

COMMISSION MEETING**1:30 P.M.****FEBRUARY 3, 2021**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, February 3, 2021, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Brinkman, Giefer, and Smith present. Commissioner Geitz was present via phone. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City, and City Attorney Montgomery.

Consent Agenda

It was moved 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 January 20, 2021.
- b. Consider ratification of Payroll Ordinance for the periods ending on January 15 and January 29, 2021.
- c. Consider Set Bid Time and Date to receive bids for New Wheel Loader for the Transfer Station.
- d. Consider Set Bid Time and Date to receive bids for the 2021 Hazardous Sidewalk Project.

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

Jose Feliciano, Director of Alumni Relations and Braydon Soper, Associated Student Government President for Emporia State University, were in attendance to accept a proclamation recognizing February 19, 2021 as "Emporia State University Day" in Emporia. He stated Emporia State University continually strives to thrive in and embrace an ever-changing, diverse world in providing programs for students and community members to gain a sense of respect and responsibility to advance the common good of

our state, nation, and world. Lyon County, the City of Emporia, and Emporia State University continue to build a University Community that strives for excellence in presenting campus and community opportunities, and commits to service to positively impact our campus and local communities. They urged all Emporians to join in the celebration of the 158th anniversary on Founders' Day of Emporia State University.

Mayor Gilligan then presented the proclamation.

Dee Schwinn, representing the Friends of the Emporia Public Library, was in attendance to publicly thank the City of Emporia for supporting the library. She stated it has been a rough year for the library but staff worked hard to maintain services for the community. She stated the constant city support during this past year has been the City Manager, Mark McAnarney. For that reason, the Friends of the Library has chosen Mark McAnarney as the "Super Friend for 2020". As a small token of appreciation he may choose a book that will be purchased for the library in his name; and a lifetime membership, and paper weight in his honor.

CITY COMMISSION
(Creation of Community Improvement District (CID)- Flint Hills Crossing)
(Public Hearing)

Jim Witt, Special Project Manager, was recognized and addressed the Governing Body. He stated this is the required statutory hearing under Kansas law. Notices were published and sent to the required landowners as required by statute.

Mayor Gilligan then declared the public hearing open.

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

CITY COMMISSION
(Creating a Community Improvement District for Flint Hills Crossing)
(Ordinance Number 21-02)

AN ORDINANCE CREATING THE FLINT HILLS CROSSING COMMUNITY IMPROVEMENT DISTRICT IN THE CITY OF EMPORIA, KANSAS AND AUTHORIZING THE LEVY OF A COMMUNITY IMPROVEMENT DISTRICT RETAILERS' SALES TAX TO BE COLLECTED WITHIN

THE DISTRICT, to which the City Clerk assigned Ordinance Number 21-02, was presented to the Governing Body for their consideration.

Jim Witt, Special Project Manager, was recognized and addressed the Governing Body. He stated this ordinance creates the Community Improvement District for the Flint Hills Crossing, subject to the approved development agreement, and sets forth the legal requirements necessary to implement the CID through the Kansas Department of Revenue. He stated the owners of the Flint Hills Crossing CID have made an application for a 1% sales tax overlay on their property adjacent to the Kansas Turnpike. The application was reviewed in accordance with City policies and was recommended by the Regional Development Associate of East Central Kansas. The maximum term of a CID is twenty-two years. Funds collected from the CID overlay will be used for infrastructure adjacent to the site primarily storm drainage and the construction of a new roadway connecting Graphic Arts to the north round-a-bout. Projected costs of the improvement is 1.7 million dollars with 50% being derived from the CID collected on the site. The public hearing was held in accordance with Kansas law and staff recommends approval of the CID subject to the approval of the development agreement. He stated this ordinance would not be published until the development agreement has been received.

Commissioner Smith made a motion to approve Ordinance Number 21-02, an ordinance creating the Flint Hills Crossing Community Improvement District and authorizing the levy of a CID retailers' sales tax to be collected within the district, subject to the approved development agreement. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

POLICE DEPARTMENT
(Equipment Purchase - Police Vehicles)
(Bids)

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated bids were received for two new police vehicles. The old vehicles will be transferred down to other departments in order to

get as extended life as possible from each vehicle. The City has disposed of trade-in vehicles earlier this year through Purple Wave Auctions and will do the same this summer. The 2021 budget for replacing two police vehicles is \$114,000.00. The bids are as follows:

BID TABULATION 2021 POLICE VEHICLES

Year Make Model	John North Ford 3002 W. Hwy 50 Emporia, KS	Longbine Auto 3012 W. Hwy 50 Emporia, KS	Emporia Motors 1815 W. Hwy 50 Emporia, KS
	BID	BID	BID
2021 Ford Interceptor	\$34,486.00		
Hybrid	\$37,638.00		
2021 Ford F150 Pickup	\$29,990.00		
2021 Chevy Tahoe		\$39,524.96	
2021 Chevy Silverado Pickup		No Bid	
2021 Dodge Durango			No Bid
2021 Dodge Ram Pickup			No Bid

He stated in a memo from Interim Chief Ed Owens, the Police Department patrol division consists of AWD Ford Interceptor SUV's. The Supervisor vehicles have become full of extra equipment needed in day to day operations. A request for two Ford F150 pickups for a total of \$59,980.00 would alleviate some issues as far as space allowed for equipment. It would save the CIP allowance \$8,992.00 compared to the standard Ford SUV Interceptor for police vehicles this year. The remaining balance of approximately \$63,000.00 would be used to outfit the patrol vehicles as in the past years. Staff was recommending the purchase of two new 2021 Ford F150 Pickups for a total of \$59,980.00 to John North Ford.

Commissioner Brinkman made a motion to award the bid for two new 2021 Ford F150 Pickups for a total of \$59,980.00 to John North Ford. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

WATER TREATMENT PLANT
(Consider Approval of Agreement with Municipal H20)
(Risk and Resiliency Plan)
(Emergency Response Plan)

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated America's Water Infrastructure Act requires all water treatment facilities which service more than 3,300 people to develop a Risk and Resiliency Plan which considers the risks to the water system from malevolent acts and natural hazards. He stated the law also requires an Emergency Response Plan for the water system to be developed based on the results of the Risk and Resilience Assessment. He stated staff is recommending the approval of the agreement with Municipal H20 to prepare the Risk and Resilience Plan and the Emergency Response Plan for the Water Treatment Plant in the amount of \$24,500.00. If approved Municipal H20 will ensure the Risk and Resilience Assessment is certified to the EPA prior to the June 30, 2021 deadline and that the Emergency Response Plan is completed and certified within six months after certification of the Risk and Resilience Assessment.

Commissioner Smith made a motion to approve the agreement with Municipal H20 to prepare the Risk and Resiliency Plan and the Emergency Response Plan in the amount of \$24,500.00. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

MUNICIPAL COURT
(Amendments to City Code - Hosting Minors Consuming Alcohol)
(Ordinance Number 21-03)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO ALCOHOL; AMENDING CITY CODE SECTION 4-49 HOSTING MINORS CONSUMING ALCOHOL, to which the City Clerk assigned Ordinance Number 21-03, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated City Code Section 4-49 makes it illegal for a person to allow a guest who is a minor to consume alcohol while on property owned or

occupied by the host. City Court Staff has requested the City Commission update the code section to add a definition for the term "minor" to mean any person under 21 years of age in conformity with K.S.A. 21-5608. She stated staff was recommending approval of ordinance.

Commissioner Smith made a motion to approve Ordinance Number 21-03, an ordinance pertaining to alcohol amending City Code Section 4-40 Hosting Minors Consuming Alcohol. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Memorandum of Understanding with Emporia County Club)
(Pickleball Project)

Assistant City Manager Massey, was recognized and addressed the Governing Body. He stated as previously discussed the City Commission requested staff work on potential park projects. The Emporia Country Club will donate property for the construction of a new pickleball court. A local group of pickleball players has asked the City to consider building new pickleball courts. He stated the pickleball group has committed to raising \$60,000.00 in private donations towards the project. The estimated cost of the project is \$300,000.00, less the private donations of \$60,000.00, bring the net cost to the City of \$240,000.00. The city's share of this project will be paid for from the Kahola Lake Fund. This Memorandum of Understand with Emporia Country Club is for the donation of property for the construction of a new pickleball facility as follows: The City will establish the pickleball courts as part as the park system. The Emporia Country Club will grant a parking easement to the City which will include public parking stalls for use by park patrons with at least one disabled parking stall. Signage will be placed in parking lot and near the entrance of the parking lot indicating the location of public parking stalls. Ingress/egress easements will be grants for driving access to parking stalls and walking access between parking stalls and City park

area. City will develop and construct pickleball courts and sidewalk in donated area. Emporia Country Club will provide snow removal from parking stalls. City agrees to grant a right of first refusal to Emporia Country Club for the donated property. Emporia Country Club agrees to grant a right of first refusal to the City for purchase of any portion of the adjacent property owned by the Country Club. He stated staff was recommending approval of the 2021 Pickleball Project in an amount not to exceed \$300,000.00 and authorized the Mayor to sign the Memorandum of Understanding with Emporia Country Club.

Commissioner Smith made a motion to approve the 2021 Pickleball Project in an amount not to exceed \$300,000.00 and authorize the Mayor to sign the Memorandum of Understanding with Emporia Country Club and all necessary documents. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Consider Real Estate Donation Agreement from Emporia Country Club)
(Pickleball Project)

Assistant City Manager Massey, was recognized and addressed the Governing Body. He stated the Real Estate Donation Agreement memorializes the City's acceptance of real estate donated by the Emporia Country Club for use as a City park for the 2021 Pickleball Project. He stated staff is recommending approval of the Real Estate Donation Agreement and authorize the Mayor to sign all necessary documents.

Commissioner Brinkman made a motion authorizing the Mayor to sign the Real Estate Donation Agreement from Emporia Country Club for the 2021 Pickleball Project. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, 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 FEBRUARY 10TH STUDY SESSION @ 9:00 A.M.

Annual Report for Land Bank.

Review RHID Policies.

Post Construction Stormwater Ordinance Discussion.

Discuss Development of Skateboard Park on South Ave.

CUP for Emporia Men's Shelter.

Disposal of Parks Discussion.

Emporia/Lyon county Metro Committee.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session to discuss potential land acquisition for future development and to invite Special Project Manager, Jim Witt from 2:00 p.m. to 2:30 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 2:30 p.m., this same date, in the City Commission Meeting Room, Commissioner Giefer made a motion to continue the Executive Session discussion with all the same people from 2:30 p.m. to 2:50 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye. Commissioner Geitz was no longer via phone.

Upon reconvening the meeting in Regular Session, at 2:50 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they

had discussed potential land acquisition for future development and no action was taken.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk