

COMMISSION MEETING**1:30 P.M.****SEPTEMBER 1, 2021**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 1, 2021, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners Brinkman, Giefer, Geitz 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 Giefer, seconded by Commissioner Geitz that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on August 18, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on August 27, 2021.

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

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

Jesse Murphy, 301 S. Exchange Street, addressed the Governing Body with his concerns about keeping chickens within city limits. He stated he would like the City to reconsider the current status with chickens not allowed.

**EMPORIA MUNICIPAL GOLF COURSE
(Equipment Purchase - Mowers)
(Bids)**

Kelly Storch, Course Superintendent, was recognized and addressed the Governing Body. He stated the bids were received to replace two 21-year old mowers from Professional Turf Products utilizing the Sourcwell pre-negotiated governmental contract #137227. He stated he was able to demo the recommended units and determined the mowers were able to cut and turn quicker than the current heavyweight mowers. The City budgeted \$130,000.00 for the purchase of new mowers and staff is recommending the purchase of two Toro Reelmaster 3573-D fairway mowers in the amount of \$112,416.56. He stated the City can save approximately a 10% price increase if these

mowers are purchased today. This purchase would be \$17,583.44 under the budgeted amount. The old mowers will be sold on Purple Wave.

Commissioner Brinkman made a motion to approve the purchase of two Toro Reelmaster 3573-D fairway mowers in the amount of \$112,416.56 from Professional Turf Products utilizing the Sourcewell pre-negotiated governmental contract #137227. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

PLANNING AND DEVELOPMENT

(MPAC Excerpts of Regular Meeting Held 8-16-21)

(Application No. 2021-17 - Request of Red Brick Investments)

(Final Plat of the Brownstone Addition Subdivision)

Excerpts of Planning Commission Minutes from August 17, 2021.

The Planning Commission met in a regular session on Tuesday, August 17, 2021, with Chairman Thomas presiding. Members Bucklinger, Duncan, Colson, Garrett, Weaver and Dewitt were present.

APPLICATION 2021-17: A request of Red Brick Investments for a final plat of the Brownstone Addition Subdivision, located at a non-addressed parcel located at Southwest corner of US-50 and Graphic Arts Road, as authorized by Section 6-401 of the Emporia-Lyon County Metropolitan Planning Area Subdivision Regulations.

Bucklinger asked if construction can proceed before the approval from KDOT? Lynch said he will need to do more research before giving a definite yes or no answer.

Garrett asked if something goes wrong and KDOT doesn't approve, would it alter the final plat in terms of planning and zoning? Lynch said that he thinks they are separate issues but not 100% sure.

Garrett asked do you see any reason for us to wait until KDOT approves? Lynch answered for planning purposes it's a stand-alone decision but of course it affects the whole development.

Garrett asked in terms of compliance of the final plat with our planning and zoning regulations, is that a condition? Krause answered if they make changes it would have to go back to a minor plat application.

Weaver asked Mr. Hutchinson if they have any updates on KDOT? Mr. Hutchinson said that they have been talking to KDOT a few times a week regarding access to the roundabout and there have been couple of little changes. They are wanting to make sure it is big enough. Another issue is paint parkings. The plan is to put material where the fence is. They already put a road in so they can have access in and out of the property.

Motion: Member Bucklinger made a motion to approve Application 2021-17 based on staff recommendations. Member Weaver seconded the motion. Motion approved 6-1. Member Colson opposed.

Background Summary:

The Planning Commission is requested to approve a Final Plat to allow for utilities and future development. The property is currently zoned for C-3 General Commercial this would allow for a hotel and travel plaza, or other related uses.

Analysis:

The applicant is proposing a new subdivision development at this location. The Final Plat will allow this property to start construction. City staff met weekly with the applicant and discussed this project. The Utility Advisory Board met on 4/2/2021 and discussed the property and found the proposed easements sufficient for utility needs. The Technical Review Team met multiple times on 12/16/2020 and 4/0/2021 and discussed the property and applications. Comments were noted and addressed throughout the process, in order to submit a complete plat.

In addition to this preliminary plat, there will need to be a re-plat of the neighboring parcel that connects Martin Drive (Martin-Eagle Subdivision). This plat will be submitted to this office in the near future.

Martin Drive will end at a Cul-de-Sac. Subdivision regulations allow for cul-de-sacs with a turnaround of no less than an eight-foot diameter. This is sufficient with the proposed plan.

A drainage study has been submitted and the applicant has been working with the Kansas Department of Water Resources regarding the existing floodplain. A full Drainage Study has been reviewed and is sufficient. All local and state floodplain requirements will be met.

The applicant has also provided and traffic study and is working closely with KDOT concerning access off the round-about. At this time the allowance has not been formalized.

Nonconformities: The proposed new FEMA Floodplain Map will take effect in November 2021; the green areas will be deleted from the flood plain, red is adding to the floodplain, and yellow is remaining the same.

Public Utilities: Water and sewer are available.

Recommendations: Staff recommends approval of the Brownstone Addition Final Plat, as it complies with the Emporia Subdivision Regulations.

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated this was a request of Red Brick Investments for a final plat of the Brownstone Addition Subdivision, located at a non-addressed parcel located at Southwest corner of US-50 and Graphic Arts Road, as authorized by Section 6-401 of the Emporia-Lyon County Metropolitan Planning Area Subdivision Regulations. He stated the applicant is requesting approval of a final plat to allow for utilities and future development. The property is currently zoned for C-3 General Commercial this would allow for a hotel and travel plaza or other related uses. At their August 17, 2021 regular meeting the Planning Commission voted 6 - 1 to approve this request.

Commissioner Geitz made a motion to approve the final plat and acceptance of dedication of land for public purposes for the Brownstone Addition Subdivision, located at a non-addressed parcel located at the Southwest corner of US-50 and Graphic Arts Road, as authorized by section 6-301 of the Emporia Subdivision Regulations. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

PAVING
(Funston Street & 5th Avenue Paving Improvement Project No. PV2008)
(Bid)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated one bid was received on the Funston Street and 5th Avenue Paving Improvement Project No. PV2008. The City had one bidder out of two plan holders. The bid is as follows:

Contractor	Base Bid
APAC-KS, Inc. Shears Div.	\$595,677.73
Engineer's Estimate	\$449,045.00

He stated due to the bid received being 33% over the Engineer's estimate and project budget, staff was recommending rejecting the bid and bringing this project back to the Commission at the beginning of 2022 with potential project revisions and pricing.

Commissioner Geitz made a motion to reject the bid as it is over the engineer's estimate and budget and to set bid date and time in the beginning of 2022. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

ENGINEERING

**(Accept Encroachment Agreement - Road F (US Hwy 50 to Road 180)
(City Project No. PV1907, KDOT Project NO. 56 KA-5281-01)
(Southern Star Central Gas Pipeline, Inc.)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the city is designing a roadway and drainage project along Road F from US Hwy 50 to Road 180. This proposed project will have grading that will encroach into the adjacent Southern Star Central gas pipeline easement on Industrial Park IV addition property. He stated this agreement allows construction within that easement.

Commissioner Geitz made a motion to accept Southern Star Central Gas Pipeline, Inc. encroachment agreement and authorize the Mayor to sign. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

POLICE DEPARTMENT

**(Consider Agreement w/Humane Society of the Flint Hills, Inc.)
(Operation of the Animal Shelter)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated the Humane Society of the Flint Hills (HSFH) has operated the Emporia Animal Shelter for the past six years under an operations

agreement with the City. HSFH would like to renew the agreement under substantially similar terms for an eight-month period. The agreement is for a base fee of \$80,000.00 paid to HSFH. She stated under the new contract terms, HSFH will be responsible for management and operations of the animal shelter including providing appropriate shelter and veterinary care for animals, maintaining appropriate staffing, providing an annual financial report to the City, accepting all animals from Emporia Police Department and Animal Control, honoring all court orders, and offering walk-in services to the public at least 30 hours per week.

Commissioner Smith stated she would abstain from the vote.

Commissioner Brinkman made a motion to approve the Agreement with the Humane Society of the Flint Hills, Inc. for the operation of the Emporia Animal Shelter and authorize the Mayor to sign the agreement. Commissioner Geitz seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye. Commissioner Smith abstained.

POLICE DEPARTMENT
(Consider Agreement w/Humane Society of the Flint Hills, Inc.)
(Animal Shelter Lease Agreement)

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated this agreement leases the Emporia Animal Shelter at 1216 Hatcher Street to the Humane Society of the Flint Hills, Inc. (HSFH) for an eight-month period. Under the terms of the agreement, HSFH is responsible for daily maintenance and cleaning. The City is responsible for snow removal, mowing, and non-routine maintenance items such as mechanical, electrical, and plumbing. HSFH may make alterations or improvements to the building with written consent of the City. Any such improvements will become the property of the City.

Commissioner Smith stated she would abstain from vote.

Commissioner Giefer made a motion to approve the Lease Agreement with the Humane Society of the Flint Hills, Inc. and authorize the Mayor to sign the lease agreement. Commissioner Brinkman seconded the motion. The vote

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

**CITY COMMISSION
(2021 Standard Traffic Ordinance)
(Ordinance Number 21-31)**

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE AND AMENDMENTS THERETO, AMENDING SECTION 25-21 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 21-31, 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 publishes the Standard Traffic Ordinances for Kansas Cities incorporating the most recent legislative changes which affect City ordinances. The 2021 48th edition includes changes to the following sections:

Section 10.1	Funeral Procession - new
Section 31	Fleeing or Attempting to Elude a Police Officer
Section 40.2	Passing a Stationary Authorized Utility or Telecommunications Vehicle
Section 106	Transportation of Alcoholic Beverages (New Editor's Note)
Section 119	Parades and Processions
Section 126.1.1	Display of License Plate
Section 179	Spilling Loads on Highway
Section 201	Penalties Citation added
Section 201.1	Failure to Comply with a Traffic Citation

She stated all Standard Traffic Ordinance amendments specific to the City of Emporia passed in previous years remain in effect. Staff is recommending amending City Code Section 25-21 to adopt the 48th Edition of the Standard Traffic Ordinances for Kansas Cities.

Commissioner Geitz made a motion to approve Ordinance Number 21-31, an ordinance adopting the amendments listed to the 48th Edition of the Standard Traffic Ordinance for 2021. Commissioner Giefer seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Kansas Department of Commerce for Small Cities)
Authority to Apply for Community Development Block Grant)
(Economic Development - Simmons Pet Food Facility)
(Resolution Number 3647)

City Manager McAnarney stated the City of Emporia is submitting a grant application for parking lot improvements for the Simmons Pet Food facility in Emporia, Kansas. The company has created many jobs and plans to create more. The grant application will provide up to \$750,000.00 for improvements. The city will need to adopt the following:

1. Authorize the City to submit the grant application and authorize the Mayor to sign all appropriate documents.
2. Approve the Anti-Displacement Resolution. The projects do not involve any displacement.

Commissioner Brinkman made a motion to approve the items necessary to submit an Economic Development grant application under the Kansas Department of Commerce Small Cities Program, authorize the Mayor to sign all appropriate documents, and approve Resolution Number 3647. 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
(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 SEPTEMBER 8TH STUDY SESSION @ 10:30 A.M.

Update on Disc Golf in Emporia.

Discuss Redevelopment Project on 700 Block of Commercial Street.

FEMA Discussion.

Discuss New Electronic Sign for the Emporia Public Library.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session for consultation with the City Attorney from 2:00 p.m. to 2:15 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 2:15 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had consultation with the City Attorney and no action was taken.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session for preliminary discussion related to land acquisition and to invite City Engineer, Jim Ubert, from 2:15 p.m. to 2:25 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 2:26 p.m., this same date, in the City Commission Meeting Room, Commissioner Brinkman made a motion to continue the Executive Session discuss with all the same people from 2:26 p.m. to 2:36 p.m.. 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 2:36 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had preliminary discussion related to land acquisition 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