

COMMISSION MEETING**7:00 P.M.****MAY 19, 2021**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, May 19, 2021, with Mayor Gilligan presiding and Commissioners Brinkman and Smith present. Commissioner Geitz and Giefer were absent. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

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 April for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2020	2021	
	\$385,066.14	\$405,026.43	Increase of \$19,960.29 for the month, and
YTD	\$ 1,634,093.72	\$1,682,955.63	Overall increase of 2.99% from year 2020

2. City Share from County Tax

	2020	2021	
	\$193,979.70	\$206,929.84	Increase of \$12,950.14 for month, and
YTD	\$ 834,807.27	\$ 851,787.29	Overall increase of 2.03% from year 2020

3. **Building Permits issued from 4/1/2021 to 4/30/2021 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	104
Total of valuations associated with those building permits:	\$ 6,922,064.00
Total number of dollars collected for Building Permit Fees:	\$ 26,403.00
Construct - single family dwellings	0
Demo - single family dwellings	0
Flint Hills Mall CID for April	\$ 12,117.22
Year to Date Total	\$ 63,213.34

Consent Agenda

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

- a. Consider minutes of the Meeting held on May 5, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on May 7, 2021.
- c. Consider the Approval of April Budget.
- d. Consider Change Order No. 1 for the 30th Avenue Construction Project (PV2006).

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

Mark Schondelmaier and Daphne Mertens, representing the Multi-Use Path Planning Board (MUPP), were in attendance to accept a proclamation declaring May 30, through June 5, 2021, as "Walk Run & Bike Week" in Emporia. They stated June 1 to June 5, Emporia will once again be the host to the Garmin UNBOUND Gravel bike race which is one of North America's premier, annual, ultra-endurance cycling challenges. This year's event will include the rides of 25, 20, 100, 200 and 350 miles and the High School event. They stated this event has nearly 3,000 participants and more than 10,000 supporters to visit our City. They stated the Multi-Use Path Planning Board encourages the residents of Emporia to follow the example of our bicycling visitors and get up get out and walk, run, or bicycle as exercise leads to a healthy lifestyle and reduces illnesses related to a sedentary life.

Mayor Gilligan then presented the proclamation.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(David Traylor Zoo)
(EFOZ Fundraiser - Night in the Wild Event)
(Ordinance Number 21-18)**

AN ORDINANCE AUTHORIZING THE SALE OF ALCOHOL AT THE DAVID TRAYLOR ZOO IN THE CITY OF EMPORIA FOR THE NIGHT IN THE WILD SPECIAL EVENT JUNE 18, 2021, to which the City Clerk assigned Ordinance Number 21-18, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the Emporia Friends of the Zoo and Josh Williams with Trolley House Distillery request permission to host a beer garden in connection with the Night in the Wild private fundraising event at the David Traylor Zoo, on June 18, 2021 from 5:00 p.m. to 8:00 p.m.

Lisa Keith, Zoo Director, was recognized and addressed the Governing Body. She stated the Friends of the Zoo are having the first ever event Night in the Wild fundraiser that helps support the Zoo's mission of providing an environment and recreational opportunity for learning about nature and conservation. She stated event goers will stroll the Zoo and have a meet and greet with some of the ambassador animals before the evenings activities. There will be a auction and entertainment along with food and a bar provided by Trolley House Distillery.

Commissioner Smith made a motion to approve Ordinance Number 21-18, an ordinance authorizing the sale of alcohol at the David Traylor Zoo for the Night in the Wild Special Event on June 18, 2021. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Consider Memorandum of Understanding)
(Stand Up Electric Scooters)
(Bird Rides, Inc.)

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Bird Rides, Inc. has requested a Memorandum of Understanding (MOU) with the City allowing deployment of electric scooters in Emporia. She stated the MOU includes provisions addressing operations, management, safety, parking and liability. She stated final approval will be given by the Chief of Police hours of operation, parking management and safety considerations. She stated this agreement shall remain in effect until June, 2022 unless

terminated as set forth. The electric scooters will be operational after the Bird app is downloaded. Terms of use, age verification, credit card information and riding tutorials will be received through the app. She stated it will take a few weeks before the scooters will be ready to launch.

Following further discussion, Commissioner Brinkman made a motion to approve the Memorandum of Understanding with Bird Rides, Inc. for electric scooters and authorize the Mayor to sign. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Consider Amending City Code Sections 25-93 and 25-04)
(Pertaining to Bicycles and Electric Assisted Scooters)
(Ordinance Number 21-19)

Commissioner Brinkman made a motion to table this item to May 26, 2021. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Amend 2019 Standard Traffic Ordinance)
(City Code Section 25-21 - Electric Assisted Scooter Provision)
(Ordinance Number 21-20)

Commissioner Brinkman made a motion to table this item to May 26, 2021. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

INDUSTRIAL REVENUE BONDS
(Woodco, Inc.)
(Whittier Place II, L.P. and Whittier Place II MR, LLC)
(Resolution Number 3644)

City Manager McAnarney stated Woodco, Inc., requested the city issue Industrial Revenue Bonds for the housing project in Emporia. The project entails the construction of two 24-unit residential

apartment buildings located at 1300 Wittier Place Lane at an estimated cost of \$6,300,000.00. He stated the adoption of the resolution and the issuance of the Industrial Revenue Bonds will allow the developer to receive a sales tax exemption on the purchasing, acquiring, constructing, furnishing and equipping the two 24-unit residential apartment buildings. He stated the developer will be responsible for all expenses associated with the issuance of the Industrial Revenue Bonds and the city will have no liability for the repayment of the IRB's.

Commissioner Smith made a motion to approve Resolution Number 3644, a resolution indicating the intent of the Governing Body to issue Taxable Industrial Revenue Bond in the approximate amount of \$6,300,000.00 for the purpose of purchasing, acquiring, constructing, furnishing and equipping two 24-unit residential apartment building and related space in Emporia, Kansas. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; and Mayor Gilligan, aye.

**INDUSTRIAL REVENUE BONDS
(Citizens National Plaza & Lofts, LLC)
(Emporia Downtown Plaza, LLC and Preston Plaza & Lofts, LLC)
(Public Hearing)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated in accordance with Kansas Statutes, the City of Emporia is required to give public notice and conduct a public hearing in conjunction with the granting a tax exemption relating to issuance of Industrial Revenue Bonds. The bonds proposed to be issued in an estimated amount not exceeding \$6,972,727.08 to finance the costs of purchasing, acquiring, constructing, furnishing and equipping two mixed use buildings containing residential apartment and commercial suites at 529 Commercial Street and 528 Merchant Street. The public notices have been sent to the other governmental agencies and a notice has been published.

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.

**INDUSTRIAL REVENUE BONDS
(Citizens National Plaza & Lofts, LLC)
(Emporia Downtown Plaza, LLC and Preston Plaza & Lofts, LLC)
(Resolution Number 3645)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated City Commission previously adopted Resolution Number 3617 on January 16, 2019 indicating its intent to issue Industrial Revenue Bond in the approximate of \$6,500,000.00 for the Citizens National Plaza & Lofts and Preston Plaza & Lofts Projects. Project costs have exceeded estimates and this proposed resolution amends Resolution Number 3617 increasing the approximate principal bond amount of \$6,972,727.08 and authorizing the approval of items purchased with the Industrial Revenue Bonds to be tax exempt for up to ten years.

Commissioner Brinkman made a motion to approve Resolution Number 3645, a resolution authorizing the Governing Body to exempt certain property acquired with the proceeds of Industrial Revenue Bonds for the Citizens National Plaza & Lofts and Preston Plaza & Lofts Projects. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, 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 MAY 26TH STUDY SESSION 10:00 A.M.

Discuss Revenue Neutral Rate.

CIP Review.

Discuss Water Tap Fees.

Discuss w/Commission Budget.

Discuss Agreement with Animal Shelter.

Discuss Becker Addition.

Discuss REG ICA Termination.

Wage Scale Discussion.

Discuss Park Activities/Grant.

Commissioner Smith then made a motion to adjourn the meeting to May 26th at 9:30 a.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; and Mayor Gilligan, aye.

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk