 30, 2023; and Steve Younger be appointed to the Emporia Public Library Board for a term that expires on April 30, 2025. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Golf Advisory Board:

It was moved by Commissioner Geitz, seconded by Commissioner Smith that Megan Beitz and Dan Colson be appointed to the Golf Advisory Board

for terms that expire December 31, 2023. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Grant Agreement - Family Promise of the Flint Hills)
(Kansas Housing Resources Corporation - Emergency Solution Grant)

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated the City was recently awarded an Emergency Solution Grant from the Kansas Housing Resources Corporation on behalf of Family Promise of the Flint Hills. The proposed grant agreement formally describes the duties and expectations of both parties in the administration and usage of this grant. He stated staff was recommending authorizing the Mayor to execute a grant agreement.

Commissioner Geitz made a motion authorizing the Mayor to execute a grant agreement with Family Promise of the Flint Hills. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

WATER SERVICE
(Consider Bids for Water Service Remodeling)

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated City staff has been talking and planning for a couple of years about moving the Human Resources Department to the Accounting/Water Service area in order to provide additional office coverage as well as cross training. This project has been budgeted from the Multi-Year Fund. The current budge amount is \$261,242.50. He stated Peter Hauff with Emig & Hauff Associates will make a recommendation for the project.

Peter Hauff, Emig & Hauff Associates, was recognized and addressed the Governing Body. He stated four bids were received as follows:

BID TABULATION FOR WATER DEPARTMENT REMODEL

Contractor	Base Bid	Time of Completion	Total
Mitchell-Markowitz Const.	\$144,685	90 Days	\$144,685
Loyd Builders	\$135,650	80 Days	\$135,650
Evergreen Design-Build	\$137,500	80 Days	\$137,500
Conco Construction	\$118,500	84 Days	\$118,500

He stated mechanical and electrical work was removed from the general contractor. These services will be sub-contracted directly by the City. He stated the bids received include the costs for general demolition, new partition framing, bullet resistant glass and panels, and plumbing work. The bids do not include work that will need to be done to modify the existing mechanical system, electrical systems, install new floor finishes, wall bases, patching existing finishes, remove and replace existing ceiling tiles. He stated all four bidders are well qualified and he has personally worked with all of them. He stated he was recommending awarding the Water Department remodeling to Conco Construction for a total of \$118,500.00.

Commissioner Geitz made a motion to award the Water Department remodeling to Conco Construction for a total of \$118,500.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**PAVING
(2021 Chip Seal Program)
(Bids)**

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated bids were received for the 2021 chip seal program. The following is the bid tabulation:

BID TABULATION FOR CHIP SEAL PROGRAM 2021

	APAC-Kansas Shears Division	Vance Brothers Kansas, City
Edge Milling		
Cost per SY	\$3.00	\$7.40
Cost for 930 SY	\$2,790.00	\$6,882.00
Skim Coat		
Cost per ton	\$103.18	\$400.00
Cost for 20 ton	\$2,063.00	\$8,000.00
Crack Seal		
Cost per pound	\$2.37	\$2.39
Cost per 11,000 pounds	\$26,070.00	\$26,290.00
Chip Seal		
Cost per SY	\$2.02	\$2.52
Cost for 53,937 SY	\$108,952.74	\$135,921.24
Fog Seal		
Cost per SY	\$0.49	\$0.71
Cost for 53,937 SY	\$26,429.13	\$38,295.27
TOTAL PROJECT COST	\$166,305.47	\$215,388.51
Project start date	May 1, 2021	10 days after award
Days to complete project	11	12

He stated this project will consist of providing all labor and equipment to lay approximately 930 square yards of milling, 20 tons of leveling course, 11,000 pounds of crack seal, 53,937 square yards of chip seal and 53,937 square yards of fog seal. The budgeted amount for this program is \$200,000.00 and staff is recommending awarding the chip seal program to APAC-Kansas Shears Division in the amount of \$166,305.47.

Commissioner Smith made a motion to award the 2021 chip seal program to APAC-Kansas Shears Division in the amount of \$166,305.47. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, 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 24, 2021 AT 9:30 A.M.

Presentation from Nannette Pogue former Finance Director of Dodge City.

Update on RHID Policy.

Continued Discussion on Development Agreement with Flint Hills Crossing.

Discuss Electric Vehicle Charging Station.

Sewer System Connection Policy.

Continued Discussion for City of Emporia Stormwater Management Plan.

Highland Street Improvements.

Discussion of Drinking Establishment Hours.

EXECUTIVE SESSION

Commissioner Brinkman made a motion to adjourn into Executive Session for consultation with the City Attorney from 7:36 p.m. to 8:06 p.m., in the City Commission Meeting Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 8:06 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had consultation with the City Attorney and no action was taken.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk