

COMMISSION MEETING**1:30 P.M.****MAY 5, 2021**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, May 5, 2021, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Brinkman, Giefer, and Smith present. Commissioner Geitz was absent. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on April 21, 2021 and the Adjourned Meeting on April 28, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on April 23, 2021.

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

Ed Owens, Chief of Police and Sgt. Lisa Hayes representing the Emporia Police Department, were in attendance to accept a proclamation declaring the week of May 9 through 15, 2021 as "National Police Week" in Emporia. They 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 to supporting their work to protect our communities. They 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 Officer 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 of each year. They urged everyone to remember those throughout our Nation who lost their lives while protecting others.

Mayor Gilligan then presented the proclamation.

Mayor Gilligan accepted a proclamation declaring the month of May 2021 as "Community Action Month" in Emporia. He stated Community Action 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 vouchers, savings, dental and Community Action Agencies are needed as major participants in the reform of the welfare systems as we know it. He stated the poverty rate in Emporia is 20.5% and Kansas must continue to wage war on poverty by providing support and opportunities for all citizens in need of assistance. He urged all citizens to recognize the hard work and dedication of Kansas Community Action Agencies.

**CITY COMMISSION
(Board Appointment)**

Community Housing Board/Land Bank:

It was moved by Commissioner Giefer, seconded by Commissioner Brinkman that Matthew Lowery be reappointed to the Community Housing Board/Land Bank for a term that expires May 31, 2024. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Request of Emporia State Federal Credit Union)
(Appeal State of Kansas Historic Preservation Office - SHPO)
(Property Located at 727 Merchant Street)
(Public Hearing)**

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of Emporia State Federal

Credit Union to appeal the State of Kansas Historic Preservation Office (SHPO) findings regarding the proposed demolition of the building at 727 Merchant Street. The building is located within the City of Emporia's Downtown Historic District as such any permits issued will be reviewed by the SHPO. The SHPO office recommends not destroying the historic contributing building. He stated if the Commission overrides SHPO's recommendation, then the applicant will be issued the demolition permit for the building.

Mayor Gilligan then declared the public hearing open.

Angie Miller, President of Emporia State Federal Credit Union, was recognized and addressed the Governing. She stated ESFC purchased the building located at 715 Merchant and this property is adjacent to building. The additional space will allow the bank to expand its services in the future. She reviewed information from Ben Moore Studio, who provided a proforma analysis of 727 Merchant. Ben Moore found the existing condition of the building would require a remodel budget of \$318,000.00. It was found that the project was not feasible to rehabilitate.

As no one else in attendance wished to address the Governing Body. Mayor Gilligan then declared the public hearing close.

Commissioner Smith made a motion to override SHPO's recommendation as there are no other feasible and prudent alternatives for the building at 727 Merchant. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; and Mayor Gilligan, aye.

**SOLID WASTE
(Equipment Purchase - Flatbed Pickup Truck)
(Bids)**

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated bids were received for one new flatbed pickup for Solid Waste. The new 1-ton regular cab, 2X4, cab and chassis with flatbed will be used in the Solid Waste Collections. The truck being replaced is a 2012, 1-ton Chevy with over 100,000 miles on it. The bids are as follows:

BID TABULATION

Vendor	Year	Model	Cost
John North Ford	2022	F-350	\$34,977.68
Clint Bowyer Autoplex	2021	Ram 3500	\$39,843.00
Longbine Auto Plaza	GM is not producing fleet units for year		

He stated the budgeted amount if \$40,000.00 for the new unit. Staff will be transferring some unit within departments to best utilize our fleet. The least valuable unit will be sold on Purple Wave at a late date. He stated staff is recommending the purchase of one new 2022 Ford F-350 with flatbed to John North Ford in the amount of \$34,977.68.

Commissioner Giefer made a motion to award one 2022 Ford F-350 with flatbed to John North Ford for \$34,977.68 for the Solid Waste Department. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

PAVING
(2021 Street Rehabilitation Project No. PV2102)
(South Exchange Street Project No. PV2009)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the 2021 Street Rehabilitation Project No. PV2102 and South Exchange Street Project PV2009. The City had three bidders out of three plan holders. The following are the bids and Engineer's estimate.

BID TABULATION FOR 2021 STREET REHABILITATION PROJECT

Contractor	Base Bid	Add Alternate Bid	Total
APAC-Kansas Inc. Shears Div.	\$726,075.82	\$51,457.96	\$ 777,533.78
Killough Construction	\$752,695.57	\$57,791.92	\$ 810,487.49
Bettis Asphalt	\$976,617.28	\$90,576.78	\$1,067,194.06
Engineer's Estimate	\$679,223.89	\$45,245.90	\$ 724,469.79

He stated the total budgeted amount for this project is \$785,000.00. The project is funded out of the Multi-Year Fund. He stated staff is

recommending awarding the project to APAC-Kansas Inc., Shears Division for the base bid of \$729,075.82 and add alternate bid of \$51,457.96, for a total bid price of \$777,533.78. APAC has completed past street rehabilitation projects and staff have been pleased with the quality of work and professionalism.

Commissioner Smith made a motion awarding the bid for the 2021 Street Rehabilitation Project No. PV2102 and South Exchange Street Project No. PV2009 to APAC-Kansas, Inc. Shears Division in the base bid amount of \$726,075.82 with add alternate bid of \$51,457.96, for a total bid amount of \$777,533.78. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; and Mayor Gilligan, aye.

WATER SERVICE
(Consider Increase of Water Tap Fees)
(Ordinance Number 21-18)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO MUNICIPAL WATER WORKS; AMENDING SECTION 28-18, 28-20, 28-21, AND 28-22 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned ordinance Number 21-18, 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 has charged the same amount to tap a water or sewer main for at least 12 years. Staff has calculated the current costs of the items provided and needed when a tap is performed. She stated she reviewed other cities charges for same type of service and found charges range from \$340 to \$3,400. This proposed ordinance would increase the City's charge for a tap as follows:

\$1,100.00 for a 5/8" meter by tapping a main with a 1" tap.

\$1,150.00 for a 3/4" meter by tapping a main with a 1" tap.

\$1,200.00 for a 1" meter by tapping a main with a 1" tap.

\$1,000.00 plus actual cost of material and labor for any meter larger than 1" by tapping a main with a tap larger than 1".

She stated she was recommending increasing fees of water taps.

Commissioner Giefer stated this has been discussed over the past years

when the commission first started talking about increases and this will help defray some of the increases to individual water rates.

Commissioner Smith made a motion to approve Ordinance Number 21-18, an ordinance pertaining to water tap fees. Commissioner Brinkman seconded the motion.

Mayor Gilligan made an alternate motion to increase the fees to \$300.00 for a 5/8"; \$350.00 for 3/4"; \$400.00 for 1"; and \$300.00 plus actual cost of material and labor for any meter larger than 1". He stated it was a service that the City provides to the community the same way other utilities are provided to the community. He stated the tap and meter is property that belongs to the city and the city does not allow the customer to access, remove or tamper with tap or the meter. When a customers meter needs to be replaced the city replaces the meter free of charge to the customer due to fact that meter belongs to the city. The fees are not so far out of line that it is causing the city to have budget concerns. He stated the alternate motion with lower fees as stated.

Commissioner Brinkman questioned the fee of \$300.00 compared to \$1,100.00.

Mayor Gilligan stated staff had provided that information as the actual operational cost of labor verses the equipment and tools used.

Janet Harrouff verified the labor costs were \$300.00 and materials and equipment use costs were \$800.00.

Following further discussion, the motion made by Mayor Gilligan did not receive a second and therefore the alternate motion died.

Mayor Gilligan then stated there was a call for the vote to approve Ordinance Number 21-18 with fees stated at \$1,100.00 and up based on the size of the meter. Mayor Gilligan asked City Attorney when the ordinance would go into effect.

City Attorney Montgomery stated the ordinance would take effect upon publication of ordinance, however this date can be changed.

Commissioner Smith amended the motion for the effective ordinance date be changed to July 1, 2021.

The call for the vote was Commissioner Smith, aye; Commissioner Brinkman, nay; Commissioner Giefer, aye; and Mayor Gilligan, nay. Motion

fails.

Mayor Gilligan requested this item be on a future study session for more discussion.

JONES AQUATIC COMPLEX
(Agreement b/w City of Emporia & Emporia Recreation Commission)
(2021 Season)

City Manager McAnarney stated the Emporia Recreation Commission has operated the Jones Aquatics Complex for the City of Emporia for many years. The agreement for the 2021 season is substantially similar to previous years. The ERC will be responsible for daily operations and staffing. The City will pay for utilities and major repairs. At the end of the season, the City will pay for any deficit in Jones Aquatic Complex operating expenses up to \$47,000.00. He stated this year may be flexible with possible adjustments to help the pool work if needed. He stated staff is recommending approval the agreement with the Emporia Recreation Commission to operate the Jones Aquatic Complex for the 2021 season.

Commissioner Smith made a motion to approve the agreement with the Emporia Recreation Commission to operate the Jones Aquatic Complex for the 2021 season. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, 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 MAY 12TH STUDY SESSION @ 9:30 A.M.

Electric Scooters.
Discuss REG ICA Termination.
Sewer System Connection Policy.
Continued Discussion for City of Emporia Stormwater Management Plan.
Wage Scale Discussion.
Discuss Revenue Neutral Rate.
Discuss Credit Card Convenience Fee.

EXECUTIVE SESSION

Commissioner Brinkman 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 2:10 p.m. to 2:25 p.m., in the City Commission Meeting Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 2:25 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had preliminary discussion of the acquisition of real property and no action was taken.

EXECUTIVE SESSION

Commissioner Brinkman made a motion to adjourn into Executive Session for the discussion of non-elected personnel Mark McAnarney from 2:25 p.m. to 2:35 p.m., in the City Commission Meeting Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 2:35 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed non-elected personnel and no action was taken.

It was the consensus of the Commission to move the Study Session scheduled for May 12, 2021 to May 19, 2021, at 5:30 p.m.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk