

COMMISSION MEETING

11:00 A.M.

MARCH 15, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 15, 2023, with Mayor Brinkman presiding and Commissioners, Giefer, Harter, and Smith present. Commissioner Sauder arrived at 11:29 a.m. 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.

**HOUSING
(Kansas Department of Commerce CDBG Program)
(Small Cities Community Development Block Grant-CDBG)
(Public Hearing for Performance of CDBG Housing Rehabilitation)**

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated a CDBG Grant No. 20-HR-001 was awarded in the amount of \$300,000.00 to the City for rehabilitation of homes occupied by low-to-moderate income homeowners in the designated target area in south-central Emporia. A public hearing is required by CDBG regulations prior to the closeout of each grant to provide details of the grant's performance. He stated this project included the rehabilitation of 10 homes in a target area bordered by South Avenue, Neosho Street, Kansas Avenue and Commercial Street. The total grant expenditure was \$258,206.00 with an additional \$58,306.00 of local funding contributing to the project. The project was granted time extensions totaling nine (9) months in order to maximize the utilization of the funding and impact towards the improvement of housing.

Mayor Brinkman then opened the public hearing.

As no one in attendance wished to address the Governing Body Mayor Brinkman then closed the public hearing.

**POLICE DEPARTMENT
(Equipment Purchase-In Car and Body Worn Cameras)
(Bids)**

Ed Owens, Police Chief, was recognized and addressed the Governing Body. He stated the current body worn cameras are Vista Cameras which was supported by Watch Guard. Due to technology change and contracts, Watch Guard no longer offers support. He stated the Emporia Police Department is proposing a five year contract and received bids as follows:

Axon Enterprise, Inc.	\$246,227.00
Axon Enterprise, Inc.	\$186,575.47
Motorola (Watch Guard)	\$278,938.00

He stated Axon's adjusted bid came in at \$407,551.00 over a span of five years compared to the Watch Guard bid of \$278,938.00 over a five year span. He stated both companies offer the same product. Both include unlimited cloud storage and license plate readers capabilities for the patrol cars. EPD would also be in complete compliance with KORA with unlimited cloud storage. Currently there is a limited retention policy due to storing video on servers. When compared to our current CIP funds, there is a potential saving of approximately \$50,000.00 over the span of five years with the Watch Guard proposal. He stated all equipment would have a five year warranty and would re-negotiate after the five year period. In lieu of a financial disaster, the contract would be terminated at no cost to the City. He stated staff is recommending the bid from Watch Guard as it is currently what they have been using and it is considerably less with the same options as Axon.

Commissioner Smith made a motion award the bid for in car and body worn cameras to Watch Guard in the amount of \$278,938.00. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

**SIDEWALK
(2023 Hazardous Sidewalk Program)
(Bid)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated one (1) bid was received for the 2023 Hazardous Sidewalk Program. The bid received is intended for setting unit prices for each individual project line item. Bid totals were achieved by multiplying these unit prices with our initial estimated quantities from the list of site work projected for the 2023 Hazardous Sidewalk program.

BID TABULATION FOR 2023 HAZARDOUS SIDEWALK PROGRAM

Contractor	Base Bid
S. R. Coffman Construction, Inc.	\$57,997.50
Engineer's Estimate	\$52,587.50

The 2023 Hazardous Sidewalk Program is budgeted at \$100,000.00, additional locations and quantities will be added throughout the year as property owners sign up for participation in the program. The program also allows the homeowner the option to hire their own bonded contractor to replace their sidewalk at these set unit prices. He stated staff was recommending the bid from S. R. Coffman.

Commissioner Smith made a motion to award the bid for the 2023 Hazardous Sidewalk Program to S.R. Coffman Construction, Inc. in the amount of \$57,997.50. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

**DAVID TRAYLOR ZOO
(Permanent Utility and Access Easement)
(Emporia's Radio Stations, Inc.)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City of Emporia is donating a permanent easement to the Emporia's Radio Stations, Inc. This permanent utility and access easement will allow access and maintenance of their radio tower infrastructure that extends on to the City's lot which houses the Zoo Administration building. He stated the radio tower infrastructure

predates the City's ownership of the lot. He stated staff is recommending approving the permanent utility and access easement with Emporia's Radio Stations, Inc.

Commissioner Harter stated he would abstain from the vote.

Commissioner Smith made a motion to approve the permanent utility and access easement between the City of Emporia and Emporia's Radio Stations, Inc. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye. Commissioner Harter abstained.

**DAVID TRAYLOR ZOO
(Permanent Parking Lot Easement)
(Emporia's Radio Stations, Inc.)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City of Emporia is investing in David Traylor Zoo improvements to include parking availability and accessibility. This permanent parking lot easement acquisition from Emporia's Radio Stations, Inc., will permit construction of a bus parking lot at the Zoo on their property. He stated the City will construct, install, maintain, repair, use and operate a parking lot for bus parking related to the Zoo Education Center activities. Both parties acknowledge that Emporia's Radio Stations, Inc. shall be entitled at all times to travel over the easements and to conduct activities provided that same does not unreasonably interfere with Zoo Education Center activities. He stated staff was recommending accepting the permanent parking lot easement from Emporia's Radio Stations, Inc. for the David Traylor Zoo Bus Parking Lot Project.

Commissioner Harter stated he would abstain from the vote.

Commissioner Smith made a motion to accept the permanent parking lot easement from Emporia's Radio Stations, Inc. for the David Traylor Zoo Bus Parking Lot Project. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye. Commissioner Harter abstained.

CITY COMMISSION
(Addendum to Real Estate Purchase Agreement)
(Fanestil Meats at 1542 South Highway 99)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City is a sub-recipient of a FEMA Pre-Disaster Mitigation Grant designated to help relocate Fanestil production out of the floodplain. As part of the grant, the City will acquire property at 1542 South Highway 99 utilizing grant funds. She stated Smoots Enterprises has requested an extension of the closing date to ensure they had time to conclude all activities within the building. The City's grant administrator Garrett Nordstrom advised the City that Smoots Enterprises had concluded their activities within the building ahead of schedule and are prepared to close on the property. However, Garrett recommended the closing date be moved to May 1, 2023 to ensure time for FEMA PDM Grant funds reach the City's account prior to closing. This addendum modifies the closing date from March 31, 2023 to May 1, 2023. This project is funded through a FEMA PDM Grant and an local match provided by Smoots Enterprises. There are no additional costs associated with the addendum. She stated staff recommends approval of the Addendum to Real Estate Purchase Agreement modifying the closing date to May 1, 2023 and authorize the Mayor to sign closing documents.

Commissioner Giefer made a motion to approve the Addendum to Real Estate Purchase Agreement and authorize the Mayor to sign closing documents. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Commissioner Harter, 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 February 2023 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2022	2023	Increase of \$59,005.23 for the month, and
	\$538,675.77	\$597,681.11	Overall increase of 11.00% from year 2022.
YTD	\$1,003,613.06	\$1,113,987.92	

2. City Share from County Tax

	2022	2023	Increase of \$47,270.95 for the month, and
	\$ 279,484.33	\$ 326,755.28	Overall increase of 14.34% from year 2022.
YTD	\$ 517,580.25	\$ 591,799.66	

3. Building Permits issued from 2/1/2023 to 2/28/2023 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	33
Total of valuations associated with those building permits:	\$ 3,547,389.00
Total number of dollars collected for Building Permit Fees:	\$ 12,648.63
Construct - single family dwellings	0
Demo - single family dwellings	0
Flint Hills Mall CID for February 2023	\$ 24,348.62
Year to Date Total	\$ 44,725.29
Pavilions CID for February 2023	\$ 7,228.66
Year to Date Total	\$ 18,102.28

Consent Agenda

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

- Approve the minutes of the Regular Meeting held on March 1, 2023.
- Set Bid Time and Date for the 2023 Street Rehabilitation Project.

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

TENTATIVE AGENDAS FOR THE APRIL 5, 2023 MEETINGS:

- Proclamation Naming April as National Child Abuse and Neglect Prevention Month.
- Proclamation Naming April 9 - 15 as National Public Safety Telecommunicator Week.
- Proclamation Recognizing April as National Fair Housing Month.
- Award Street Preservation Bid.
- Army Reserve Lease Agreement.
- Revised Development Agreement with Emporia Land Development, LLC.
- Set Bid Date and Time for 24" Water Line.
- Set Bid Date and Time for Peyton Street Watermain Improvements.

Study Session:

Compensation Study Review.
Review City Commission Goals.
Discuss Commission Liaisons to Boards and Commissioners Being More Active w/Boards.

**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 Harter made a motion to recess into Executive Session to discuss confidential matters of a third party regarding economic development projects and resuming the open meeting in the

City Commission Meeting Room this same date, at 12:00 p.m., and to invite Special Projects Coordinator Jim Witt. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Commissioner Sauder arrived at 11:29 a.m. for Executive Session.

Upon reconvening the meeting in Regular Session at 12:00 p.m., this same date, in the City Commission Meeting Room, Commissioner Harter made a motion to continue the Executive Session discussion with all the same people and resuming the open meeting in the City Commission Meeting Room this same date at 12:15 p.m. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye. Commissioner Sauder and Commissioner Smith were not present at the time of the vote.

Upon reconvening the meeting in Regular Session, at 12:15 p.m., this same date in the City Commission Meeting Room, Mayor Brinkman they had discussed confidential matters of a third party regarding economic development projects and no action was taken.

Commissioner Giefer then made a motion to recess the meeting until 12:30 p.m. to Conference Room 1AB. Commissioner Harter seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

The following items were discussed at Study Session:

1. Ordinance Number 23-05 for Water Rates Increase.
2. Ordinance Number 23-06 Approve Loan Agreement with KDHE Water System Projects.
3. Discuss the Purchase and Installation of the Advanced Metering Infrastructure Systems Project and Authorize Ordinance Number 23-07.
4. Golf Course Tee Pad Project.

5. Mowing Orders and Procedure.

STUDY SESSION DISCUSSION:

**Ordinance Number 23-05 for Water Rates Increase
WATER SERVICE
(Increase in Water Rates)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO WATER RATES; AMENDING SECTION 28-41, 28-43 AND 28-43 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 23-05, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Finance, stated as previously discussed, after an extensive study of the water fund, capital projects, current revenue streams, costs, and debt service, it was determined water rates would need to be increased to cover the water fund. The proposed rates reflect lower interest rates on the State loans; higher costs for the proposed meter replacement program; first payment due on the loan moved from 2023 to 2025 which therefore the proposed rate change decrease slightly for 2023 and 2024. The monthly water bill for a residential customer using 5,000 gallons will increase approximately \$2.245 per month in 2023 and \$1.91 in 2024. Commercial business customers using 70,000 gallons will increase by approximately \$31.13 in 2023 and \$19.62 in 2024. Without the rate increase the water main replacement plan and water meter replacement program would not be feasible. She stated staff was recommending approval of Ordinance Number 23-05 for Water rates increase.

Commissioner Giefer made a motion to approve Ordinance Number 23-05, an ordinance pertaining to water rates with an effective date of April 1, 2023 increase and a January 1, 2024 increase. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Sauder, aye; and Mayor Brinkman, aye.

**Approve Amendment Loan Agreement #1 with KDHE Water Systems Projects.
Kansas Department of Health and Environment
State Revolving Loan Agreement
Amendment No. 3 to KPWSLF Loan No. 2968**

Janet Harrouff, Director of Finance, stated the City of Emporia entered into an agreement with KDHE for a \$9,969,863.00 water improvement loan September 2019. The original project list has changed due to other projects being identified. Due to the change in projects this loan amount will be reduced to \$4,000,000.00. The projects this loan funded are:

Peyton Street under Railroad.

9th Avenue from Elm Street to Lawrence Street.
12th Avenue Grand Street to Chestnut Street.
6th Avenue Funston Street to Lincoln.
Lincoln Street under I35 connection.

Loan payment will be August 2026 and will be paid in February and August of each year until 2026. Interest rate for the loan amount is at 2.01%. She stated staff recommends approving amendment no 3 to KPWSLF loan no. 2968.

Commissioner Harter made a motion to approve Amendment No. 3 to the Kansas Department of Health and Environment State Revolving Loan Agreement KPWSLF Project No. 2968 effective as of December 30, 2022. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Ordinance Number 23-06 Loan Agreement with KDHE Water Systems Projects.

Kansas Department of Health and Environment
State Revolving Loan Agreement
KPWSLF Project No. 3070

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF EMPORIA, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS PUBIC WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT, to which the City Clerk assigned Ordinance Number 23-06, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Finance, stated the City of Emporia has been working with KDHE to obtain a second water loan. The requested amount for this loan is \$15,000,000.00. The loan proceeds will be utilized to pay the costs of construction of waterline improvements to replace aging, failing and undersized water distribution system, all actual costs of engineering costs and all reasonable administration costs of legal and financial support directly provided by the projects. The projects for this second loan are:

SE transmission Phase 1 & 7th Avenue from 24th Avenue.
Prairie Street to 18th Avenue
Prairie Street 18th Avenue to 12th Avenue
Peyton Street Water Tower to 12th Avenue to 6th Avenue & South

Peyton Street to SE Transmission
West Street to Neosho Street to South
Lincoln Street 24th Avenue to Briarcliff Lane
SE transmission 1st Avenue to Industrial Park III

The debt payment will be over 20 years at an interest rate of 2.20% and payments will be made in February and August. She stated staff recommends approval of KPWSLF Project No. 3070 and approval of Ordinance Number 23-06.

Commissioner Sauder made a motion to approve Ordinance Number 23-06, an ordinance authorizing the execution of a loan agreement between the City of Emporia, Kansas and the State of Kansas from the Kansas Public Water Supply Loan Fund in the amount of \$15,000,000.00. Commissioner Harter seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Giefer aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Ordinance Number 23-07 for the Purchase and Installation of the Advanced Metering Infrastructure System.

GENERAL OBLIGATION BONDS

(Water Service)

(Purchase and Install Advanced Metering Infrastructure System)

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO MAKE WATER SYSTEM IMPROVEMENTS, AUTHORIZING THE CITY TO ISSUE ITS GENERAL OBLIGATION BONDS OR TEMPORARY NOTES IN THE PRINCIPAL AMOUNT OF \$5,000,000 PLUS NECESSARY COSTS OF ISSUANCE TO PAY COSTS OF SUCH IMPROVEMENTS, to which the City Clerk assigned Ordinance Number 23-07, was presented to the Governing Body for their consideration.

Dean Grant, Director of Public Works, stated as previous discussed, the purchase and installation of an Advanced Metering Infrastructure (AMI) system was budgeted and adopted in the 2022 CIP budget. An AMI system will allow meter reading to be sent to the Water Services office, giving staff and customers access to real-time meter usage data at any time. After staff reviewed and scored 7 statements of qualifications of manufacturers, 3 systems made presentations. Neptune and Badger were asked for pricing for necessary equipment, start-up and annual maintenance fees. The bid tabulations for meters, meter installation, lead service line survey and GPS locating of meters are as follows:

BID TABULATION FOR METERS

Neptune Technology Group	\$2,819,130.00
Badger - (Midwest Meter, Inc.)	\$3,211,657.40

BID TABULATION FOR METER INSTALLATION

MB Construction	\$2,278,880.00
FIT Excavating, LLC	\$ 969,079.00
Bond Payment - not required	\$ (26,000.00)

BID TABULATION FOR LEAD AND GALVANIZED SERVICE LINE SURVEY

MB Construction	\$1,800,000.00
FIT Excavating, LLC	\$ 195,000.00
HP Plumbing	\$ 738,650.00

BID TABULATION FOR GPS LOCATING OF METERS

MB Construction	\$ 40,000.00
FIT Excavating, LLC	\$ 66,000.00
Geotech, Inc.	\$ 60,000.00

Per the City's Purchasing Policy the City is providing all materials with this project, the contractor is not required to attain a payment bond. FIT Excavating, LLC bid \$26,000.00 for their payment bond and this will be subtracted from their bid as it is not required.

The cost of the meters, meter installation and lead service line survey is \$3,957,209.66. A contingency fund of \$1,000,000.00 will be set aside to pay for any items the contractor may encounter during the project. The project will be paid through general obligation bonds for a ten (10) year period. The GPS location of meters of \$60,000.00 will be paid from the Water Fund.

Commissioner Harter made a motion to award the bid of an Advanced Meter Infrastructure (AMI) system from Neptune Technology Group in the amount of \$2,819,130.66. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Commissioner Harter made a motion to award the bid of meter installation and lead and galvanized service line survey to FIT Excavating in the amount of \$1,138,079.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Commissioner Harter made a motion to award the bid for GPS locating of the meters to Geotech, Inc. in the amount of \$60,000.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Commissioner Giefer made a motion approving Ordinance Number 23-07, an ordinance authorizing the City of Emporia, Kansas to make water system improvements, authorizing the City to issue its general obligation bonds in the principal amount of \$5,000,000.00 plus necessary costs of issuance to pay costs of such improvements. Commissioner Sauder seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Sauder, aye; Commissioner Harter, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Discuss Golf Course Tee Pad Project

EMPORIA GOLF COURSE

(Tee Improvements)

Kevin Hanlin, Director of Public Lands & Facilities, Marcus Erkel, Head Professional, and Kelley Storch, Golf Course Superintendent. They stated in the 2023 CIP budget the Golf Course was approved for \$186,462.00 for golf course tee improvements. The tee improvements would make a more enjoyable course for amateur players by allowing a shorter course for most ladies, juniors and seniors. Originally, the new tees would have received Bentgrass seed on top and Fescue seed on the side.

CE Golf Design, a golf course design and landscape architecture, submitted an architects's opinion of probable costs for the tee improvements. Two bids were received as follows:

BID TABULATION FOR TEE IMPROVEMENTS

Viridity	\$411,479.00
Mammoth	\$440,724.00

After consideration of an alternative plan from the course architect, the best plan of action is to install the recommended Zoysiagrass sod on the newly constructed tees and to level and convert the existing tees to Zoysiagrass sod as well. Additional funding has been added to the project line item in the Multi-Year Fund.

They recommended awarding the bid for the Emporia Golf Course tee improvement project to Viridity in the amount of \$411,479.00.

Commissioner Smith made a motion to award the bid to Viridity in the amount of \$411,429,00 for the Emporia Golf Course tee improvement project. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith aye; Commissioner Giefer, aye; Commissioner Harter, aye; Commissioner Sauder, aye Mayor Brinkman.

Mowing Orders and Procedure Discussion.

WEEDS

(Nuisance Weeds)

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk