

COMMISSION MEETING

11:00 A.M.

JUNE 7, 2023

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, June 7, 2023, in the City Commission Meeting Room with Mayor Brinkman presiding and Commissioners Giefer, Harter, and Smith present. Commissioner Sauder was absent. Also present were City Manager Cocking, Assistant City Manager Detter, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Hate speech, profanity, and defamation are not allowed. Please state your name and address prior to making comments.

No comments were made at this time.

Carol Stickland, Executive Director Emeritus and Ken Weaver, Interim Deputy Director, were in attendance to accept a proclamation declaring June 16, 2023 as "National Teaches Hall of Fame Day" in Emporia. They stated five of the nation's most outstanding teachers with 153 years of combined teaching experience are - Dr. Rebecca A. Hamilton from Jupiter, FL; Erick M. Hueck from Carol Gables, FL; Dr. Caryn L. Long from Clermont, FL; Kristen A Record from Bridgeport, CT; and Monica M. Washington From Douglasville, TX will be inducted into the National Teachers Hall of Fame as Members 151 through 155 during a ceremony held in Emporia on June 16, 2023. The citizens of Emporia have given their hearts to making the Hall of Fame week be a memorable experience for the inductees and guests through their hospitality and generosity as host families, volunteers, and Friends of Education sponsors, earning Emporia the nickname "Teacher Town, USA" by Teacher Magazine.

Mayor Brinkman then presented the proclamation.

Lisa Keith, Zoo Director; Colleen Mitchell, EFOZ President; and staff were in attendance to accept a proclamation designating the month of June 2023 as "Zoo Month" in Emporia. They stated Zoological Parks and Aquariums of North America serve the needs of both humans and wildlife by bringing them together in a unique setting. They help build awareness, understanding, concern and a sense of stewardship for wildlife and the environment. They provide important cultural, recreational, and educational experiences for over 175 million people each year. 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 Brinkman then presented the proclamation.

**CITY COMMISSION
(Board Appointment)**

Emporia Human Relations Commission:

It was moved by Commissioner Smith seconded by Commissioner Harter that Cara Codney be appointed to Emporia Human Relations Commission for a term that expires May 31, 2026. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

**ECONOMIC DEVELOPMENT
(Tax Abatement for S & S Quality Meats, LLC)
(Continued Public Hearing)
(Resolution Number 3698)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated this was the continued public hearing for S & S Quality Meats, LLC. The public hearing is a statutory requirement. She stated City Bond Counsel has now finalized the final construction and equipment cost numbers associated with this project. She stated the Commission needs to open the public hearing continued from May 24, 2023 and adopt the resolution approving the real property tax exemption.

Mayor Brinkman opened the public hearing.

No one in attendance wished to address the Governing Body, Mayor

Brinkman closed the public hearing.

Commissioner Harter made a motion to approve Resolution Number 3698, a resolution approving an Ad Valorem Property tax exemption for property acquired with proceeds of Industrial Revenue Bonds in the amount of \$14,000,000.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

PLANNING AND DEVELOPMENT

**(MAPC Excerpts of Regular Meeting Held 5-16-23)
(Application No. 2023-02 - Request from Robin & Orlando Arguello)
(Rezone Property at 227 East St. From R-1 to I-1)**

The Planning Commission met in a regular session on Tuesday, May 16, 2023, with Vice-Chair Duncan presiding. Members Weaver, Barnes, Ogle, Rogers, and Bucklinger were present.

City staff: Justin Givens was present.

Vice-Chair Duncan called the meeting to order.

3. Consider Application PC 2023-02 A Request to Rezone Property Located at 227 East St. from R-1 Low-Density Residential to I-1 Light Industrial.

Vice-Chair Duncan asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper and the property owners within 200ft of the property.

Vice-Chair Duncan asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No commissioners needed to recuse themselves due to a conflict of interest and no ex parte communications were reported.

Givens provided the staff report:

Application #: PC 2023-02

Applicants: Robin & Orlando Arguello

Requested Action: Consider a Request to Rezone a Tract of Land from R-1 Low-Density Residential (HO-O) to I-1 Light Industrial.

Purpose: The applicants desire the change in zoning to allow for the continued use of the property for their landscaping business.

Address: 227 East St.

Legal description: Lot 41, East Street, Original Township

Lot Size: 8,610 sq. ft.

Existing Zoning: R-1 Low Density Residential

Future Zoning in ELC Comp. Plan: Single-Family Detached

Surrounding Zoning:

North - Non Tax Lot

East - Non Tax Lot - I-1 & I-2 Industrial

South - R-1 Low Density Residential

West - R-1 Low Density Residential

Surrounding Actual Uses:

North - Railroad Right of Way

East - Railroad Right of Way / Bunge

South - Vacant Lot / Single-Family Homes

West - Single-Family Homes

Analysis: The applicant is requesting the rezoning in order to continue the use of the property to store materials for their landscaping business, with the intent to build a shop in the future. The applicants have operated a landscaping business for several years without complaint. Through an increased emphasis on property maintenance and code enforcement staff was made aware that the owners were storing materials on the property for use in and from their landscaping business. Since the property was zoned R-1, it was determined that they were in violation of zoning and property maintenance codes. The owners were given a stay until a request for rezoning is considered.

Considerations: 26-108. Factors to be Considered in a Rezoning:

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the

Planning Commission is based using the following guidelines:
Staff Commentary in Bold

1. Whether the change in classification would be consistent with the intent and purpose of these regulations; **The change in classification with limitations on uses would be consistent with the regulations. This is a lot that has been vacant for at least the past six years, and would help the property reach a maximum usage.**
2. The character and condition of the surrounding neighborhood and its effect on the proposed change; **Little would change on the existing neighborhood. A vacant lot currently abuts the property to the south, and it is surrounded by non-tax lots (railroad property) and other Industrial uses. Based on the time the property has been vacant, little impact would be felt to the area properties.**
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions; **City staff has made a concerted effort to promote the property maintenance code. The property owners have used this property as a storage area for some time, without issue, until they were cited for a zoning and property maintenance code violation. Additionally, properties that abut the railroad are less desirable for residential uses.**
4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification; **Neighboring properties are zoned as non-tax lots (railroad) and industrial lots. There are some single-family residential surrounding the property, but many are on larger lots, decreasing the density typically found in the surrounding area. Allowing limited industrial uses on this property would not have a negative effect on the neighborhood.**
5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity; **Staff recommends limiting the uses allowed by the zoning regulations to just landscaping related uses. This would minimize any future industrial uses, which may not be compatible to the existing area.**
6. The suitability of the applicant's property for the uses to which it has been restricted; **Residential uses are not generally suited to being placed directly adjacent to railroads, and over time, these properties tend to become less and less desirable as residential lots. Being restricted to only a single-family home is very limiting on the property, and does not maximize the value of the property.**
7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for

agricultural purposes shall be considered as allowing the land to be vacant or undeveloped; **This property has been vacant for a considerable amount of time, with no residential development. New residences are not necessarily desirable when they are adjacent to the railroad, and staff would not anticipate any residential development occurring on this property.**

8. Whether adequate sewer and water facilities, and all other needed public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified; **All services are existing in the area, and there would not be any detrimental impact to services if the zoning change was approved.**

9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development; **The property has not had a building on it for more than six years, and while residential property is a premium in the city, similar lots directly adjacent to the railroad have remained undeveloped.**

10. The recommendations of professional staff; **Staff would recommend the approval of the rezoning with limited use conditions being put in place. The uses allowed should be limited to Landscaping Contracting Services, including lawn care and Landscape nursery and gardening supplies, and that all materials stored on site be screened from public view.**

11. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **A property such as this would be a perfect property for zoning change to an Industrial Flex Parcel Type, as it would provide a transition from heavy industrial uses, like the railroad, to the neighboring residential property. This type of rezoning would help to promote economic development, and allow the owner continued use of the property for their landscaping business.**

12. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and, **Staff does not feel that there would be any detriment to the public health, safety, and general welfare, and the change in zoning would allow for the maximum use of the property.**

13. Such other factors as may be relevant from the facts and evidence presented in the application.

Neighborhood Communications: At the time of writing this report, staff has had contact with several neighbors, one of

whom objected to materials possibly overflowing onto his property.

Recommendation: Staff recommends the Planning Commission forward a recommendation to approve the vacation to the Governing Body based upon a finding that the request is consistent with the future land use map and guidelines for consideration on rezoning.

Attachments: Aerial Map / Current Zoning Map / Future Land Use Map

Commissioner Bucklinger asked about limiting the uses that could be allowed on the property versus all allowed uses on the property. **Givens** answered that yes, that could be part of the motion.

Commissioner Rogers asked about screening for the property. **Givens** stated that screening would be required for the property from residential properties.

Commissioner Barnes asked about the property immediately south of the subject property and whether it was vacant. **Givens** stated that it was.

Commissioner Weaver asked about lot size in the area. **Givens** stated that this was a typical lot size in the area.

The Public Hearing was opened.

Robin Arguello, owner and applicant, spoke about the intended use, and installing screening, which she stated would not an issue.

Commissioner Weaver asked about the storage of chemicals on the property. **Arguello** stated that they do not store chemicals on the property.

The Public Hearing was closed.

Commissioner Weaver made a motion to recommend approval to the City Commission of the rezoning with uses limited to landscaping type uses and required screening be installed.

Rogers seconded that motion. Motion carried 6-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated this was a request from Robin and Orlando Arguello to rezone property located 227 East Street. He stated this request would allow the property owners continued use of the property

as a lawn and landscaping facility while ensuring that proper screening is in place. The Planning Commission's recommendation for the use allowed by the rezoning would be limited to lawn and landscaping related activities. He stated any changes in the use would require additional consideration from the Planning Commission and City Commission prior to being approved. At their May 16, 2023 regular meeting, the Planning Commission unanimously approved a recommendation to rezone the property from R-1 Low-Density Residential to I-1 Light Industrial at 227 East Street.

PLANNING AND DEVELOPMENT
(Application No. 2023-02 - Request from Robin & Orlando Arguello)
(Rezone Property at 227 East St. From R-1 to I-1)
(Ordinance Number 23-17)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM R-1, LOW DENSITY RESIDENTIAL DISTRICT TO I-1 LIGHT INDUSTRIAL ZONING DISTRICT, AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 23-17, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 23-17, an ordinance rezoning 227 East Street from R-1, Low-Density Residential to I-1 Light Industrial with allowed uses restricted to Landscaping Contracting Services. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

PLANNING AND DEVELOPMENT
(Annexing Land Located at 1526 S. Hwy 99 into City Limits)
(Ordinance Number 23-18)

AN ORDINANCE ANNEXING LAND TO THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 23-18, was presented to the Governing Body for their consideration.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated as part of the mitigation of the old Fanestil Meats plant located at 1526 S. Highway 99, the City has taken over ownership of the property and desires to annex the property into city limits. As per K.S.A. 12-520(a)(2), permits a City to unilaterally annex

land if the land adjoins the City and is owned by or held in trust for the City or any agency thereof. He stated as a City owned property, the process follows the procedure for consent annexation of adjoining land and no resolution, notice or public hearing is required.

Commissioner Harter made a motion to approve Ordinance Number 23-18, an ordinance annexing land located at 1526 S. Highway 99 Pursuant to K.S.A. 12-502(a)(1)-(6). Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 5-16-23)
(Application No. 2023-03 - Request of JTS Investments, LLC)
(Approve Minor Plat at 914, 1002 and 1004 E.12th Avenue)

The Planning Commission met in a regular session on Tuesday, May 16, 2023, with Vice-Chair Duncan presiding. Members Weaver, Barnes, Ogle, Rogers, and Bucklinger were present.

City staff: Justin Givens was present.

Vice-Chair Duncan called the meeting to order.

1. Considered the minutes of the April 18, 2023, Planning Commission Meeting. Commissioner Barnes made a motion to approve the minutes. Commissioner Bucklinger seconded. Approved 4-0-2 (Ogle and Rogers abstained)

2. Consider Application PC 2023-03 JTS Retail Addition

Vice-Chair Duncan asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper and the property owners within 200ft of the property.

Vice-Chair Duncan asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No commissioners needed to recuse themselves due to a conflict of interest and no ex parte communications were reported.

Givens provided the staff report:

Application #: PC 2023-02

Applicants: JTS Investments, LLC
Owners: CMR Holdings, LLC - JTS Investments, LLC

Requested Action: Approval of a Minor Plat

Purpose: Applicants desire to re-plat approximately 2.60 acres from one large lot into two new lots with the balance of the parent track being kept intact to facilitate a retail development.

Address: 914, 1002, and 1004 E 12th Ave.

Legal description: BEGINNING AT A POINT 230 FEET NORTH OF AND 1138 FEET WEST OF THE SOUTHEAST CORNER OF THE NW1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, THENCE WEST ON A LINE PARALLEL TO THE SOUTH LINE OF SAID QUARTER SECTION A DISTANCE OF 150 FEET; THENCE SOUTH ON A LINE PARALLEL TO THE EAST LINE OF SAID QUARTER SECTION A DISTANCE OF 200 FEET; THENCE WEST ON A LINE PARALLEL TO SAID SOUTH LINE A DISTANCE OF 212.55 FEET; THENCE NORTH ON A LINE PARALLEL TO SAID EAST LINE A DISTANCE OF 429.20 FEET TO A POINT ON THE SOUTH LINE OF I-35 BY-PASS RIGHT OF WAY; THENCE SOUTHEASTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 368.09 FEET; THENCE SOUTH 175 FEET TO THE POINT OF BEGINNING, EXCEPT A TRACT BEGINNING AT A POINT 30 FEET NORTH OF AND 1450.55 FEET WEST OF THE SOUTHEAST CORNER OF SAID NW1/4; THENCE WEST 50 FEET; THENCE NORTH 25 FEET; THENCE EAST 50 FEET; THENCE SOUTH 25 FEET TO THE POINT OF BEGINNING.

Area Size: 2.60 Acres +/-

Existing Zoning: C-2 Restricted Commercial

Surrounding Zoning:

North- Public Use
East- C-3 General Commercial
South- R-2 Medium Density Residential
West - C-2 Restricted Commercial

Surrounding Actual Uses:

North - I-35
East - Commercial Property
South - Single-Family Residences
West - Commercial Property

Future Zoning in ELC Comp. Plan: Flex Use Low

Analysis:

The applicant has requested to re-plat approximately 2.60 acres

of commercial property that would include two new parcels with the balance of the parent tract remaining intact. The larger new lot would facilitate a new retail development, while the smaller lot would provide a clear area of ownership for the existing water/ice self service station.

The re-platting is being done under the minor plat process that allows a preliminary and final plat to be presented and considered at the same time to help streamline the development process.

1. **Plat Name:** The proposed name of the minor plat is the JTS Retail Addition, which meets requirements.

2. **Legal Description:** The legal description as shown on the final plat meets requirements.

3. **Lots:** The minor plat proposes two lots, which are labeled appropriately. The subject property is to be developed in accordance with C-2 Restricted Commercial Zoning District requirements.

4. **Blocks:** One block is proposed, which is labeled appropriately.

5. **Streets and Access:** The development is adjacent to East 12th Ave., and the street is of sufficient width to accommodate commercial development.

6. **Building Setbacks:** No building setbacks are required in the C-2 district and therefore are not required to be shown on the plat.

7. **Easements:** Easements for utilities are as shown on the plat. No additional easements are required.

8. **Reserves:** No reserves are shown or are necessary.

9. **Drainage:** The site is predominately impervious and drainage has already been accounted for. Therefore no additional drainage report or storage is required.

10. **Public & Private Improvements:** No new public or private utilities will be necessary for this development as all are in place and existing.

11. **Plat Binder:** A plat binder, identifying all property interests and encumbrances shall be submitted prior to submittal to the City Commission for final approval.

12. **Miscellaneous:**

1- The applicant will be required to submit filed copies of cross access agreements that allow for travel between lots prior to the issuance of a building permit.

2- Notary Certificates for CMR Holding Members shall be added to a revised final plat prior to submittal to the City Commission for final approval.

Neighborhood Communications: At the time of writing this report, staff has not received any objections to the proposed plat.

Recommendation: Staff recommends approval of the Minor Plat subject to Staff, Utility Advisory Board, and Planning Commission comments, and that a Revised Minor Plat be submitted with any corrections necessary, and approved by Staff prior to submittal to the City Commission.

Attachments: Preliminary Plat / Final Plat / Aerial Map / Zoning Map / Plan ELC Map

The Public Hearing was opened.

Commissioner Barnes asked if the cross access agreements were for perpetuity. **Givens** stated that was correct. Commissioners **Weaver** and **Duncan** asked questions about the balance of the property including the area behind the retail development.

Levi Bond, Iron Horse Development, (agents for the applicant) stated that balance of the property would not be platted, but the portion behind the retail development would be demoed.

Commissioner **Bucklinger** asked about allowed uses on the platted property. **Givens** stated that any allowed use in the C-2 District would be allowed.

The Public Hearing was closed.

Commissioner Rogers made a motion to recommend approval of the plat to the City Commission. **Commissioner Weaver** seconded the motion. Motion carried 6-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated this was a request of JTS Investments, LLC to re-plat approximately 2.60 acres of commercial property from one large lot into two new lots with the balance of the parent track being kept intact to facilitate a retail development. One lot would be a new retail store, while the other lot would be the current ice and water building. A portion of the entertainment complex, go-kart track and batting cages, would be replaced with the new retail building. He stated the minor plat process allows the applicant to submit both preliminary and final plats simultaneously, provided they meet a criteria set forth in the Subdivision Regulations. At their May 16, 2023 regular meeting, the

Planning Commission unanimously recommended approval of a minor plat JTS Retail Addition.

Commissioner Smith made a motion to approve a minor plat JTS Retail Addition. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

Consent Agenda

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

a. Approve minutes of the Regular Meeting held on May 24, 2023.

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

CITY COMMISSION (City Manager's Report)

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR JUNE 21, 2023 AT 11:00 A.M.

- 2022 Comprehensive Final Report.
- Change Order for South Arundel for Sanitary Sewer
- Change Order for Lift Station No. 2.
- Utility Easement Agreement for 500 Block of Wilson Street for Street Light Installation.

Study Session:

Discuss Budgeted Funds.

Review CIP items.

Discussion of Legislative Revisions to the RHID Program & Impact on the City Policy.

Discuss Board Applications

**CITY COMMISSION
(Public Comment)**

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

No comments were made at this time.

EXECUTIVE SESSION

Commissioner Smith made a motion to recess into Executive Session to discuss confidential matters of a third party regarding proprietary information resuming the open meeting in the City Commission Meeting Room, this same date, at 11:50 a.m., and to invite Jim Witt, Special Projects Coordinator and Garrett Nordstrom, Governmental Assistant Services. Commissioner Giefer seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

Commissioner Sauder to join the Executive Session via phone.

Upon reconveying the meeting in Regular Session, at 11:50 a.m., this same date in the City Commission Meeting Room, Mayor Brinkman stated they had discussed confidential matters of a third party regarding a potential development project with action to be taken. City Manager Cocking stated as part of the FEMA grant the City of Emporia is responsible for mitigating the flood risk for the former Fanestil factory on S. Highway 99. The City accepted bids for the demolition of that property that the City now owns. That project is being paid 100% by FEMA and any other match is coming from S & S Quality Meats. Three bids were received; L. Underwood, LLC for \$222,850.00; Industrial Salvage & Wrecking Co., Inc. for \$358,450.00 and Bruce Davis Construction for \$551,000.00.

Commissioner Harter made a motion to award the bid for construction of Fanestil South Highway 99 Demolition Project No. 23FANDEMO to L. Underwood, LLC in the amount of \$222,850.00. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Brinkman, aye.

Commissioner Smith made a motion to recess the meeting until 12:05 p.m. to Conference Room 1AB. Commissioner Giefer seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Giefer, aye; Commissioner Harter, aye; and Mayor Brinkman, aye.

STUDY SESSION:

Mayor Brinkman stated the item from Executive Session would need to be re-introduced for clarification.

City Manager Cocking stated there was a technical error in the bid amount for the Fanestil Demolition Project No. 23FANDEMO. He stated the Add Alternate Bid was not added in correctly. The correct amount of the bid from L. Underwood, LLC should be \$257,850.00.

Commissioner Smith made a motion to amend the bid from L. Underwood, LLC from \$222,850.00 to \$257,850.00 to include the Alternate Bid amount. Commissioner Harter seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Harter, aye; Commissioner Giefer, aye; and Mayor Brinkman, aye.

Commissioner Sauder joined the Study Session meeting via phone.

The following items were discussed at Study Session:

1. Review Outside Appropriation Request.

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

Susan Brinkman, Mayor

ATTEST:

Kerry Sull, City Clerk