

COMMISSION MEETING

11:00 A.M.

MARCH 1, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 1, 2023, in the City Commission Meeting Room with Mayor Brinkman presiding and Commissioners Giefer, 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 state your name and address prior to making comments.

No comments were made at this time.

**CITY COMMISSION
City of Emporia and Lyon County)
(Memorandum of Understanding)
(Retail Fireworks Stand Permits)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City of Emporia and Lyon County have been parties to a Memorandum of Understanding regarding retail fireworks stand permits since 2016. The MOU specified that the City Clerk would issue all permits for retail fireworks stands in the City of Emporia and Lyon County, and permit fees would be utilized to fund the joint City-County fireworks display. The fireworks display has become more costly to exhibit each year and the City has requested a fee increase to help offset the increased costs. She stated this proposed MOU would increase retail fireworks stand permit fees by 30% and restructure the fee system from a three-tier system to a two-tier system. A 30% increase in fees is anticipated to provide revenue needed to fund all or a larger percentage of the costs associated with exhibiting the fireworks display. She stated the Board of Commissioners of Lyon County, Kansas approved the MOU at their February 23, 2023 meeting. She stated staff recommends approval of the Memorandum of Understanding with Lyon County Regarding Fireworks Stand Permits.

Commissioner Sauder made a motion to approve the Memorandum of

Understanding with Lyon County regarding retail fireworks stand permits. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(Parking Lot Next to 405 Commercial Street)
(4th Avenue b/w Commercial St. & Alley West of Commercial St.)
(St. Patrick's Day Parade Event)
(Ordinance Number 23-04)

AN ORDINANCE EXEMPTING THE PARKING LOT SOUTH OF 405 COMMERCIAL STREET AND FOURTH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA, KANSAS, FROM THE PROHIBITION ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES, to which the City Clerk assigned Ordinance Number 23-04, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Town Royal requests an extension of premise from the prohibition of the sale and consumption of alcoholic beverages for the St. Patrick's Day celebration to be held on March 18, 2023 from 10:00 a.m. to 12:00 a.m. The requested exemption is for parking lot south of Town Royal, 405 Commercial Street and 4th Avenue between Commercial Street and the alley west of Commercial Street from the prohibition on the sale and consumption of enhanced cereal malt beverages and alcoholic liquor in conjunction with the St. Patrick's Day celebration. She stated Town Royal will be required to meet city and state requirements for alcohol sales. She stated staff was recommending approval of Ordinance Number 23-04 authorizing a beer garden for Town Royal for the St. Patrick's Day celebration.

Commissioner Harter made a motion to approve Ordinance Number 23-04, an ordinance authorizing a beer garden for Town Royal St. Patrick's Day Celebration. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Mayor Brinkman stated she would be abstaining from discussion and vote regarding Ordinance 23-02 Authorizing a Beer Garden for Dynamic Discs GBO Block Party and Ordinance 23-03 Authorizing Emporia Main Street Common Consumption Area.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(800 and 900 Blocks of Commercial Street)
(GBO Block Party)
(Ordinance Number 23-02)**

AN ORDINANCE EXEMPTING AN AREA IN THE 800 BLOCK AND 900 BLOCK OF COMMERCIAL STREET AND 9TH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE DYNAMIC DISCS GBO BLOCK PARTY EVENT APRIL 29, 2023, to which the City Clerk assigned Ordinance Number 23-02, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Dynamic Discs and Mixers and Shakers, LLC are requesting permission to host a beer garden on April 29, 2023 from 5:00 p.m. to 10:00 pm. in the 800 and 900 blocks of Commercial Street and 9th Avenue between Commercial Street and the alley to the west. She stated this proposed ordinance will temporarily exempt city streets, alleys and sidewalks in the area from the prohibition on the sale and consumption of alcoholic beverages. Mixers and Shakers, LLC will be required to meet city and state requirements for alcohol sales. She stated staff was recommending approval of Ordinance Number 23-02 authorizing a beer garden for Dynamic Discs GBO Block Party.

Commissioner Harter made a motion to approve Ordinance Number 23-02, an ordinance authorizing a beer garden for Dynamic Discs GBO Block Party. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Vice Mayor Smith, aye. Mayor Brinkman abstained.

CITY COMMISSION
(Common Consumption Area)
(Approve Emporia Main Street as Sponsor)
(Ordinance Number 23-03)

AN ORDINANCE ESTABLISHING A COMMON CONSUMPTION AREA AND AUTHORIZING THE POSSESSION AND CONSUMPTION OF ALCOHOL LIQUOR AND CEREAL MALT BEVERAGE WITHIN THE COMMON CONSUMPTION AREA BOUNDARIES, to which the City Clerk assigned Ordinance Number 23-03, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Emporia Main Street has applied to host a Common Consumption Area in downtown Emporia. Alcohol and enhanced CMB may be sold and consumed in a CCA when open for a special event. She stated this proposed ordinance authorizes a CCA for the remainder of 2023. A special event permit approved by Emporia Police Department will be required to open the CCA. When open, alcohol and enhanced CMB may be sold and consumed in the CCA between the hours of 12:00 p.m. to 12:00 a.m. The CCA permit holder will be held liable for all alcohol violations that occur within the CCA and participating licensed DE's and/or taverns will be held liable for alcohol violations that occur within their licensed premises. Licensed drinking establishments adjacent to the CCA may apply to the state to participate in the CCA. Taverns adjacent to the CCA may apply to the city to participate in a CCA.

Commissioner Harter made a motion to approve Ordinance Number 23-03, an ordinance authorizing Emporia Main Street Common Consumption Area. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; and Vice Mayor Smith, aye. Mayor Brinkman abstained.

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on February 15, 2023.

- b. Set Bid Time and Date for Biosolid Disposal.
- c. Set Bid Time and Date for Street Preservation.

The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, 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:

TENTATIVE AGENDA FOR MARCH 15, 2023 AT 11:00 A.M.

- Public Hearing for 2020 CDBG Housing Grant.
- Housing Grant from the Kansas Housing Resources Corporation.
- Award 2023 Hazardous Sidewalk Program bid.

Study Session:

Review City Commission Goals.

Vehicle and Body cameras contract for Police Department.

Golf Course Tee pads Project.

Discuss Mowing Orders and Procedure.

EXECUTIVE SESSION

Commissioner Harter made a motion to recess into Executive Session to discuss confidential matters of a third party regarding an economic development project resuming the open meeting in the City Commission Meeting Room, this same date, at 11:40 a.m, and to invite the Burns and McDonnell team. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner

Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Upon reconvening the meeting in Regular Session, at 11:40 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 Sauder made a motion to recess the meeting until 12:00 p.m. to Conference Room 1AB. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

The following items were discussed at Study Session:

1. Water Study with Burns & McDonnell.
2. New Water Meters.
3. WAW Advisory Slot for a Commissioner.
4. Discuss the May 17, 2023 Commission Meeting.

Study Session Discussion:

WAW Advisory Slot for a Commissioner

Mayor Brinkman advised the Commissioners that she would be unable to attend the WAW Advisory Board meetings as the schedule for the meetings conflicts with another board she serves on.

Commissioner Giefer made a motion to appoint Becky Smith to the William Allen White Community Partnership. Commissioner Harter seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Discuss the May 17, 2023, Commission Meeting

City Manager Cocking stated there will be two Commissioners absent at the May 17, 2023 regular meeting. He recommended rescheduling the commission meeting to Wednesday May 24, 2023 at regular time of 11:00 a.m.

Commissioner Sauder made a motion to reschedule the May 17, 2023 regular meeting to May 24, 2023 at regular time of 11:00 a.m. Commissioner Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk