

**COMMISSION MEETING**

**1:30 P.M.**

**MARCH 2, 2016**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 2, 2016, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners, Geitz, Gilligan, Harmon and Mlynar present. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

**Consent Agenda**

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

- a. Consider minutes of the Regular meeting held on February 17 and Executive Session held on February 24, 2016.
- b. Consider ratification of Payroll Ordinance for period ending February 19, 2016.
- c. Set Bid Date and Time for 2016 Hazardous Sidewalk Project.

The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

**CITY COMMISSION  
(Approval of the Community Visioning Plan)**

City Manager McAnarney stated the Commission had previously reviewed the Community Visioning Plan for goals and objectives for the next 10 years. He stated this is a community based plan and implementation strategy will serve as a foundation for Emporia. He stated the steering committee would continue to meet and start on the goals. He stated staff is requesting the acceptance and approval of the 2016 Vision Plan as required by the US Department of Commerce, Economic Development Administration (EDA). This will allow the City to proceed with closing out the \$37,500 EDA grant, along with private donations, that partially funded this project.

Commissioner Geitz made a motion to authorize the Mayor to approve the Community Visioning Plan. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**DAVID TRAYLOR ZOO  
(Equipment Purchase - Side by Side Utility Vehicle)  
(Bids)**

Tim Frevert, Purchasing Officer, was recognized and addressed the Governing Body. He stated bids were received for a new side by side utility vehicle to be used at the David Traylor Zoo. The bid request was sent out to five vendors, however, only one bid was received from Prairie Land Partners.

**BID TABULATION**

<b>Prairie Land Partners</b>	<b>Year</b>	<b>2016</b>
	<b>Make</b>	<b>John Deere</b>
	<b>Model</b>	<b>825i</b>
	<b>Cost</b>	<b>\$14,450.00</b>
	<b>Trade-in</b>	<b><u>\$ 1,900.00</u></b>
	<b>Total</b>	<b>\$12,550.00</b>

He stated the bid came in lower than expected. Staff is recommending award the bid of one new John Deere 825i side by side utility vehicle to Prairie Land Partners for the bid price of \$12,550.00 including trade-in. The budgeted amount for this purchase was \$18,000.00.

Commissioner Gilligan made a motion awarding the purchase of one new John Deere 825i side by side utility vehicle to Prairie Land Partners for the bid price of \$12,550.00 including trade-in for the David Traylor Zoo. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

**PARK DEPARTMENT  
(Equipment Purchase - Mowers)  
(Bids)**

Tim Frevert, Purchasing Officer, was recognized and addressed the Governing Body. He stated bids were received for two mowers for the Park Department. These mowers will replace a 1999 John Deere 6' mower and a 2001 John Deere 11' mower.

**BID TABULATION FOR MOWERS**

	<b>Make Model</b>	<b>Price for 2</b>	<b>Trade-ins</b>	<b>Cost</b>
<b><i>Prairie Land Partners 1744 County Rd F Emporia, KS</i></b>	<b><i>John Deere 1600 Turbo 2016</i></b>	<b><i>\$91,814.26</i></b>	<b><i>\$10,200.00</i></b>	<b><i>\$81,614.36</i></b>
Kansas Golf & Turf, Inc. 120 M. Sycamore Wichita, Ks	Jacobsen R-311T 2016	\$97,972.	\$ 3,000.00	\$94,972.00
Professional Turf Products 10935 Eicher Drive Lenexa, Ks	Toro Grounds Master 4000-D 2016	\$103,807.30	\$ 400.00	\$103,407.30

He stated the budgeted amount for this purchase is \$88,000.00. He stated staff was recommending awarding the bid to Prairie Land Partners for two John Deere 1600 turbo mowers for a price of \$81,614.36

Commissioner Gilligan made a motion to award two John Deere turbo mowers to Prairie Land Partners for a total price of \$81,614.36, which is \$46,385.64 lower than the budgeted amount. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Harmon, aye and Mayor Giefer, aye.

**MUNICIPAL GOLF COURSE  
(Equipment Purchase - Truckster)  
(Bids)**

Tim Frevert, Purchasing Officer, was recognized and addressed the Governing Body. He stated bids were received for one new truckster for the golf course. The new truckster will be replacing an old truckster that is going to be transferred to the club house operations for pulling the range ball picker.

**BID TABULATION FOR TRUCKSTER**

	<b>Make</b>	<b>Model</b>	<b>Year</b>	<b>Bid Price</b>
<b>Kansas Golf &amp; Turf Inc.</b> 120 M Sycamore Wichita, KS	Jacobsen	XD gas	2016	\$22,200.00
Van Wall Equipment 800 N. Rogers Rd Olathe, KS	John Deere	2020A	2016	\$21,639.05
<b>Professional Turf Products</b> 10935 Eicher Drive Lenexa, KS	<b>Toro</b>	<b>Workman</b> <b>HDEX 07384</b>	<b>2016</b>	<b>\$17,865.64</b>

He stated the budgeted amount for this purchase is \$27,000.00. He stated staff was recommending awarding the bid to Professional Turf Products for one new truckster for \$17,865.64, which is \$9,134.36 lower than the budgeted amount for this purchase.

Commissioner Geitz made a motion to award the purchase of one new Toro Workman HDX truckster to Professional Turf Products for a cost of \$17,865.64. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**MUNICIPAL GOLF COURSE  
(Equipment Purchase - Two Greens Mowers)  
(Bids)**

Tim Frevert, Purchasing Officer, was recognized and addressed the Governing Body. He stated bids were received for two greens mowers that will replace two 2005 Jacobsen greens mowers at the golf course. He stated each mower has over 3200 hours on them.

**BID TABULATION FOR GREENS MOWERS**

	<b>Year Make Model</b>	<b>Price for 2</b>	<b>Trade-in</b>	<b>Net Bid</b>
Van Wall Equipment 849 Crescent Place Andover, KS	2016 John Deere 2500 E. Hybrid	\$57,194.20	\$2,000.00	\$55,194.25
Professional Turf Pro 10935 Eicher Drive Lenexa, KS	2016 Toro Greenmaster 3320 Triflex Hybrid	\$60,959.70	\$1,400.00	\$59,559.72
<b>Kansas Golf and Turf 5701 N. Choosy Dr. Wichita, KS</b>	<b>2016 Jacobsen Eclips 322 Hybrid</b>	<b>\$62,800.00</b>	<b>\$6,000.00</b>	<b>\$56,800.00</b>

Kelly Storch, Superintendent of Municipal Golf Course, was recognized and addressed the Governing Body. He stated he recommended not awarding the bid to the low bid from Van Wall Equipment for the John Deere models. He listed several reasons on that particular mower that would cause issues if purchased. The cutting units are free to swing during transport; hydraulic pump coupler is made of plastic of the same type the City has had previous failure issues on; grass catchers do not fit well and bounced off of the machine; center cutting unit and grass catcher is difficult to remove/reinstall both during operation and for service and the fuel gauge is obstructed and cannot be read while on machine. He recommended awarding the bid to Kansas Golf and Turf for the Jacobsen Eclipse Hybrid 322 greens mower. He stated the bid price is \$1,605.75 more than the low bid and the Jacobsen Eclipse Hybrid mowers have significant advantages over the John Deere 2500E greens mower. The main advantage is that there is zero hydraulic fluid or hydraulic hoses that could leak causing damage to the greens; cutting units are electronically adjustable for lift, lower, mow/transport speed and clip rate.

They stated the budgeted amount for this purchase is \$50,000.00. The recommended unit is \$6,800.00 the budgeted amount, however, there has been savings on the last two awarded bid items for available funds for this purchase.

Following further discussion, Commissioner Geitz made a motion to award the purchase of two Jacobsen greens mowers to Kansas Golf and Turf for the bid price of \$56,800.00 including trades on the justification for recommendation of the higher bid from the Golf Course Superintendent. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**CITY COMMISSION  
(Amending Sale, Possession, Storage and Use of Class C Fireworks)  
(Ordinance Number 16-02)**

AN ORDINANCE PERMITTING THE SALE, POSSESSION, STORAGE AND USE OF CLASS C FIREWORKS WITHIN THE CITY OF EMPORIA, KANSAS, AND SUPERSEDING ANY PRIOR ORDINANCE ON THE SAME SUBJECT, to which the City Clerk assigned Ordinance Number 16-02, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this ordinance reflects the agreement between the County and City regarding the operations of fireworks stands and the use of fireworks for the 2016 July 4<sup>th</sup> season. She stated this ordinance also amends the dates and times for fireworks sales and/or discharge as follows:

June 27, 2016	10:00 a.m. to 10:00 p.m.
June 28, 2016	10:00 a.m. to 10:00 p.m.
June 29, 2016	10:00 a.m. to 10:00 p.m.
June 30, 2016	10:00 a.m. to 10:00 p.m.
July 1, 2016	10:00 a.m. to 10:00 p.m.
July 2, 2016	10:00 a.m. to 10:00 p.m.
July 3, 2016	10:00 a.m. to 11:00 p.m.
July 4, 2016	10:00 a.m. to 11:00 p.m.
July 5, 2016	10:00 a.m. to 10:00 p.m.

She stated all retail fireworks stands within the Metropolitan Area Planning District shall be required to provide a safety flyer to every purchaser of fireworks. The safety flyer template shall be provided by the Emporia Fire Department and each permittee of the City shall be responsible for reproduction and distribution of the flyer at the point of sale.

Commissioner Gilligan made a motion to approve Ordinance Number 16-02, an ordinance permitting the sale, possession, storage and use of Class C Fireworks within the City of Emporia, Kansas, and superseding any prior ordinance. Commissioner Harmon seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Mlynar, and Mayor Giefer, aye.

**CITY COMMISSION**  
**(Resolution of Public Hearing on 24<sup>th</sup> Avenue & Industrial Road)**  
**(Resolution Number 3579)**

Assistant City Manager Witt was recognized and addressed the Governing Body. He stated the proposed resolution calls for a public hearing on the Emporia Pavilions TIF project<sup>5</sup> and specifically the Project Plan that was recently submitted. The Planning Commission found that the physical plan for development was consistent with the City's existing Comprehensive Plan. The hearing date set forth on the Resolution is agreed upon to maximize transparency and citizen input. A copy of the Resolution and Project Plan will be forwarded to all other taxing entities as required by state law. The passage of this Resolution requires a simple majority vote.

Commissioner Harmon stated he opposes the entire TIF and CID project for the area, stating retail business is different than industrial development and he would not be voting in favor.

Commissioner Gilligan made a motion to approve Resolution Number 3579, a resolution stating the intent of the City of Emporia, Kansas to consider adoption of a redevelopment project plan within the 2015 redevelopment district previously created by the City and providing notice of a public hearing. Commissioner Geitz seconded the motion.

Spencer Thompson, Attorney representing the redevelopment project on 24<sup>th</sup> Avenue, was recognized and addressed the Governing. He stated he felt this project was in the best interest of the community for more reasons than there is to not support it. He stated he did not agree with Commissioner Harmon's statement about not supporting the plan.

Commissioner Harmon stated he felt the TIF was to be used for blighted area for redevelopment and he did not consider the property site as

blighted.

Following further discussion, there was a call for the vote as follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; Mayor Giefer, aye; and Commissioner Harmon, nay.

**CITY COMMISSION  
(City Manager's Report)**

This is a verbal report that announces upcoming events, recognizes 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 this time this Agenda was prepared, the following items were in the works:

**TENTATIVE AGENDA FOR MARCH 9TH STUDY SESSION**

1. Election Law Update
2. Discuss Update Ordinance for Consumption of Alcohol by Minors
3. Discuss Status of Alcohol Beverage Sales at WAW

**JOINT LUNCHEON W/MUPP**

**CITY COMMISSION  
(Other Business)**

This is a time for the City Commissioners to make comments. No comments were made at this time.

**EXECUTIVE SESSION**

Commissioner Geitz made a motion to adjourn into Executive Session for consultation with the City Attorney for attorney/client privilege from 2:14 p.m. to 2:24 p.m., in the City Commission Meeting Room. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Mlynar, aye; Commissioner Gilligan, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 2:24 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they

had discussed attorney/client privilege and no action was taken.

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

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Danny Giefer, Mayor

ATTEST:

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Kerry Sull, City Clerk