

COMMISSION MEETING

11:00 A.M.

FEBRUARY 15, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, February 15, 2023, with Mayor Giefer presiding and Commissioners, Brinkman, Harter, Sauder, and Smith 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 stated your name and address prior to making comments. No comments were made at this time.

**CITY COMMISSION
(Selection and Replacement of Mayor and Vice Mayor)
(Resolution Number 3693)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the City Commission annually selects from its membership a mayor and vice mayor. The City of Emporia does not currently have a formalized process for selection or replacement of the mayor and vice mayor. She stated this proposed resolution will establish a procedure for annual selection, vacation, removal and replacement for the positions of mayor and vice mayor. The City Commission will choose a mayor and vice mayor at each annual business meeting in January. A mayor or vice mayor wishing to vacate this position may submit a letter to the city clerk. A mayor or vice mayor who is unable or unwilling to fulfill their duties as mayor may be removed by majority vote of the other members of the City Commission. A member who vacates or is removed from position as mayor or vice mayor will retain their position as city commissioner. She stated if the mayor vacates or is removed, the vice mayor will serve as mayor for the remainder of the year, and the Commission will elect a new vice mayor.

If the vice mayor vacated or is removed, the Commission will elect a new vice mayor. She stated staff was recommending approval of Resolution Number 3693 establishing the procedure for selection and replacement of the mayor or vice mayor.

Commissioner Harter made a motion to approve Resolution Number 3693, a resolution establishing the procedure for selection and replacement of Mayor and Vice Mayor. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Vacation of Service as Mayor)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated pursuant to Resolution Number 3693, a mayor wishing to vacate their position as mayor will submit a letter to the City Clerk. Mayor Danny Giefer has submitted a letter to the City Commission and City Clerk expressing a desire to vacate his position as mayor and retain his position as City Commissioner. She stated the City Commission will vote to approve or reject the request. If Mayor Giefer's request to vacate is approved, Vice Mayor Brinkman will automatically advance to the position of Mayor.

City Manager Cocking then read the following letter written by Mayor Danny Giefer.

*My fellow City Commissioners and City Manager Trey Cocking:
Effective today, I will be stepping back from my position as Mayor of the City of Emporia for health reasons. The mayor's position requires day-to-day personal contact with many individuals, which I will be unable to do. I will retain my position as City Commissioner and also a board member of Emporia Enterprise. I can perform my duties remotely when I am unable to attend in person in these positions.*

*Thank you,
Danny Giefer, Mayor*

Commissioner Smith made a motion to approve the request from Mayor Giefer to vacate position as the Mayor for the current 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
(Selection of Vice Mayor)

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated after vacation by the mayor and advancement of the vice mayor, a new vice mayor must be elected from the members of the Governing Body to serve for the remainder of the year.

Commissioner Giefer made a motion to appoint Becky Smith as Vice Mayor to serve for the remainder of the year. Commissioner Harter seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Smith aye; and Mayor Brinkman, aye.

CITY COMMISSION
(Human Relations Commission/Accessibility Advisory Committee)
(Ordinance Number 23-01)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO THE HUMAN RELATIONS COMMISSION/ACCESSIBILITY ADVISORY COMMITTEE AMENDING SECTIONS 13-16 THROUGH 13-23 AND 13-27 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 23-01, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the United States Supreme Court held in the case of Bostock vs. Clayton County, Georgia that sexual orientation and gender identity are protected classes under Title VII of the Civil Rights Act of 1964. City staff and members of the Emporia Human Relations Commission have requested the City to update City Code to reflect the Supreme Court's decision. She stated the current City Code

Chapter 13, Article 2 describes the responsibilities and parameters of the Human Relations Commission and includes Code Sections 13-16 through 13-29. Those sections discuss protected classes in various locations, generally listing "race, religion, color, age, national origin, ancestry, familial status, or disability." The proposed ordinance adds "sexual orientation and gender identity" in each area where the protected classes are listed. She stated staff recommends approval of the 23-01 pertaining to the Human Relations Commission/Accessibility Advisory Committee.

Commissioner Smith made a motion to approve Ordinance Number 23-01, an ordinance pertaining to the Human Relations Commission/Accessibility Advisory Committee. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

ENGINEERING

**(Agreement No. 157-21 with Kansas Department of Transportation)
(Road 180 - Road G to Road 5, KDOT Project No. 56 KA-6154-01)
(Supplemental No. 1)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated this agreement is for the construction of 18th Avenue/County Road 180 from Road G to Road F5 for improvements with Everyg's new service center. He stated the agreement with KDOT was for \$1,900,000.00 for the construction of the project. Construction costs saw a large one year spike in prices due to many factors. The project was awarded for a base bid of \$2,403,034.38 and due to the low bid exceeding the Engineer's Estimate, City Engineering staff requested KDOT increase its cost share \$100,000.00 to their cap at \$2,000,000.00 for this project. He stated staff was recommending approving Supplemental No. 1 to Agreement No. 157-21 and authorize the Vice Mayor to sign.

Commissioner Harter made a motion to approve Supplemental No. 1 to Agreement No. 157-21 with KDOT for Project No. 56 KA-6154-01 Road Improvements along 18th Avenue/County Road 180 Road G to Road F5 and authorize the Mayor to sign. Commissioner Smith seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

**CITY MANAGER'S REPORTS
(Financials & Building Permits)**

This is the time for the City Manager to make comments and reports to the public. **The following is general information for the month of January 2023 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	Increase of \$51,369.63 for the month, and
	\$464,937.29	\$516,306.92	Overall increase of 11.05% from year 2022.
YTD	\$ 464,937.29	\$ 516,306.92	

2. City Share from County Tax

	2022	2023	Increase of \$26,948.46 for the month, and
	\$238,095.92	\$ 265,044.38	Overall increase of 10.17% from year 2022.
YTD	\$ 238,095.92	\$ 265,044.38	

3. **Building Permits issued from 1/1/2023 to 1/31/2023 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	52
Total of valuations associated with those building permits:	\$12,367,951.00
Total number of dollars collected for Building Permit Fees:	\$ 26,530.75

Construct - single family dwellings	0
Demo - single family dwellings	2

Flint Hills Mall CID for January 2023	\$ 20,376.67
Year to Date Total	\$ 20,376.67

Pavilions CID for January 2023	\$ 10,873.62
Year to Date Total	\$ 10,873.62

Consent Agenda

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

- a. Approve the minutes of the Regular Meeting held on February 1, 2023.
- b. Set Bid Time and Date for the 2023 Hazardous Sidewalk Program.
- c. Set Bid Time and Date for RFQ of Fire Station Projects.

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

CITY COMMISSION (City Manager's Report)

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works for the tentative Agendas of the March 1, 2023 meetings.

- Emporia Main Street Common Consumption Area.
- Beer Garden for GBO Block Party Event.
Set Bid Time and Date for Biosolid Disposal.
- Set Bid Time and Date for Chip Seal.
- South Fanestil Property Contract.

Study Session:

Discuss Rates.

Discuss Mowing Orders and Procedures.

Discuss New Water Meters.

Water Rate Study.

**CITY COMMISSION
(Public Comment)**

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

No comments were made at this time.

EXECUTIVE SESSION

Commissioner Smith made a motion to recess into Executive Session to discuss confidential matters of a third party regarding a potential economic development project resuming the open meeting in the City Commission Meeting Room, this same date, at 11:30 a.m. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

Upon reconveying the meeting in Regular Session, at 11:30 a.m., this same date, in the City Commission Meeting Room, Mayor Brinkman stated they had discussed confidential matters of a third party regarding a potential economic development project and no action was taken.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk