

COMMISSION MEETING

7:00 P.M.

OCTOBER 20, 2021

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, October 20, 2021, 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.

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 September for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2020	2021	
	\$421,140.53	\$475,861.42	Increase of \$54,720.89 for the month, and
YTD	\$ 3,727,209.62	\$4,063,224.94	Overall increase of 9.02% from year 2020

2. City Share from County Tax

	2020	2021	
	\$ 209,875.66	\$ 246,867.24	Increase of \$36,991.58 for month, and
YTD	\$1,900,338.69	\$2,063,718.32	Overall increase of 8.60% from year 2020

3. **Building Permits issued from 9/1/2021 to 9/30/2021 for new construction, remodeling, repairs and demolition.**

Total number of building permits issued through Code Services:	63
Total of valuations associated with those building permits:	\$ 425,587.00
Total number of dollars collected for Building Permit Fees:	\$ 4,949.50
Construct - single family dwellings	0
Demo - single family dwellings	2
Flint Hills Mall CID for September	\$ 17,802.20
Year to Date Total	\$ 157,790.73

Commissioner Geitz announced his resignation from the City Commission with an ending date of November 17, 2021. He asked the City Attorney and City Clerk to follow the procedure to fill the vacancy.

Consent Agenda

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

- a. Consider minutes of the Adjourned Meetings held on October 5, October 6, 2021, Regular Meeting held on October 6, 2021 and the Adjourned Meeting held on October 13, 2021.
- b. Consider ratification of Payroll Ordinance for the period ending on October 8, 2021.
- c. Consider the Approval of September Budget.
- d. Consider Change Order No. 2 for the REG BioDiesel Demolition, Project No. 21REG.

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

**CITY COMMISSION
(Public Comment)**

Becky Nurnberg, Executive Director of Emporia Community Foundation, was in attendance to present an anonymous family's significant donation to the upgrade to the skate park in Santa Fe Park. She stated the donors noticed the efforts of Emporia resident, Maddox Gutierrez, who was a driving force for the upgrades to the skate park. She then presented the City Commission with the donation in the amount of \$250,000.00 to go towards the construction costs for the upgrade needed for the improvements.

Maddox Gutierrez stated he was thankful for the donation and it would keep the ball rolling on the improvements for the park.

The Commission thanked Becky Nurberg and Maddox Gutierrez for their efforts towards the project.

Gary Post, and others representing the Emporia Lions Club, were in attendance to accept a proclamation declaring October 26, 2021, as "Emporia Lions Club One Hundredth Anniversary" in Emporia. He stated the Emporia Lions Club, is composed of men and women volunteers who dedicate their time to the improvement of their community and aiding

those in need. Emporia Lions Club is dedicated to improving the quality of life for people in the community. The Cleave Cook/Emporia Lions Club Fund contributes to community and area welfare over \$12,500.00 each year. Emporia Lions Club is a member of Lions Clubs International, the world's largest service club organization with 1.4 million members. Lions Club International has declared diabetes as a primary global cause and observes November as Diabetes Awareness Month, empowering Lions to raise awareness about diabetes.

Mayor Gilligan then presented the proclamation.

**CITY COMMISSION
(714, 716 and 718 Commercial St.)
(A.K.A. Town Company Two Project)
(Establishing Rural Housing Incentive District)
(Public Hearing)**

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated at a previous Commission Meeting Resolution Number 3650 was passed establishing a public hearing be conducted for an RHID District at 714, 716 and 718 Commercial Street in accordance with statutory requirements. He stated this project is for the development of ten second story residential units of various sizes, including one-3 bedroom unit; four 2-bedroom units; three-1 bedroom units and two studio units. He stated the public benefits from this project include additional housing in the downtown area and the reduction of vacant second story space. All local taxing entities have been notified. The benefit is mid to long term increase tax revenue for local taxing entities. He stated this is the first upper story RHID in the State of Kansas.

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
(714, 716 and 718 Commercial St.)
(A.K.A. Town Company Two Project)
(Establishing Rural Housing Incentive District)
(Ordinance Number 21-34)**

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH, to which the City Clerk assigned Ordinance Number 21-34, was presented to the Governing Body for their consideration.

Jim Witt, Special Projects Manager, was recognized and addressed the Governing Body. He stated this ordinance is for the consideration of establishing an RHID District for the Town Company Two Project at 714, 716 and 718 Commercial Street. He stated the applicant has met all the statutory and local requirements for establishing the RHID. Local taxing entities have been notified in accordance with the statutory requirements. He stated if there is an objection by one of the entities within thirty (30) days of the hearing a reconsideration of the ordinance shall be conducted. He stated staff was recommending approval of the RHID establishing an RHID for the Town Company Two Project in the 700 Block of Commercial Street.

Commissioner Geitz made a motion to approve Ordinance Number 21-34, an ordinance establishing an RHID for the Town Company Two Project at 714, 716 and 718 Commercial Street. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Board Appointments)**

Convention and Visitors Advisory Board - CVAB:

It was moved by Commissioner Brinkman seconded by Commissioner Geitz that Jan Trelc be appointed to the Convention and Visitors

Advisory Board (CVAB) to fill an unexpired term that expires on December 31, 2022 and to continue to serve a full term that expires on December 31, 2024. The vote follows: Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Smith, aye; Mayor Gilligan, aye.

It was moved by Commissioner Brinkman seconded by Commissioner Geitz that Jay Patel be reappointed to the Convention and Visitors Advisory Board (CVAB) for a term that expires December 31, 2024. The vote follows: Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

Natural Resources Advisory Board - NRAB:

It was moved by Commissioner Smith seconded by Commissioner Giefer that Lisa Keith and Daphne Mayes be appointed to the Natural Resources Advisory Board for terms that expire on December 31, 2024.

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

Emporia-Lyon County Area Metropolitan Planning Commission/Board of Zoning Appeals:

It was moved by Commissioner Geitz seconded by Commissioner Brinkman that William Barnes be appointed fill to the Emporia-Lyon County Area Metropolitan Planning Commission/Board of Zoning Appeals to fill an expired term that expires on December 31, 2024. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**FIRE DEPARTMENT
(Equipment Purchase - Self-Contained Breathing Apparatus (SCBA)
(Bids)**

City Manager McAnarney stated two (2) bids were received for the Self-Contained Breathing Apparatus for the Fire Department. The bids are as follows:

Municipal Emergency Services LLC	\$236,652.38
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Ed M. Feld Equipment Co., Inc.	\$237,670.86
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He stated with consideration for compliance with requested specifications, it was staffs recommendation to award the bid to MES in the amount of \$236,652.38. He stated the Fire Department has been awarded a Federal grant for \$183,572.00 towards the purchase of this equipment and credit needs to go to Steve Kuhlmann and Ryan Conley for their hard work. The remainder of the \$53,080.38 will be paid from the General Fund.

Commissioner Geitz made a motion to award the bid to Municipal Emergency Services, LLC (MES) for Self-Contained Breathing Apparatus (SCBA) for the Fire Department in the amount of \$236,652.38. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**BONDS
(Authorize Issuance of General Obligation Bonds)
(Improvements to Public Water System)
(Ordinance Number 21-35)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE PUBLIC WATER SYSTEM IMPROVEMENTS AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS TO PAY COSTS THEREOF, to which the City Clerk assigned Ordinance Number 21-35, was presented to the Governing Body for their consideration.

City Manager McAnarney stated the city has been working with FEMA on a grant for improvements to the low water intake structure and low water dam on the Neosho River. The project's cost is \$1,426,841.00

and there will be additional costs for engineering and construction observation. He stated this ordinance will provide the maximum authority for the issuance of general obligation bonds for this project if needed. He stated the City is currently waiting on FEMA for an update on the grant proposal and any and all remainder will be paid for from revenue from the water system.

Commissioner Giefer made a motion to approve Ordinance Number 21-35, an ordinance authorizing the issuance of General Obligation bonds in an amount not to exceed \$2,000,000.00 to pay for improvements to public water system. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**WATER MAINTENANCE
(Raw Water Intake Site Improvements)
(Bids)**

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated bids were opened for the Raw Water Intake Site Improvements. There were six (6) plan holders and one (1) bid submitted. The bids are as follows:

Contractor	Bid Price
Smokey Hill, LLC	\$1,426,841.00
Engineer's Estimate	\$1,065,165.00

He stated this project is being funded by a general obligation bond issue. Staff is recommending awarding the contract for the project to Smokey Hill, LLC in the amount of \$1,426,841.00.

Commissioner Giefer asked why there was only one bid submitted and why the bid exceeded the engineers estimate so much.

Dean Grant stated this was specialized work and there are not many contractors available and cost of materials continue to rise.

Following further discussion, Commissioner Smith made a motion to award the contract for the Raw Water Intake Site Improvements

Project to Smokey Hill, LLC in the amount of \$1,426,841.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Gilligan, aye.

**EMPORIA MUNICIPAL AIRPORT
(Kansas Department of Transportation)
(Approval of Grant Application for Airport Runway Extension)**

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated staff recommends submission of an application to Kansas Department of Transportation (KDOT) Aviation for State fiscal year 2023 funding consideration. The grant application is due by the end of October, 2021. He stated the City was awarded a grant for design in fiscal year 2022. This grant application would pay for 90% of the construction costs to extend the runway 51 feet. He stated costs will be approximately \$600,000.00 and the city's portion of the project would be approximately \$60,000.00. He stated staff was recommending approval to submit a KDOT grant for the runway extension.

Commissioner Geitz made a motion to approve the submission of the KDOT grant in the amount of \$600,000.00 to construct the airport runway extension of 51 feet. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

**BONDS
(S&S Quality Meats, LLC)
(Smoots Enterprises II, LLC)
(Amendments to the Issuances of Taxable Industrial Revenue Bonds)
(Ordinance Number 21-36)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE EXECUTION AND DELIVERY OF, AND CONSENTING TO, A SECOND SUPPLEMENTAL INDENTURE BY AND BETWEEN THE CITY OF EMPORIA, KANSAS, AS ISSUER, AND SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, AS TRUSTEE;

AUTHORIZING EXECUTION OF A SECOND SUPPLEMENTAL LEASE AGREEMENT BETWEEN THE CITY AND SMOOTS ENTERPRISES II, LLC; AND APPROVING THE FORM OF A WARRANTY DEED FROM S&S QUALITY MEATS, LLC TO THE CITY; AND APPROVING ADDITIONAL DOCUMENTS RELATED SUCH AMENDMENTS, to which the City Clerk assigned Ordinance Number 21-36, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated documents relating to the 2015 Industrial Revenue Bond Series A and Series B issued on behalf of Smoots Enterprises II, LLC require amendment to reflect several changes. These changes include the addition of new land to the description of property leased and securing the 2015 bond, defining Permitted Encumbrances on that Land/Project, and amendments relating to the interest rate on the Series A, 2015 Bonds. She stated the proposed ordinance approves the amendments of the documents. The ordinance was prepared by bond counsel Mary Carson.

Commissioner Geitz made a motion to approve Ordinance Number 21-36, an ordinance approving amendments relating to Smoots Enterprises II, LLC 2015 Industrial Revenue Bonds. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

CITY COMMISSION

(Approve Expenditure from the American Rescue Plan Act (ARPA) Funds)

City Manager McAnarney stated the City has received funds from the American Rescue Plan Act (ARPA). The will receive a total of \$3,732,276.50 in 2021 and 2022. The City has latitude on how to spend up to 10% of those funds. Many communities have opted to spend funds on rewarding employees for their work during the pandemic. He stated staff was recommending a one time bonus to every current full-time employee of \$1,000.00 and current part-time employees who have worked a minimum of one hundred hours in the past 12 months will receive \$500.00. This bonus will be on first paycheck in November.

Commissioner Brinkman made a motion to approve the expenditure of ARPA Funds for employees. 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
(Kansas Department of Commerce)
(Apply for the 2022 Kansas Small Cities CDBG Program)
(Improvements to the Street System)
(Resolution Number 3654)**

City Manager McAnarney stated the City will be applying for a \$750,000.00 CDBG grant to pay for improvements from 12th Avenue to 16th Avenue on Highland Street. He stated the project will be a 50-50% match and if the project is less than the published amount it will be pro-rated at the 50-50% level. The local match will come from a general obligation bond issue proceeds or the Multi-Year Fund. He stated staff was recommending approve of the resolution giving the city the authority to apply for the grant.

Commissioner Smith made a motion to approve Resolution Number 3654, a resolution that certifies the City the legal authority to apply for the 2022 Kansas Small Cities Community Development Block Grant program from the Kansas Department of commerce and authorizing the Mayor to sign and submit an application. 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
(Kansas Department of Commerce)
(CDBG - Community Facility Category)
(Operation & Maintenance of Improvements to the Street System)
(Resolution Number 3655)**

City Manager McAnarney stated this resolution assures the Kansas Department of Commerce that funds will be continually provided for the

operation and maintenance of improvements to the street system to be financed with CDBG funds.

Commissioner Smith made a motion to approve Resolution Number 3655, a resolution that commits the City to provide funding for the operation and maintenance of improvements to the street system and authorize the Mayor to sign all necessary documents. 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

(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 OCTOBER 27TH STUDY SESSION @ 11:00 A.M.

- Discuss Construction Services Contract w/BG Consultants for Lift Station No. 2.
- Update on Disc Golf in Emporia.
- Discuss the Rescheduling of 11-24-21 Study Session.

Joint Luncheon w/Emporia Human Relations Commission
In the Little Theatre at Noon

EXECUTIVE SESSION

Commissioner Brinkman made a motion to adjourn into Executive Session to discuss non-elected personnel and to invite Jim Witt, Special Projects Manager, Christina Montgomery, City Attorney and candidate for City Manager position from 7:41 p.m. to 7:51 p.m., in the City Commission Meeting Room. Commissioner Giefer seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session at 7:51 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed non-elected personnel and will consider an employment agreement with John Trey Cocking to serve as the City Manager with an effective date of December 7, 2021.

Commissioner Giefer made a motion to approve the employment agreement the John Trey Cocking effective December 7, 2021 to serve as the City Manager. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Gilligan, aye.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk