

COMMISSION MEETING**7:00 P.M.****DECEMBER 16, 2020**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, December 16, 2020, with Mayor Giefer presiding and Commissioners Brinkman, Geitz, Gilligan and Smith present. Also present were City Manager McAnarney, City Clerk Sull and City Attorney Montgomery. Assistant City Manager Massey was absent.

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 November for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2019	2020	
	\$436,960.97	\$397,750.57	Decrease of \$39,210.49 for the month, and
YTD	\$ 4,547,454.89	\$ 4,578,844.15	Overall increase of 0.58% from year 2019

2. City Share from County Tax

	2019	2020	
	\$225,954.64	\$199,550.21	Decrease of \$26,404.43 for month, and
YTD	\$2,033,909.05	\$2,127,314.57	Overall increase of 2.96% from year 2019

3. Building Permits issued from 11/1/2020 to 11/30/2020 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	73
Total of valuations associated with those building permits:	\$1,150,773.00
Total number of dollars collected for Building Permit Fees:	\$ 9,608.38
Construct - single family dwellings	1
Demo - single family dwellings	0

Flint Hills Mall CID for November	\$ 20,620.39
Year to Date Total	\$ 198,928.11

Consent Agenda

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

- a. Consider minutes of the Meeting held on December 2, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on December 4, 2020.
- c. Consider the Approval of November Budget.
- d. Consider Change Order No. 2 for the Industrial Park III Resurfacing & Drainage Improvement Project No. PV2004, KDOT Proj. No 56 KA-5730-01 (South Ave., Logan Ave., and Weaver St.)

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

**CITY COMMISSION
(Public Comment)**

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

**CITY COMMISSION
(Consider Amending City Code Section 16-266)
(Requiring Individuals to Wear Face Masks)
(Ordinance Number 20-34)**

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 20-34, was presented to the Governing Body for their consideration.

Jennifer Milbern, representing Lyon County Public Health, was recognized and addressed the Governing Body. She reviewed recent COVID-19 cases of illnesses, recoveries and reported death information for Lyon County. She 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.

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 December 22, 2020 at 11:59 p.m. This new ordinance proposal extends the expiration date to January 26, 2021 at 11:59 p.m. All other mask or face covering requirements pursuant to Sec. 16-266 would remain the same.

Commissioner Gilligan made a motion to approve Ordinance Number 20-34, an ordinance amending City Code Sec. 16-266, pertaining to face masks, extending the expiration date to January 26, 2021, at 11:59 p.m. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Board Appointments)**

Emporia Enterprises:

_____It was moved by Commissioner Gilligan, seconded by Commissioner Smith that Tyler Curtis be appointed to the Emporia Enterprises Board for a term that expires on December 31, 2023. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

Joint Metropolitan Planning Commission/Board of Zoning Appeals:

_____It was moved by Commissioner Geitz, seconded by Commissioner Gilligan that Chip Garrett be re-appointed to the Joint Metropolitan Planning Commission/Board of Zoning Appeals for a term that expires December 31, 2023. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Emporia Human Relations Commission:

_____It was moved by Commissioner Smith, seconded by Commissioner Gilligan that Roxanne VanGundy and Ray Mattas be appointed to the Human Relations Commission or terms that expire June 1, 2024. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**BUDGET
(2020 Budget Amendments)
(Public Hearing)
(Ordinance Number 20-35)**

AN ORDINANCE AMENDING THE 2020 BUDGET, to which the City Clerk assigned ordinance Number 20-35, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administration Services, was recognized and addressed the Governing Body. She stated a public hearing will need to be conducted to amend the 2020 Budget to increase spending authority and an

ordinance authorizing the increases. The 2020 Budget amendments are as follows:

Bond & Interest - increase budget authority to \$6,819,064 due to bond money \$4,419,611 being posted to Bond & Interest and then transferred to the appropriate project. Also paying \$1,000,000 of the water and sewer bond payments.

Library - increase budget authority to \$972,823 due to property tax, delinquent tax and motor vehicle collections coming in higher than budgeted.

Water - increase budget authority to \$8,529,913 due to bond money and reimbursement from the State Water loan deposited into the fund and then transferred to the project fund.

Wastewater - increase budget authority to \$7,090.667 due to reimbursement from the State wastewater loan deposited into the fund and then transferred to the project fund.

Mayor Giefer then declared the public hearing opened.

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

Commissioner Gilligan made a motion to approve Ordinance Number 20-35, an ordinance amending the 2020 Budget. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**EMPORIA MUNICIPAL AIRPORT
(Airport Runway Edge Lighting)
(Guidance Signs and Primary Wind Cone Replacement Design)
(Approve Contract with HW Lochner)**

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated the design for this project will include the replacement of the runway guidance signs, wind cone and PAPI lights. The runway lighting, guidance signs and wind cone will all be a part of the base bid of this project, and design costs will be reimbursed at 90% with the airport AIP grant from the FAA. The base bid design costs are \$81,500.00 with the city share at \$8,150.00. The estimated construction cost for this project is \$460,000.00. The PAPI lights will be a bid alternate and will

have to be paid in full by the city. The alternate design costs are \$8,500.00. He stated staff was recommending approval of the contract for the Airport Runway Edge Lighting, Guidance Signs and Primary Wind Cone Replacement Design with HW Lochner for \$90,000.00.

Following further discussion, Commissioner Geitz made a motion to approve the contract for the Airport Runway Edge Lighting, Guidance Signs and Primary Wind Cone Replacement Design with HW Lochner for \$90,000.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

ECONOMIC DEVELOPMENT
(Consider Community Improvement District Application)
(Letter of Recommendation from RDA)
(Potential Commercial Establishment)

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated this is to consider a Community Improvement District (CID) application for a potential new commercial establishment on the west side of Emporia. He stated the RDA Board of Directors approved and recommended the application be submitted to the Commission for review. Mr. Witt then reviewed the estimated dates to move forward with the CID Petition. He stated the recommendation is to move forward on CID recommendations from RDA for a potential commercial establishment.

It was the consensus of the Commission to move forward on the CID Petition.

PARK DEPARTMENT
(Proposal from ATHCO for Equipment)
(Consider Approval of the Purchase of Playground Equipment)
(Fremont Park)

City Manager McAnarney stated the City Commission has reviewed multiple projects in recent weeks that will improve the Emporia Park System. This particular improvement will replace existing playground equipment with modern poured in place surfacing. This project will be paid entirely from proceeds from the recent drawdown from the Lake Kahola Fund at the Emporia Community Foundation. He stated staff was recommending authorization of the

purchase of playground equipment from ATHCO, utilizing the Greenbush Cooperative, for Fremont Park in the amount of \$99,845.00.

Commissioner Geitz made a motion authorizing the purchase of playground equipment from ATHCO for Fremont Park in the amount of \$99,845.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**PARK DEPARTMENT
(Proposal from ATHCO for Equipment)
(Consider Approval of the Purchase of Playground Equipment)
(East Side Park)**

City Manager McAnarney stated the City has previously installed new playground equipment and poured-in-place surfacing in East Side Park. The proposed project will purchase a larger swing set and install additional poured-in-place surfacing. He stated there is approximately \$18,000.00 remaining in this project fund for playground improvements at East Side Park. This portion of the project will be paid entirely from proceeds from the recent drawdown from the Lake Kahola Fund at the Emporia Community Foundation. He stated staff was recommending authorization the purchase of a playground swing and additional poured-in-place surfacing for East Side Park from ATHCO, utilizing the Greenbush Cooperation in an amount not to exceed \$35,000.00.

Commissioner Gilligan made a motion authorizing the purchase of a playground swing and additional poured in place surfacing for East Side Park from ATHCO in an amount not to exceed \$35,000.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**PARK DEPARTMENT
(Authorize Improvements at Veteran's Memorial Park)**

City Manager McAnarney stated the City has previously worked with the Veterans Group on multiple improvements to the Veteran's Memorial in Soden's Grove. This next phase will involve the construction of a loop of concrete

sidewalk, landscaping and the placement of additional monuments. He stated at the present time there are several monuments that are finished and need to be installed. The Veteran's Group has agreed to raise up to \$60,000.00 as a match for this next phase of the project. He stated the city portion of the project will be paid entirely from proceeds from the recent drawdown from the Lake Kahola Fund at the Emporia Community Foundation. He stated staff was recommending authorizing the next phase of the Veteran's Memorial project in an amount not to exceed \$135,000.00.

Commissioner Brinkman made a motion authorizing the next phase of the Veteran's Memorial Park project in an amount not to exceed \$135,000.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

ECONOMIC DEVELOPMENT
(Memorandum of Understanding)
(Evergy Kansas Central, Inc.)

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated Evergy has purchased the property at 600 Road 180 and intends to build a service center at that location. Under this Memorandum of Understanding, the City will extend sanitary sewer and pave Road 180 in the area directly adjoining the Evergy property. She stated a portion of the paving costs may be paid for by a KDOT Access Management Program Grant. Evergy will reimburse the City up to \$360,000.00 of the City's cost of paving and sanitary sewer extension. Evergy will also provide a letter voluntarily annexing this property as well as the property located at 800 Road 190. Evergy expects to complete the facility by the end of 2022 with an in-service date during the first quarter of 2023. She stated staff is recommending approval of the Memorandum of Understanding and authorizing the Mayor to sign the MOU.

Commissioner Geitz made a motion to approve the Memorandum of Understanding with Evergy and authorize the Mayor to sign the MOU. Commissioner Gilligan seconded the motion. The vote follows: Commissioner

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

**ECONOMIC DEVELOPMENT
(Memorandum of Understanding)
(Emporia Enterprises)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Emporia Enterprises intends to purchase the distribution center located at 3601 W. 6th Avenue for \$650,000.00 to promote economic development in the City. Emporia Enterprises has requested that the City provide funding for the purchase of the property. Emporia Enterprises will manage the property, market it for sale, and provide yearly updates to the City Commission. Net proceeds from the sale of the property will be remitted back to the City. She stated the Memorandum of Understanding details the agreement between the parties. She stated staff is recommending approval of the Memorandum of Understanding and authorize the Mayor to sign the MOU.

Commissioner Geitz made a motion to approve the Memorandum of Understanding with Emporia Enterprises and authorize the Mayor to sign the MOU. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**BONDS
(Authorize Issuance of General Obligation Bonds)
(Purchase Building at 3601 W. 6th Ave. -\$650,000.00)
(Ordinance Number 20-36)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO FUND AND FACILITATE THE PURCHASE OF A COMMERCIAL BUILDING TO BE USED IN THE CITY'S ECONOMIC DEVELOPMENT EFFORTS AS DESCRIBED HEREIN AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF, to which the City Clerk assigned Ordinance Number 20-36, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this ordinance will authorize the issuance of general

obligation bonds up to \$650,000.00 to fund the purchase by Emporia Enterprises of the commercial building located at 3601 W. 6th Avenue to be used in the City's economic development efforts. She stated staff is recommending approval of the ordinance to issue general obligation bonds to fund the purchase of commercial building.

Commissioner Gilligan made a motion to approve Ordinance Number 20-36, an ordinance authorizing the issuance of General Obligation Bonds to fund the purchase of commercial building at 3601 W. 6th Avenue. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, 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 DECEMBER 30, 2020 @ 10:00 A.M.

Discuss Update of Firework Ordinance

SPARK Update

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information of a private business and to invite Special Project Manager, Jim Witt from 7:48 p.m. to 7:58 p.m., in the City Commission Meeting Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 7:58 p.m., this

same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed proprietary information of a private business and no action was taken.

Commissioner Gilligan then made a motion to adjourn to December 30, 2020 at 10:45 a.m. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk