

COMMISSION MEETING**1:30 P.M.****APRIL 7, 2021**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, April 7, 2021, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Brinkman, Geitz, Giefer, and Smith present. Also present were Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery. City Manager McAnarney was absent.

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on March 17, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on March 26, 2021.
- c. Consider Set Bid Time and Date for the 2021 Street Rehab Project No. PV2102 and South Exchange Street Project No. PV2009.

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

Erika Martin, Assistant Professor at ESU, was in attendance to accept a proclamation declaring April 22, 2021 as "Earth Day" in Emporia. Earth Day originated on April 22, 1970 and was declared an international event on April 22, 1990. Annually some 180 countries, with the participation of over 4,000 separate organizations celebrate. Individuals and institutions have a mutual responsibility to seek ecological, economical, and ethical choices that enable the world to establish and maintain sustainable societies. Citizens were urged to celebrate Earth Day and remind each person of their right and responsibility to the wise use of this global home, to heal preserve and improve the Earth and the quality of life for this and future generations, and to approach every day as an Earth Day.

Mayor Gilligan then presented the proclamation.

Representatives of S.O.S., Inc., and Kansas Children's League, were in attendance to accept a proclamation declaring the month of April as "National Child Abuse and Neglect Prevention Month" in Emporia. Child abuse and neglect are serious problems affecting every segment of our community, and finding solutions requires input and action from everyone in our community. Child abuse can have long-term psychological, emotional, and physical effects that can have lifelong consequences for victims of abuse. By providing safe, stable and nurturing relationships for our children, free of violence, abuse and neglect, we can ensure that Kansas' children will grow to their full potential as the next generation of leaders. Working together as a community we can increase awareness about child abuse and contribute to promoting the social and emotional well-being of children and families in a safe, stable, nurturing environment. The citizens of Emporia were urged to recognize this month by dedicated to the task of improving the quality of life for all children and families.

Mayor Gilligan then presented the proclamation.

Roxanne VanGundy, Director of Lyon County Emergency Communications, was in attendance to accept a proclamation declaring the week of April 11 through 17, 2021 as "National Public Safety Telecommunicators Week" in Emporia. When emergencies occur the prompt response of police officers, firefighters, and paramedics is critical to the protections of life and preservation of property. Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services. Public Safety Telecommunicators of the Lyon County Emergency Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients. National Public Safety Telecommunicators Week is to honor the men and women whose diligence and professionalism keep our city and citizens safe.

Mayor Gilligan then presented the proclamation.

Josh Nelson, City Horticulturist, was in attendance to accept a proclamation declaring April 30, 2021, as "Arbor Day" in Emporia. Arbor Day was first observed with the planting of more than a million trees in

Nebraska and Arbor Day is observed throughout the nation and the world. Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife. Trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community. He urged all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and to plant trees to gladden the heart and promote the well-being of this and future generations.

Mayor Gilligan then presented the proclamation.

PARK DEPARTMENT

**(Kansas Department of Wildlife, Parks and Tourism)
(2021 Annual Operation and Maintenance Assurance Statement)**

Assistant City Manager Massey state the City of Emporia has worked with the Kansas Department of Wildlife, Parks and Tourism for several projects which include projects in Jones Recreation Park, concession/restroom development and C of E Park Improvements. He stated this agreement is required on an annual basis and staff is recommending approval for 2021.

Commissioner Smith made a motion authorizing the Mayor to sign the 2021 Annual Operation and Maintenance Assurance agreement with the Kansas Department of Wildlife, Parks and Tourism. 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
(Board Appointments)**

MULTI-USE PATH PLANNING BOARD:

It was moved by Commissioner Geitz, seconded by Commissioner Brinkman that Andrew Kraft be appointed to the Multi-Use Path Planning Board for a term that expires April 7, 2024. The vote follows: Commissioner Geitz,

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

MAIN STREET BOARD:

It was moved by Commissioner Smith, seconded by Commissioner Geitz that Aaron Otto be appointed to the Main Street Board for a term that expires July 1, 2024. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

JOINT METROPOLITAN PLANNING COMMISSION/BOARD OF ZONING APPEALS:

It was moved by Commissioner Giefer, seconded by Commissioner Geitz that Dan Colson, Brian DeWitt and Ken Weaver be appointed to the Joint Metropolitan Planning Commission/Board of Zoning Appeals for terms that expire April 7, 2024. The vote follows: Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**MUNICIPAL AIRPORT
(Equipment Purchase - Aircraft Refueler)
(Bid)**

Tim Frevert, Purchasing Agent, was recognized and addressed the Governing Body. He stated one bid was received for the purchase of a new aircraft refueler. The current avgas refueler is a 1986 Chevy series 70 chassis. The engine is an 8-cylinder gas engine and a four-speed manual transmission. It has a two compartment (1000 gallon each) steel tank on back for a total capacity of 2000 gallons. It is equipped with two hose reels and metering registers that measure 1/10 gallons. The pumps are operated with two in the cab PTO's. The vehicle is 35 years old and jet fuel sales are a major source of income for the airport. He stated three requests for bid were sent out and only one bid was received. The bid from Westmor offered two bids, one for a PTO driver pump for \$124,950.00; and one for a 12 volt driven ump for \$114,900.00. The PTO driven pump is what

was specified and is preferred by the Airport. The price does not include a trade-in. The old unit will be sold on Purple Wave once the new truck arrives. He stated the budgeted amount for this purchase is \$175,000.00 and this will be a bonded item. He stated staff is recommending the purchase for one new aircraft refueler to Westmor Fluid Solution for \$124,950.00.

Commissioner Geitz made a motion to award the purchase of a 1,000 gallon avgas refueler to Westmor Fluid Solutions for a total of \$124,950.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

ACCOUNTING
(Governing Finance Officers Association - GFOA)
(Certificate of Achievement)

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated this was the thirty-fifth year in a row that the Government Finance Officer Association of the U.S. and Canada have awarded their Certificate of Achievement for Excellence in Financial Reporting to the City of Emporia. This award is for the financial report ending December 31, 2019. To receive this award, the governmental unit must publish a financial report that is easy to read, efficiently organized, comprehensive and whose contents conform to program standards. The report must satisfy both generally accepted accounting principles and applicable legal requirements. Other members of the Finance Department for the City of Emporia are: Tammy Hopper Accounting Clerk and Chelsea Tyson, Accounting Clerk.

The Commission thanked the Finance Department for the continued efforts in receiving this prestigious award.

ECONOMIC DEVELOPMENT
(Glendo LLC - Tax Exemption on Real Property Improvements)
(Public Hearing)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the City Commission had previously approved an Incentive Compliance Agreement to exempt property taxes on the 2019-20 real property improvements associated with the Glendo LLC business expansion. The agreement provided for a ten-year property tax exemption on the real property associated with the expansion. She stated Glendo LLC has completed the expansion project and met the criteria that was established by the City Commission in the Incentive Compliance Agreement.

Mayor Gilligan then declared the public hearing opened.

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

ECONOMIC DEVELOPMENT
(Glendo LLC - Tax Exemption on Real Property Improvements)
(Ordinance Number 21-09)

AN ORDINANCE EXEMPTING CERTAIN PROPERTY FROM AD VALOREM TAXATION FOR ECONOMIC DEVELOPMENT PURPOSES IN EMPORIA, LYON COUNTY, KANSAS, to which the City Clerk assigned Ordinance Number 21-09, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 21-09, an ordinance exempting certain property from ad valorem taxation of the real property improvements associated with 2019-20 business expansion of Glendo LLC. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(600 and 900 Blocks of Commercial Street)
(Dynamic Disc Open Event)
(Ordinance Number 21-10)

AN ORDINANCE EXEMPTING AN AREA IN THE 600 BLOCK AND THE 900 BLOCK OF COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE DYNAMIC DISCS OPEN EVENT MAY 1, 2021, to which the City Clerk assigned Ordinance Number 21-10, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Dynamic Discs and Bourbon Cowboy request permission to host a beer garden in connection with the Dynamic Discs Open Event in the 600 and 900 blocks of Commercial Street on May 1, 2021 between the hours of 5:00 p.m. and 10:30 p.m. The beer garden will be enclosed by City fencing on a location approved by the Chief of Police and the applicant will be required to meet City and state requirements for alcohol sales.

Doug Bjerkaas, representing Dynamic Discs was recognized and addressed the Governing Body. He stated this event will also follow recommendations from the Lyon County Health Department for mask wearing and attendance.

Commissioner Giefer made a motion to approve Ordinance Number 21-10, an ordinance exempting the 600 block and 900 block of Commercial Street from the prohibition of the sale and consumption of alcoholic beverages for the Dynamic Discs Open Event on May 1, 2021. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye. Commissioner Brinkman abstained from the vote.

CITY COMMISSION
(Amending City Code Sec. 4-108 - Pertaining to Business Regulations)
(Drinking Establishments, Private Club and Caterer)
(Ordinance Number 21-11)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, PERTAINING TO DRINKING ESTABLISHMENTS, PRIVATE CLUBS, AND CATERERS AND AMENDING CITY CODE SECTION 4-108; BUSINESS REGULATIONS, to which the City Clerk assigned Ordinance Number 21-11, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated City Code Sec. 4-108 currently prohibits drinking establishments from serving, mixing, or allowing consumption of alcohol between the hours of 2:00 a.m. and 9:00 a.m. This ordinance proposal modifies that prohibition to the hours of 2:00 a.m. and 6:00 a.m. The proposed ordinance authorizes drinking establishments to begin serving, mixing and allowing consumption of alcohol three hours earlier and will bring City Code into conformity with K.S.A. 41-2614 and 41-2615. She stated the ordinance proposal also includes language clarifying requirements for hotel mini-bars and regulations relating to underage possession and consumption of alcohol on licensed premises.

Commissioner Geitz made a motion to approve Ordinance Number 21-11, an ordinance pertaining to drinking establishments, private clubs and caterers. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye. Commissioner Brinkman abstained from the vote and Commissioner Smith abstained from the vote.

CITY COMMISSION

**(Consider Amending City Code Section 16-266)
(Requiring Individuals to Wear Face Masks)
(Ordinance Number 21-12)**

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 21-12, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated City Code Sec. 16-266 requiring individuals to wear face mask or other face coverings in certain circumstances is scheduled to expire April 10, 2021 at 11:59 p.m. This ordinance proposes an extension of the provisions of Sec. 16-266 until amended, superseded, or rescinded. She stated currently the County has a public health order that will remain in effect until amended, superseded or rescinded by the County. She stated this proposed ordinance would follow the County's order.

Mayor Gilligan stated he felt the proposed ordinance should have an end date of June 12, 2021. He stated there are several big events that will be taking place in Emporia bringing in large crowds of people.

Commissioner Smith stated she felt extending the mask requirement would help keep our community safe.

Commissioner Giefer stated he did not agree with extending the City's mask requirement since the county has a public health order already in place.

Following further discussion, Mayor Gilligan made a motion to approve Ordinance Number 21-12, an ordinance amending City Code Sec. 16-266, pertaining to face masks until amended, superseded or rescinded. Commissioner Smith seconded the motion. The vote follows: Mayor Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, nay; Commissioner Geitz, nay; and Commissioner Giefer, nay. The ordinance failed to pass.

**CITY COMMISSION
(Assistant 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 APRIL 14TH STUDY SESSION @ 9:30 A.M.

Discuss Annual Financial Update - Greg Vahrenberg.

Discuss Agreement with Animal Shelter.

Discuss Urban Growth Area Agreement.

Review Housing Policy Draft.

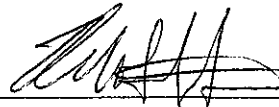
Overview of Brownstone Development TIF/CID.

EXECUTIVE SESSION

Commissioner Geitz made a motion to adjourn into Executive Session to discuss proprietary information of a new business in the City of Emporia and to invite Special Project Manager, Jim Witt, from 2:20 p.m. to 2:35 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

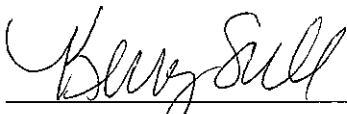
Upon reconvening the meeting in Regular Session, at 2:35 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed proprietary information of a new business in the City of Emporia and no action was taken.

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



Robert F. Gilligan, Mayor

ATTEST:



Kerry Sull, City Clerk

