

COMMISSION MEETING**1:30 P.M.****JUNE 2, 2021**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, June 2, 2021, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Brinkman, Geitz, Giefer, and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

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 Regular Meeting held on May 26, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on May 21, 2021.
- c. Consider Set Bid Time and Date for the KDOT CCLIP Surface Preservation, FY 2022, Project No. 56 U-2389-01, (6th Ave.) from Neosho St. to Mechanic St.
- d. Consider Change Order No. 2 for the 30th Avenue Construction Project (PV2006).

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

Lisa Keith, Zoo Director, and Erren Harter, representing EFOZ, were in attendance to accept a proclamation designating the month of June, 2021 as "Zoo Month" in Emporia. They stated the Zoological Parks and Aquariums of North America serve the needs of both humans and wildlife by brining them together in a unique setting. They help build awareness, understanding, concern and a sense of stewardship for wildlife and the

environment. They urged all citizens to visit the David Traylor Zoo of Emporia to experience firsthand the wonders of nature and our environment offered by the Zoo.

Mayor Gilligan then presented the proclamation.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(4th Ave. b/w Merchant St. & Commercial St.)
(City Parking Lot at 4th Ave. & Commercial St.)
(Big on the Block Event)
(Ordinance Number 21-19)**

AN ORDINANCE EXEMPTING FOURTH AVENUE BETWEEN MERCHANT STREET AND COMMERCIAL STREET AND THE PARKING LOT SOUTH OF 405 COMMERCIAL STREET IN THE CITY OF EMPORIA, KANSAS, FROM THE PROHIBITION ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES, to which the City Clerk assigned Ordinance Number 21-19, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated Town Royal and Big Brothers Big Sisters request a temporary exemption from the prohibition on the sale and consumption of alcoholic beverages for the Bid on the Block event to be held on June 26, 2021. The requested exemption is for 4th Avenue between Merchant Street and Commercial Street and the parking lot south of Town Royal at 405 Commercial Street from 4:00 p.m. to 1:00 a.m. She stated all alcoholic beverages shall remain within City fencing with final approval by the Chief of Police and Town Royal must meet all city and state licensing requirements for alcohol sales.

Commissioner Brinkman made a motion to approve Ordinance Number 21-19, an ordinance exempting the sale and consumption of alcoholic beverages for the Big on the Block Event on June 26, 2021. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

ENGINEERING

(Consider Utility Easement from Evergy and USD #253)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated this is to consider accepting a permanent utility easement between the City of Emporia and USD #253, mostly along Rindom Road to serve Riverside Elementary and Early Childhood Development Center. He stated the utility easement was presented to the City for approval upon request from Evergy and USD #253. The permanent utility easement will allow construction and maintenance of utilities along Rindom Road that would serve Riverside Schools.

Following further discussion, Commissioner Smith made a motion to accept the new permanent utility easement from USD #253. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

WATER SERVICE

**(Consider Amending City Code Pertaining to Municipal Water Works)
(Increase of Water Tap Fees)
(Ordinance Number 21-20)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO MUNICIPAL WATER WORKS; AMENDING SECTION 28-18, 28-20, 28-21, AND 28-22 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 21-20, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated the City of Emporia's water and sewer tap fees have remained unchanged for the last 12 years. Due to significant increase in the cost of materials staff have updated the current cost to perform a tap. After recent discussions with the Commission staff have drafted an ordinance to reflect the new tap fees as follows:

\$ 550.00 for a 5/8" meter by tapping main with 1" tap.

\$ 575.00 for a 3/4" meter by tapping main with 1" tap.

\$ 1,200.00 for a 1" meter by tapping main with 1" tap.

\$ 1,200.00 for a 1 1/4" meter by tapping main with 2" tap.

\$ 1,200.00 for a 1 1/2" meter by tapping main with 2" tap.

\$ 1,639.00 for a 2" meter by tapping main with 2" tap.

\$ 2,852.00 for a 3" meter by tapping main with 3" tap.

\$ 3,934.00 for a 4" meter by tapping main with 4" tap.

\$ 6,714.00 for a 6" meter by tapping main with 6" tap.

\$ 9,400.00 for a 8" meter by tapping main with 8" tap.

\$11,280.00 for a 10" meter by tapping main with a 10" tap.

\$13,160.00 for a 12" meter by tapping main with a 12" tap.

The proposed water ordinance has been expanded to clarify the requirements to apply for water service, service line requirements and meter information.

Commissioner Giefer made a motion to approve Ordinance Number 21-20 an ordinance pertaining to municipal water works, amending Section 28-18, 28-20, 28-21 and 28-22. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Consider Amending City Code Sections 25-93 and 25-94)
(Pertaining to Bicycles and Electric Assisted Scooters)
(Ordinance Number 21-21)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO BICYCLES; AMENDING SECTION 25-93 AND 25-94 OF THE CODE OF THE CITY OF EMPORIA, to which the City Clerk assigned Ordinance Number 21-21, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the proposed ordinance amends City Code to allow bicycles, electric assisted scooters, skateboards and similar wheeled devices to operate and park on sidewalk in the central business district. Wheeled devices may already operate on sidewalks in other section of town. She stated operating any wheeled device in a reckless manner, or without due care for the safety of others, or to otherwise endanger or interfere with pedestrian traffic while riding a wheeled device on the sidewalk will remain unlawful.

Commissioner Brinkman made a motion to approve Ordinance Number 21-21, an ordinance amending City Code Sections 25-93 and 25-94 pertain to bicycles

and electric assisted scooters. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Geitz, 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 21-22)**

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE AND AMENDMENTS THERETO, AMENDING SECTION 25-21 AND OF THE CODE OF THE CITY OF EMPORIA, KANSAS, AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE, to which the City Clerk assigned Ordinance Number 21-22, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the League of Kansas Municipalities published the Standard Traffic Ordinances for Kansas Cities incorporating the most recent legislative changes which affect city ordinances. The City adopted the 45th Edition in 2019 and deleted Section 135.1 pertaining to traffic law application for electric assisted scooters. The proposed ordinance amends City Code Section 25-21 to include the electric assisted scooter provisions.

Commissioner Geitz made a motion to approve Ordinance Number 21-22, an ordinance amending City Code Section 25-21 to adopt Section 135.1 of the 45th Edition of the Standard Traffic Ordinance pertaining to electric assisted scooters. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**INDUSTRIAL REVENUE BONDS
(Citizens National Plaza & Lofts, LLC)
(Series A, 2021 & Series B, 2021)
(Preston Plaza & Lofts, LLC)
(Series C, 2021 and Series D, 2021)
(Ordinance Number 21-23)**

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS (I) TAXABLE INDUSTRIAL REVENUE BONDS, SERIES 1, 2021 (CITIZENS NATIONAL PLAZA & LOFTS, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,200,000.00, (II) SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2021 (CITIZENS NATIONAL PLAZA & LOFTS, LLC) IN THE AGGREGATE PRINCIPAL AMOUNT OF

\$1,716,352.50, (III) TAXABLE INDUSTRIAL REVENUE BONDS, SERIES C, 2021 (CITIZENS NATIONAL PLAZA & LOFTS, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF \$2,100,000.00, (IV) SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES D, 2021 (PRESTON PLAZA & LOFTS, LLC) IN THE AGGREGATE PRINCIPAL AMOUNT OF \$956,374.58 FOR THE PURPOSES OF FINANCING A COMMERCIAL RESIDENTIAL BUILDING KNOWN AS THE CITIZENS NATIONAL PLAZA & LOFTS AND A COMMERCIAL AND RESIDENTIAL BUILDING KNOWN AS THE PRESTON PLAZA & LOFTS AND (3) PAYING CERTAIN COSTS OF ISSUANCE AUTHORIZING EXECUTION OF A TRUST INDENTURE BETWEEN THE CITY AND SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, AS TRUSTEE; AUTHORIZING EXECUTION OF ADDITIONAL BOND DOCUMENTS RELATING TO ISSUANCE, PAYMENT AND PURCHASE OF THE 2021 BONDS, to which the City Clerk assigned Ordinance Number 21-23, was presented to the Governing Body for their consideration.

City Manager McAnarney stated the City of Emporia previously authorized Resolution Number 3617, as amended by Resolution Number 3465, as evidencing its intent to issue bonds for the purpose of equipping and existing 5-story building at 529 Commercial to be redeveloped as a mixed use building with 20 residential units plus one to three (1 - 3) commercial suites, to be known as the Citizens National Plaza & Lofts, at an estimated cost of \$3,916,352.50 and a new 3-story mixed use building with 22 residential units and one to three (1 - 3) commercial suites, to be known as Preston Plaza & Lofts, located at 528 Merchant Street, at an estimated cost of \$3,056,374.58, to be known as the Preston Plaza Project. He stated the projects are completed and the financing pieces will be merged into the Industrial Revenue Bond issue. The city will not be liable for any repayment of the industrial revenue bonds under any circumstances.

Commissioner Giefer made a motion to approve Ordinance Number 21-23, an ordinance authorizing the City of Emporia, Kansas to issue its (I) Taxable Industrial Revenue Bonds, Series A, 2021 (Citizens National Plaza & Lofts, LLC), in the aggregate principal amount of \$2,200,000.00, (II) Subordinated Taxable Industrial Revenue Bonds, Series B, 2021 (Citizens National Plaza & Lofts, LLC) in the aggregate principal amount of \$1,716,352.50, (III) Taxable Industrial Bonds, Series C, 2021 (Citizens National Plaza & Lofts, LLC) in the aggregate principal amount of \$2,100,000.00, (IV) Subordinated Taxable Industrial Revenue Bonds, Series D, 2021 (Preston Plaza & Lofts, LLC) in the aggregate principal amount of \$956,374.58 for the purposes of financing a commercial and residential building known as the Citizens National Plaza & Lofts and a commercial

residential building known as the Preston Plaza & Lofts and (3) paying certain cost of issuance, authorizing execution of a trust indenture between the City and Security Bank of Kansas City, Kansas City, Kansas as trustee; authorizing execution of additional bond documents relating to the issuance, payment and purchase of the 2021 Bonds. Commissioner Smith seconded the motion. The vote follows: Commissioners Giefer, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, 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 JUNE 9TH STUDY SESSION @ 10:00 A.M.

Discuss Foreclosure and Vacant Property Ordinance.
Wage Scale Discussion.
Discuss Revenue Neutral Rate.
Fire, EMS, Codes & Police CIP.
Administrative, Civic, Library CIP.
Park, Golf, Zoo CIP.

City Manager McAnarney then read the following statement:

"I would like to inform the Mayor and Commissioners that I plan to retire prior to the end of 2021. I will work with the Commission to ensure a smooth transition as you look for the next City Manager.

This has been a very difficult decision for me since I thing the world of this organization, community and area.

It has been a great honor and pleasure to work for the city. I started in July of 1989 and have served the city in many capacities. I have served as the Interim City Manager twice, served as the Interim Park Director, Interim Director of Administration and basically done anything I have been requested to do. During this time, I have worked with and for outstanding and dedicated people. They have taught me lessons that I will remember the rest

of my life and I hope to pass on to others. I am truly amazed at what our organization accomplishes each and every day.

I would also like to thank Steve Commons (for hiring me and not firing me), Matt Zimmerman and Virgil Basgall for giving me their advice and insights during my time in Emporia. It is deeply appreciated.

I would like to express my appreciation to all of the City Commissioners I have been lucky enough to work with over the years. Emporia is truly a special place due to efforts of elected officials who work very hard to make our community better each and every day.

On a personal level, I would also like to thank Jim Witt who started the City Manager journey with me in October of 2013. I have always thought of Jim and I as a package deal and I hope we have made things better. Additionally, I would like to thank Lane Massey for all of the Department Heads I have worked with for the last 31 years. It has been a pleasure for me.

Finally, I would like to thank my wife Amy for all of her support throughout the years and also thank our two sons (Matt and Josh) for their patience and perseverance during their upbringing in Emporia. Both Amy and I work in stressful occupations and it can be difficult at times for a family. I am extremely proud of them.

Thank you"

EXECUTIVE SESSION

Mayor Gilligan requested the Commission adjourn into Executive Session.

Commissioner Brinkman made a motion to adjourn into Executive Session discuss non elected personnel and to invite City Attorney, Christina Montgomery and Special Project Manager, Jim Witt, from 1:50 p.m. to 2:05 p.m., in the City Commission Meeting Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 2:05 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed non elected personnel and the City Commission has requested the Special Projects Manager issue a Request For Proposals (RFP) for a

search firm assistance for a City Manager and requested a motion from the Commission.

Commissioner Smith made a motion for Special Project Manager issue a RFP for a search firm assistance and organize the search for City Manager position that will open up at the end of 2021. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk