



**** AGENDA ****

City Commission Study Session

Wednesday, October 12, 2016

Conference Room 1AB

516 Mechanic Street

- Residency Policy-Nepotism Policy
- Discuss Increase Trans Guest Tax
- Discuss Possible Public Hearing for Request of Westridge Drive Parking Designation.
- Review Changes to Ordinance Regarding Allowance for Driveway Widths.
- Lyon County/Emporia Continuity of Operations Disaster Drill.
- Mobilite Cell Boosters

No Luncheon

Tentative Agenda for October 19th City Commission Meeting

- City Commission Reports and Comments
- Consent Agenda
- Public Comment
- Report from City Manager on City Activities

**If you need accommodations due to a disability to participate in this event, meeting, or activity, or alternative format of written materials contact Shelly Kelley, City of Emporia ADA Coordinator at least 48 hours before the event at 620-343-4291 or skelley@emporia-kansas.gov*

Memo

TO: City Commission

FROM: Mark McAnarney, City Manager

CC: Department Heads

DATE: October 5, 2016

SUBJECT: Residency & Nepotism Policy

At the October 12th Study Session the City Commission will discuss the City of Emporia's current policy on residency and nepotism. A copy of the policy current is provided for the commission's review.

Members of the staff will be present to answer questions the City Commission may have.

III-3. Promotion

It is the policy of the city to fill vacancies for supervisory, skilled or upper-level positions from the ranks of present employees whenever possible, desirable, and in accordance with applicable statutes and regulations. Employees seeking promotion shall be expected to meet the minimum qualifications for the position to which they seek promotion.

City employees may apply for any vacant position during the period when the position has been posted in the regular manner. Additionally, if a supervisor believes that present employees are qualified for a vacant position, he may post that position internally for a minimum period of three (3) work days, during which time any city employee may make application for the vacant position. If no city employee is hired for the vacant position then the position will be made available to applications by the public.

III-4. Initial Training Period

- (a) Each employee, following initial employment, shall satisfactorily complete an initial training period of six months, or longer, before being granted regular employee status. The initial training period may be extended upon recommendation of the department head.
- (b) Each employee promoted to a classification with greater pay and responsibility shall satisfactorily complete a six month, (or longer) initial training period before being granted regular status in his new classification.

III-5.

Nepotism

- (a) Immediate family members may not be employed by the City of Emporia
immediate family members who were employed by the City before January 1,

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1995 may continue such employment, provided that under no circumstances may immediate family members be employed in the same department.

- (b) The policy will not apply to part-time or temporary employees except that immediate family members may not be employed in the same department.
- (c) For the purposes of this article, immediate family will not include biological child of an employee who was previously placed for adoption where the parental relationship is not known between the parent and the child prior to their dates of employment with the City.

III-6. Training

- (a) Specialized on-the-job training of employees is the responsibility of each department. General and formal training may be required as dictated by job requirements.
- (b) Training sessions on topics relevant to all departments will be offered periodically by the Human Resources Department.
- (c) All training must be approved in advance, by the appropriate department head.
- (d) A determination of whether training time is considered hours worked will be made at the time of approval of the training request.

III-7. Immigration Reform and Control Act of November 6, 1986

It is the policy of the City of Emporia to comply with the requirements of the Immigration Reform and Control Act of 1986. All new employees are required, as a condition of employment, to provide official documentation establishing identity and employment eligibility.

rehabilitation program. Disciplinary action will be consistent with Article VI of the Personnel Regulations of the City of Emporia.

XI-4. Residency

The policy of the City of Emporia in regard to employee residency shall be as follows:

- (a) All employees shall establish residence within Lyon County within sixty (60) days of their date of employment, unless an exception from this policy is granted under subparagraph (b).
- (b) The City Manager shall have discretion to grant an exception to the residency requirement. A new hire may locate up to sixty (60) miles from the corporate limits of the City of Emporia (as established by the City Engineer at the time of hire) if a position has been accepting applications for a minimum of sixty (60) days and there is no qualified applicant living or willing to relocate to Lyon County, Kansas. No exception shall be granted to existing employees of the City. An employee found to be in violation of this provision shall forfeit employment with the City.
- (c) Employees living in or outside of the city must be able to report for duty within the time limit established for their job descriptions and/or departmental policies and procedures.
- (d) All positions designated by the City Manager as a Department Head level position shall reside within Lyon County.
- (e) This policy shall be in effect for a period of two (2) years, prior to which the City Commission shall evaluate the policy and determine whether it shall be revoked, amended or continued.

XI-5. Health Insurance

- (a) All full time employees shall be eligible to enroll for group health insurance to be effective upon the first of the month following completion of ninety (90) days of continuous employment with the city.
- (b) The city will pay a major part of the cost of an employee's health insurance. However, if an employee desires to cover eligible family members, he must pay the entire cost of their coverage. No employee shall be entitled to a cash payment of any kind in lieu of health insurance coverage.
- (c) When an employee is required to pay premiums because of participation in a group health insurance plan, and has agreed in writing to make such payments, the amount of such premium shall be deducted from the employee's pay check.
- (d) Employees must work, or have paid benefits, for twelve (12) full workdays {six (6) 24 hour days for Firefighters} per calendar month, or a combination of full or partial workdays which would constitute an equivalent number of workdays, in order to earn a health insurance benefit.

XI-6. Outside Employment

Employees may carry on part-time jobs if:

- (a) There is no conflict in working hours.



October 4, 2016

TO: Mayor Gilligan and City Commissioners
FROM: City Manager Mark McAnareny
RE: Transient Guest Tax

At the October 12th Study Session, the City Commission will discuss several items with respect to the Transient Guest Tax Fund. Some of the items will include the following:

1. Increasing the Transient Guest Tax Rate from 6% to 7%. This would result in an approximate increase in transient guest tax collections of \$60,000.00. The City can increase the rate from 6% to 7% by simple ordinance. K.S.A. 12-1697(e) provides that the tax "shall commence on the first day of the calendar quarter next following the 30th day after the date of the receipt by the department of revenue of the ordinance authorizing the levy of such tax."
2. At the current time, the Convention and Visitor's Bureau awards support grants in an amount up to \$5,000.00. Any support grant award more than \$5,000.00 is approved by the City Commission. We want to ensure that everyone is informed on the process utilized by each entity.

If you have any questions or are in need of further information, please feel free to contact me.

cc: Historical Collections for Emporia
Charter Ordinance

CHARTER ORDINANCE NO. 35

A CHARTER ORDINANCE EXEMPTING THE CITY OF EMPORIA, KANSAS FROM THE PROVISIONS OF K.S.A.12-1697, RELATING TO THE LEVYING OF A TRANSIENT GUEST TAX, AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REPEALING CHARTER ORDINANCE NO. 25

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas:

SECTION 1. CITY EXEMPTED FROM K.S.A. 12-1697.

The City of Emporia, Kansas under the authority of Article XII, Section 5, of the Constitution of the State of Kansas, hereby elects to exempt itself from and make inapplicable to it the provisions of K.S.A. 12-1697 relating to the levying of the transient guest tax, which provision is either an enactment or a part thereof, which is applicable to this City but is not applicable uniformly to all cities; and hereby provides for substitute and additional provisions as hereinafter set forth.

SECTION 2. Charter Ordinance No. 25 is hereby repealed.

SECTION 3. TRANSIENT GUEST TAX

- (a) In order to provide revenues to promote tourism and conventions, the Governing Body is hereby authorized to levy a transient guest tax not to exceed the rate of seven percent (7%) upon the gross receipts derived from or paid by transient guests for sleeping accommodations, exclusive of charges for incidental services or facilities, in any hotel, motel, or tourist court. The percentage of such tax shall be determined by the City Governing Body and shall be specified by Ordinance authorizing the same.
- (b) Any transient guest tax levied pursuant to this Section shall be based upon the gross revenue receipts collected by any business.
- (c) The taxes levied pursuant to this Section shall be paid by the consumer or user to the business and it shall be the duty of each and every business to collect from the consumer or user the full amount of any such tax, or an amount equal as nearly as possible or practicable to the average equivalent thereto. Each business collecting any of the taxes levied hereunder shall be responsible for paying over the same to the State Department of Revenue in the manner prescribed by K.S.A. 12-1698 and the State Department of Revenue shall administer and enforce the collection of such taxes.
- (d) A transient guest tax authorized by this Section shall not be levied until the

Governing Body of the City has passed an Ordinance authorizing the same.

SECTION 3. ORDINANCE TO CONTINUE IN FORCE AND EFFECT.

Pursuant to the provisions of Ordinance Number 03-28 of the City of Emporia, Kansas, the Governing Body previously instituted a five percent (5%) transient guest tax. The provisions of said Ordinance shall continue in force and effect unless subsequently modified by Ordinances as provided by the provisions herein.

SECTION 4. PUBLICATION.

This Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

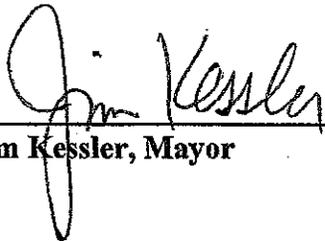
SECTION 5. EFFECTIVE DATE

This Charter Ordinance shall take effect sixty-one (61) days after final publication unless a sufficient petition for referendum is filed requiring a referendum be held on the Ordinance as provided in Article XII, Section 5, Subdivision (c) (3), of the Constitution of the State of Kansas, in which case the Ordinance shall be effective if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds (2/3) of the numbers elect voting in favor thereof, this 20th day of September, 2006.



ATTEST:



Jim Kessler, Mayor



Susan Mendoza, City Clerk

I, Susan Mendoza, City Clerk of the City of Emporia, Lyon County, Kansas, do hereby certify that the foregoing is a true and correct copy of Charter Ordinance Number 35 passed and approved by the Governing Body of the City of Emporia at its meeting held September 20, 2006 and published in The Emporia Gazette on September 27, 2006 and October 4, 2006.

DONE this 16th day of January, 2007, in the City of Emporia, Lyon County, Kansas.

Susan Mendoza

Susan Mendoza, City Clerk

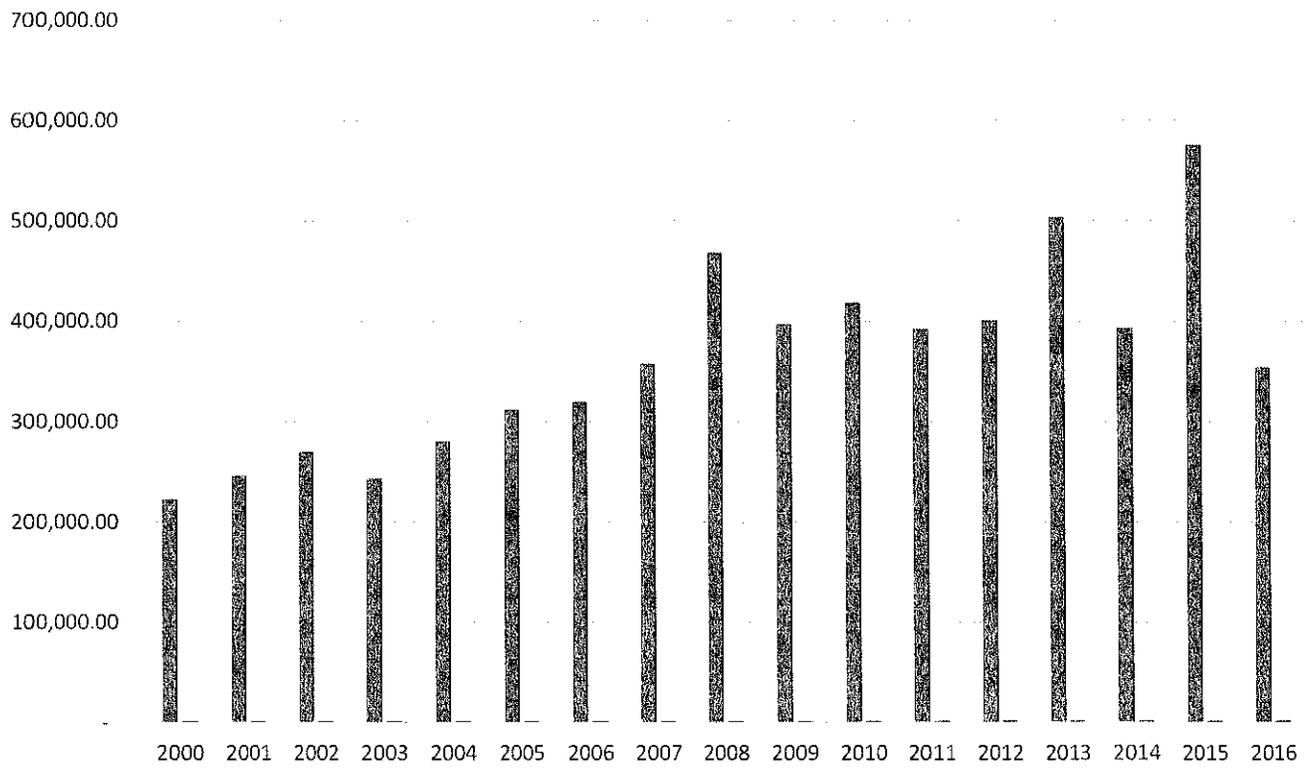
(SEAL)



Transient Guest Tax

Year	January	April	July	October	Total
2000	67,191.12	61,707.84	41,225.24	52,889.84	223,014.04
2001	67,164.28	68,085.87	48,613.28	62,759.49	246,622.92
2002	72,243.96	83,189.73	56,760.54	58,474.26	270,668.49
2003	66,675.09	67,884.19	48,035.07	60,970.60	243,564.95
2004	82,124.93	81,653.80	53,258.34	63,733.97	280,771.04
2005	71,021.32	63,207.03	88,799.61	89,749.06	312,777.02
2006	71,621.94	60,250.51	90,743.64	97,863.02	320,479.11
2007	87,299.36	61,011.51	101,885.79	108,161.50	358,358.16
2008	106,972.64	107,177.58	136,721.11	118,085.22	468,956.55
2009	91,262.22	74,677.36	103,412.22	128,382.42	397,734.22
2010	116,192.66	86,881.21	107,481.20	108,374.21	418,929.28
2011	78,481.63	79,779.22	129,183.63	105,094.99	392,539.47
2012	95,181.19	76,643.11	110,201.63	118,971.15	400,997.08
2013	90,257.83	111,624.74	163,920.59	138,020.60	503,823.76
2014	107,721.45	74,760.74	108,008.95	103,012.54	393,503.68
2015	116,354.07	124,894.85	181,655.47	153,141.85	576,046.24
2016	107,033.38	106,085.15	141,335.98		354,454.51

Transient Guest Tax Receipts



Memo

TO: City Commission

FROM: Mark McAnarney, City Manager

CC: Department Heads

DATE: October 5, 2016

SUBJECT: Westridge Drive

At the September 19th Joint Traffic Safety Committee Meeting it was deemed necessary by to have the City Commission review the request regarding the designated no parking on one side of Westridge Drive. At the October 12th Study Session the City Commission will determine if it is necessary to have a Public Hearing on the matter.

Members of the Joint Traffic Safety Committee will be present to answer questions the City Commission may have on the matter.

Date: October 6, 2016

TO: City Commissioners
Mark McAnarney, City Manager

From: Gerald W. Menefee, City Engineer

GWM

Subject: Increasing Maximum Residential Driveway Width to 36 Feet

It has recently come to the attention of the Engineering Staff that more houses are being built with three garages. Presently, the maximum width of residential driveway is currently 24 feet. The third garage is usually accommodated by widening the driveway on the property just beyond the right-of-way line. The Ordinance change would allow the maximum width of the driveway to be 36 feet at the street. So that the front of the property would not consist primarily of driveway, the proposed ordinance also requires that the driveway width not exceed 50 percent of the frontage of the property. Therefore, some of those properties with narrower frontages of less than 72 feet would be limited to a narrower driveway access. Attached is a copy of an ordinance for your consideration which would allow the minimum width of city driveways to be extended to 36 feet with a 50 percent of frontage maximum width.

Sec. 24-68. Size Limitations

(a) No driveway entrance in a residential district of the City shall have a width no less than twelve feet (12') and no more than thirty six feet (36') in width with not more than 50% of the lot located between the house and garage and the front property line can be covered by driveway; and in a business district of the City, more than forty feet (40') in width; or in the industrial district of the City, more than forty feet (40') in width, provided, that upon written request made to the City engineer by any property owner whose property is zoned for either light or heavy industrial usage and is located on and seeking to construct a driveway on a local or collector street, such property owner may construct a drive or drives the width of which may equal eighty percent (80%) of the width of the property, but which may not exceed a maximum width of sixty feet (60'); and provided further, that such drives shall lead to either private property, suitable off street parking or a building entrance having a minimum width of seven feet (7') and that a minimum of five feet (5') of street curb length shall be maintained on each side of such driveways.

(b) No curb cutting width shall exceed the driveway entrance at the sidewalk line by more than ten feet (10') for an entrance of thirty six feet (36') or less in width, or twelve feet (12') for an entrance of more than thirty six feet (36') in width.

Memo

TO: City Commission

FROM: Jim Witt, Assistant City Manager

CC: Department Heads

DATE: October 6, 2016

SUBJECT: Lyon County/Emporia continuity of Operations Disaster Drill

Chief Taylor and the county's Emergency Preparedness Director will be present to discuss an upcoming drill and provide the opportunity for Commissioners to ask questions and observe the drill itself.

Memo

TO: City Commission

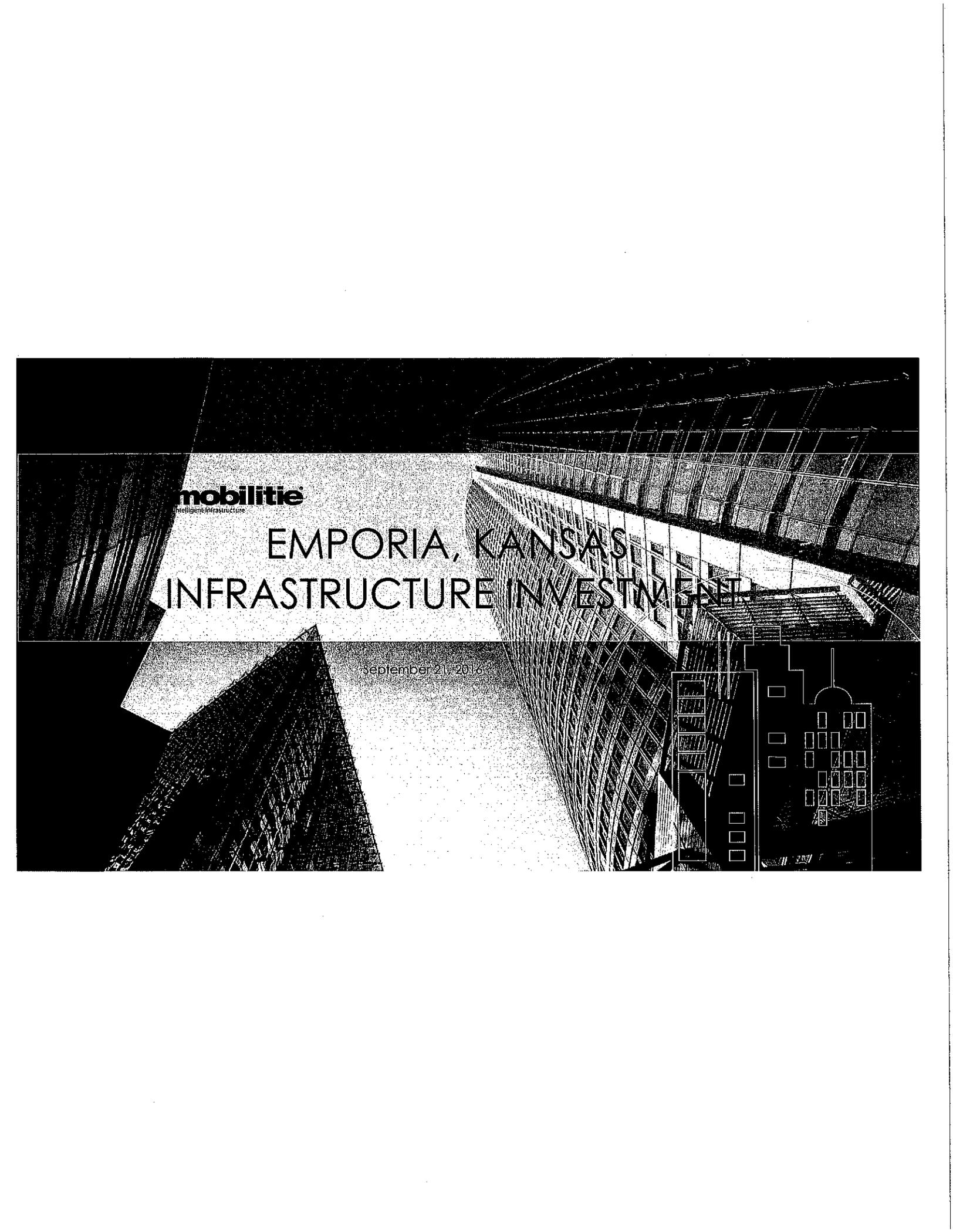
FROM: Jim Witt, Assistant City Manager

CC: Department Heads

DATE: October 6, 2016

SUBJECT: Mobilitie-Cell Boosters

Staff will be present to provide some detailed information on a new cell technology that will be introduced in Emporia.



mobilitie
Intelligent Infrastructure

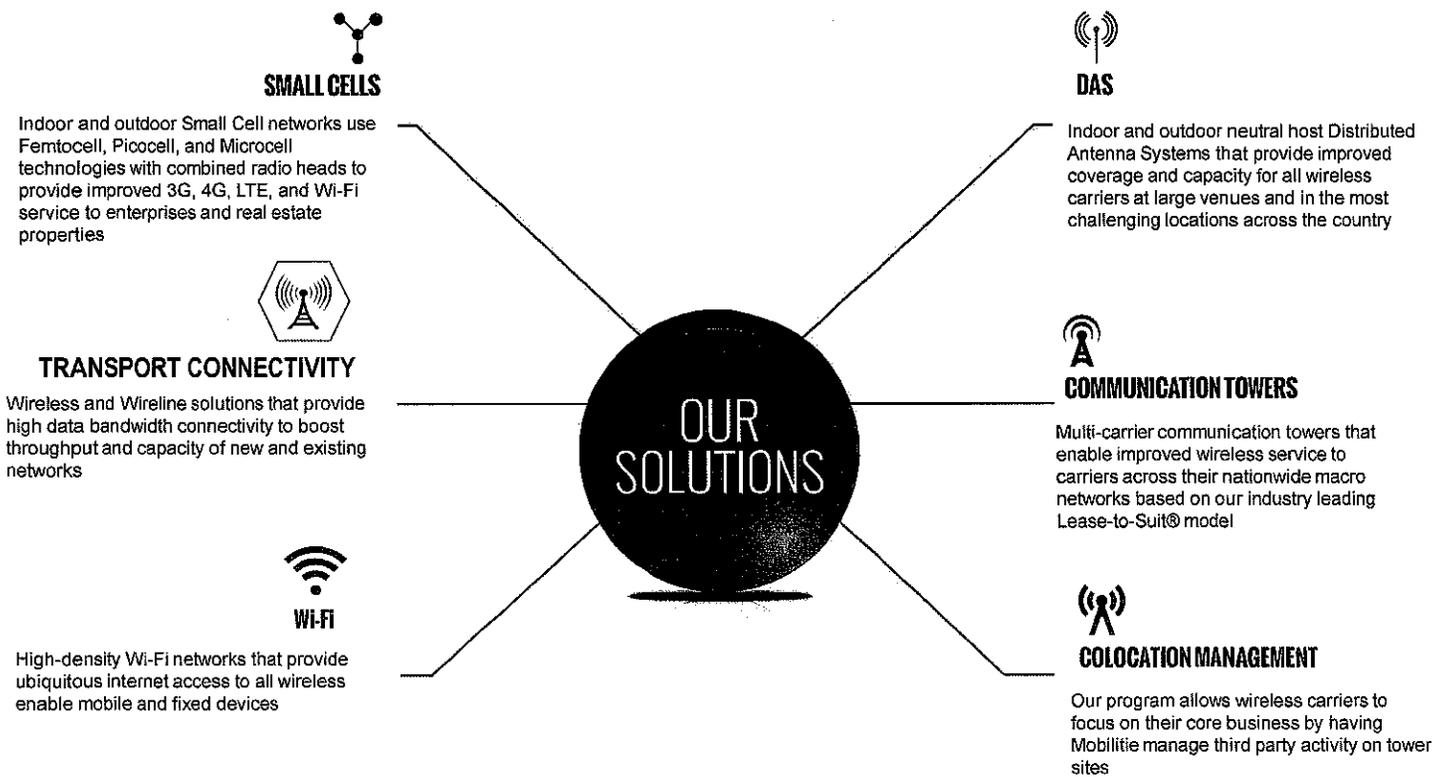
EMPORIA, KANSAS INFRASTRUCTURE INVESTMENT

September 21, 2016

Agenda

- Introduction to Mobilitie, LLC
- Project overview
- Current plan
- Process proposal

About Mobilitie, LLC



Mobile Data Trends and Demand Drivers

84%

OF TODAY'S SHOPPERS USE THEIR SMARTPHONE TO HELP SHOP IN-STORE

MORE THAN **80%** OF VOICE CALLS ORIGINATE INDOORS

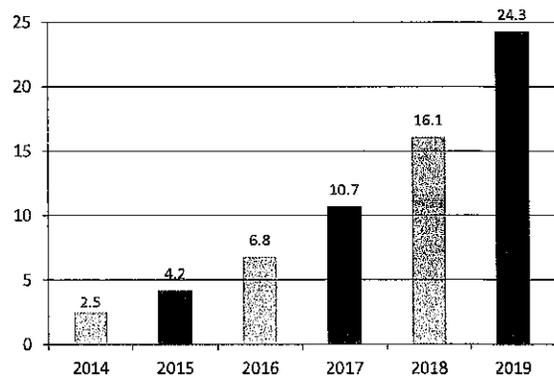
DATA CONSUMPTION

30 MILLION MB OF DATA ARE USED EVERY 5 MINUTES THROUGH MEDIA STREAMING

56%

OF MOBILE DATA IS VIDEO

MOBILE DATA TRAFFIC (EB/MONTH)



U.S. MOBILE DATA USAGE

90%

OF HOUSEHOLDS USE WIRELESS SERVICE

650%

INCREASE EXPECTANCY OF MOBILE DATA FROM 2014 TO 2018

Source: Cisco VNI Mobile, 2016

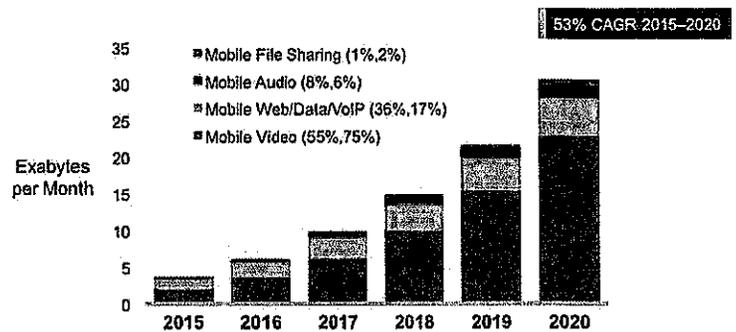
2020 Data Use Forecast

Mobile data traffic will grow 6-fold from 2015 to 2020, a compound annual growth rate of 42%.

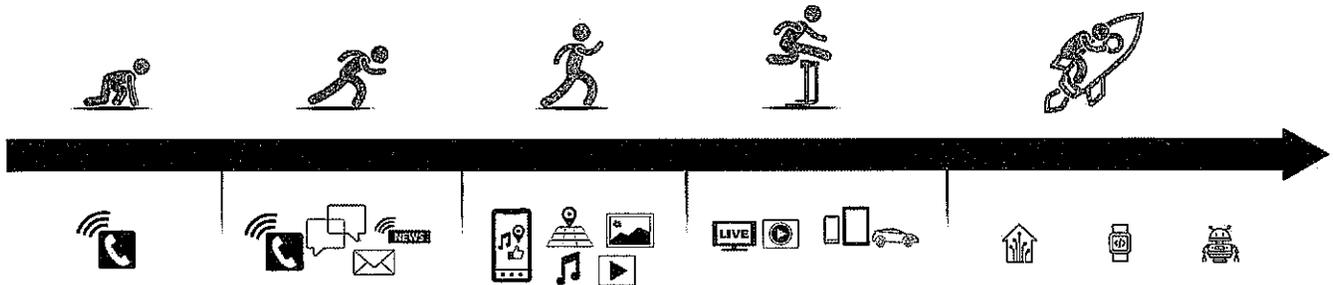
Mobile data traffic will exceed 2.9 Exabytes per month by 2020 (the equivalent of 725 million DVDs each month), up from 503.9 Petabytes per month in 2015.

100% of mobile data traffic will be 'smart' traffic by 2020, up from 99% in 2015.

Figure 26. Mobile Video Will Generate Three-Quarters of Mobile Data Traffic by 2020



Figures in parentheses refer to 2015 and 2020 traffic share.
Source: Cisco VNI Mobile, 2016



About The Effort

Mobilitie designs, builds, owns and operates wireless infrastructure solutions to meet the needs of the City's citizens, businesses and visitors by enabling connectivity.

Mobilitie to lead largest small cell deployment in US

Enhancing coverage in all 50 US states

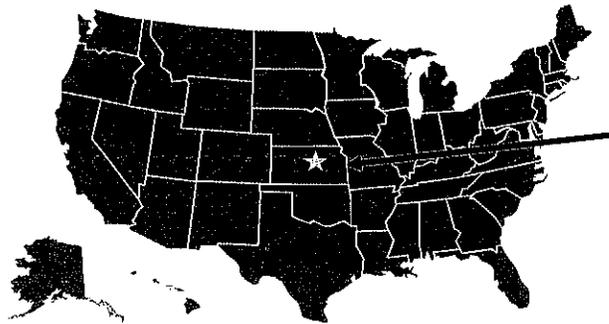
- Phased deployment of **~70,000** small cell sites
- All small cell sites to be operational within **14 months**

Mobilitie's regulatory status

Mobilitie is authorized to provide telecommunications services in all 50 states

Infrastructure options include:

- Utility poles
- Light posts



Mobilitie is a CLEC in the State of Kansas

Regulatory Status – Mobilitie, LLC

Possesses a Certificate of Convenience and Authority to Provide Non-Switched Local Transport Service within the State of Kansas.

2007.08.27 09156116
Kansas Corporation Commission
/s/ Susan K. Duff

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffitt
Joseph F. Harkins

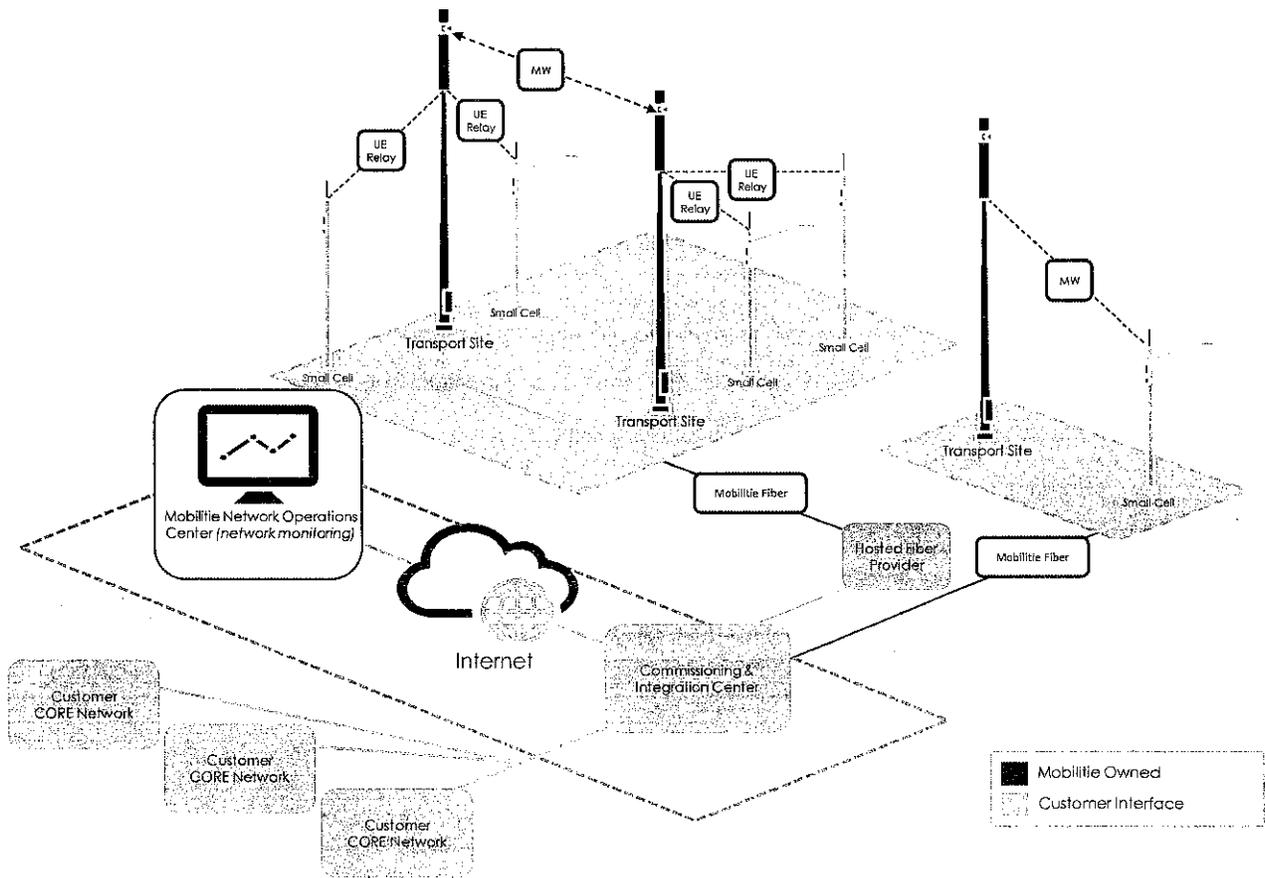
In the Matter of the Application of Mobilitie,)
LLC for a Certificate of Convenience and) Docket No. 07-MBTT-1399-COC
Authority to Provide Non-Switched Local) Telecom-CLEC
Transport Service Within the State of Kansas.)

ORDER AND CERTIFICATE

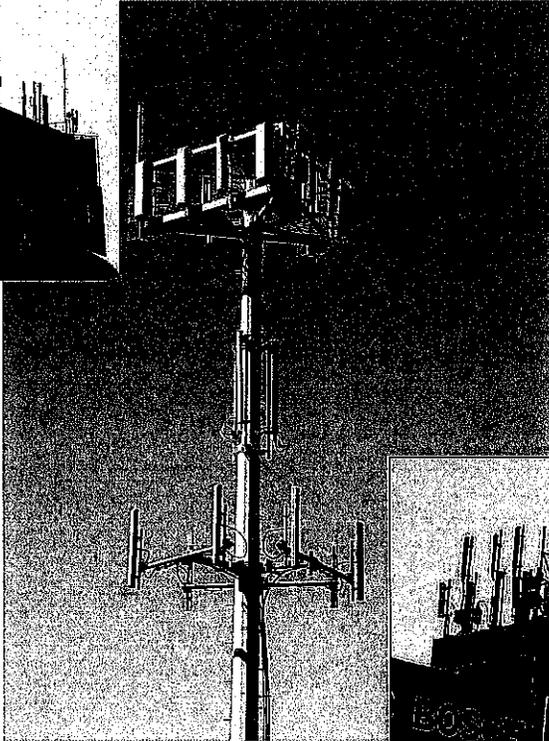
The above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

1. In its Order of April 30, 1984, in Docket No. 127,140-U, the Commission found that resellers were public utilities and subject to Commission regulation. As part of that regulation, the Commission directed resellers of telecommunications services to file applications for Certificates of Convenience and Authority and accompanying tariffs for approval.
2. In its Order of March 21, 1994, in Docket No. 187,168-U, the Commission adopted revised streamlined rules and regulations governing resellers, interexchange carriers, and local exchange carriers certificated after January 1, 1996, designed to reflect changes occurring in the marketplace.
3. On June 13, 2007, Mobilitie, LLC ("Mobilitie") filed the above-captioned application for authority to act as a Non-Switched Local Transport Service provider. Mobilitie is a wholesale provider of services with no retail end users and does not require certification by the Commission. Commission Staff ("Staff") and Mobilitie determined that a certification as a

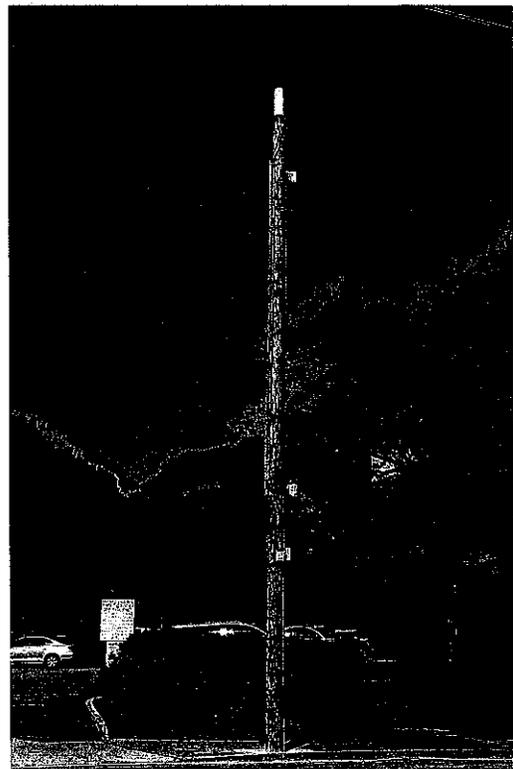
Holistic Network Design



Traditional solution



Small Cell Installations

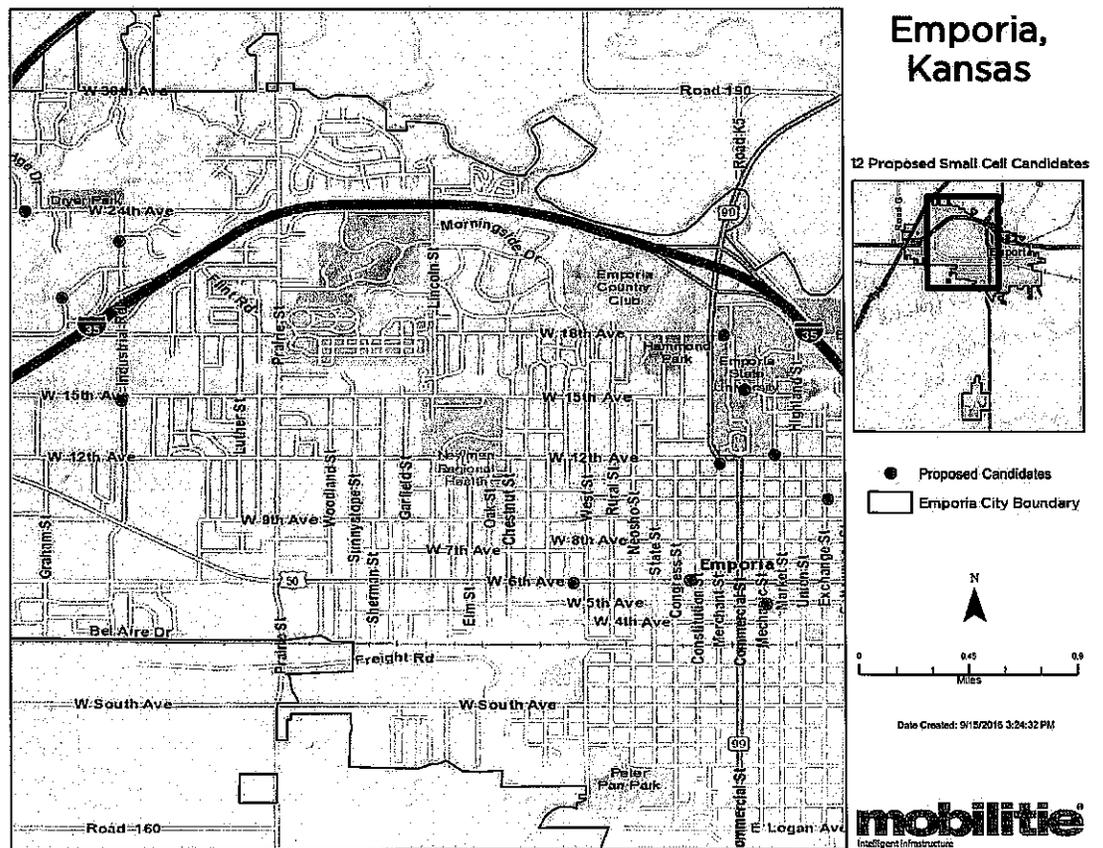


Transport pole photo simulation



Emporia, KS – 12 proposed sites

Projected deployments of Small Cell & Transport over the next 14 months in *Emporia, Kansas*.



**Locations and quantity may adjust **

Partnership & Process

- Approved template that can drive efficiencies
- Single point of contact for ROW and infrastructure applications and permits
- Design review to pre-approve locations
- Ongoing dialogue and collaboration
- Numerical expectations on bulk submissions
- Jurisdiction permit review timelines
- List of available assets and ROW locations & approved road expansion plans

THANK YOU

mobilitie[®]
intelligent infrastructure

WIRELESS COVERAGE SOLUTIONS