

COMMISSION MEETING

1:30 P.M.

MAY 4, 2016

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, May 4, 2016, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners, Geitz, Giefer, 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 Executive Session held on March 30 and Commission Meeting held on April 20, 2016.
- b. Consider ratification of Payroll Ordinance for period ending April 30, 2016.
- c. Consider Change Order for Veteran's Memorial Project.

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

**CITY COMMISSION
(Public Comment)**

Julia Wilson, Human Services Coordinator for ECKAN, was in attendance to accept a proclamation declaring the month of May 2016 as "Community Action Month" in Emporia. She stated East Central Kansas Economic Opportunity Corporation (ECKAN) was established in 1966 and has a rich history in Emporia in establishing innovative programs and services for young adults and Headstart. She stated individuals and families on limited income continue to need opportunities to improve their lives and their living conditions ensuring that they all able to live in dignity. She stated the City of Emporia and ECKAN have worked together to meet the needs of our most vulnerable citizens.

Mayor Gilligan then presented the proclamation.

Kent Heermann, President of the Regional Development Association, was in attendance to accept a proclamation declaring the week of May 8 through 14, 2016 as "Economic Development Week" in Emporia. He stated economic developers promote economic well-being and quality of life for

their communities by assisting primary businesses in creating, retaining and expanding jobs that facilitate growth, enhance wealth, and provide a stable tax base. He stated the Regional Development Associate of East Central Kansas (RDA) mission is to pro-actively promote economic growth of our region through industrial recruitment, expansion and training enhancements. The RDA Goals are, the creation of skilled jobs for the region, encourage the retention of existing employment within the region, and create an atmosphere that provides growth opportunities to industry. He stated this reminds individuals of the importance of this profession in expanding career opportunities and improving quality of life.

Mayor Gilligan then presented the proclamation.

Frank Abart, Director of Public Works, was in attendance to accept a proclamation declaring May 15 through 21, 2016 as "Public Works Week" in Emporia. He stated Public Works services provided in our community are an integral part of everyday lives. The support of an understanding and informed citizenry is vital to the efficient operations of Public Works system and programs such as water, sewer, streets, solid waste collection, recycling and aviation. He stated the health, safety and comfort of this community depends on quality, assets, efforts and skills of Public Works employees.

Mayor Gilligan then presented the proclamation.

Mayor Gilligan accepted a proclamation on behalf of Casey Woods, Director of Emporia Main, declaring the month of May as "National Historic Preservation Month" in Emporia. He stated historic preservation fosters pride in communities through recognizing and maintaining our tangible heritage of historic sites, districts and neighborhoods while offering economic tools that help manage sustainable growth. Historic preservation is relevant to communities in Kansas, as well as those across our nation. He urged the citizens of Emporia to join others across the United States in recognizing and participating in this special observance.

**PAVING
(2016 Street Rehabilitation Project NO. PV1602)
(Bids)**

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the 2016 Street Rehabilitation Project NO. PV1602. The City had two bidders out of four plan holders submit a bid.

BID TABULATION FOR 2016 STREET REHABILITATION PROJECT

Contractor	Base Bid	Add Alternate Bid	Total
Killough Const.	\$466,608.30	\$65,572.50	\$532,180.80
APAC-Kansas, Inc.	\$436,715.06	\$56,740.44	\$493,455.50
Engineer's Est.	\$499,069.50	\$69,873.00	\$568,942.50

This project is budgeted at \$500,000.00 out of the Multi-Year Fund. He stated staff is recommending awarding the project to APAC-Kansas, Inc. Shears Division. APAC has completed past street rehabilitation projects and the City has been pleased with the quality of work and professionalism.

Commissioner Giefer made a motion awarding the project to APAC-Kansas, Inc., Shears Division for the base bid and add alternate bid for a total amount of \$493,455.50. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

**MUNICIPAL AIRPORT
(Land Acquisition Services)**

Frank Abart, Director of Public Works, was recognized and addressed the Governing Body. He stated an adjacent landowner has approached staff regarding acquisition of a parcel of land currently located northeasterly of the Airport property and within the Airport Planning Area. He stated staff collected information, developed an appraisal. The landowner would like to pursue a negotiated settlement. Since it is desirable to maintain compliance and eligibility with the FAA matching fund program 90/10, it is necessary to utilize professional consulting services that are familiar

with the process requirements. The FAA is supportive of pursuing this tract of land. He stated staff recommends approval of the agreement of H.W. Lochner, Inc. to perform professional services associated with land acquisition in compliance with FAA requirements to purchase land. The total cost of the service is approximately \$24,000.00

Commissioner Harmon made a motion to approve the request of H.W. Lockner, Inc. to provide Airport Land Acquisition Services for the Emporia Municipal Airport. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Accept Permanent Drainage Easement)
(3601 W. 6th Avenue - Dynamic Distribution Company)

City Manager McAnarney stated the City of Emporia have worked with the owner of Dynamic Distribution Company on securing a permanent drainage easement on the east side of their property. A large amount of acreage drains through this area from the Industrial Park where Cargill, EVCO, Kansa Corporation and others are located. The city does not have the right to maintain this drainage area. Upon acceptance of the easement, the City will clean out the drainage area so that the water will flow through the area more efficiently. Staff is recommending acceptance of the drainage easement.

Commissioner Mlynar made a motion to accept the permanent drainage easement to the City of Emporia, Kansas. Commissioner Giefer seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Board Appointments)

HUMAN RELATIONS COMMISSION:

It was moved by Commissioner Harmon, seconded by Commissioner Giefer to re-appoint Elaine Gatlin, Lannie Lyman and appoint William Bernhrdt-Purdy to the Human Relations Commission for terms that expire on May 1,

2019. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

ACCESSIBILITY ADVISORY BOARD:

_____It was moved by Commissioner Harmon, seconded by Commissioner Giefer that Jennifer Whatley be appointed to fill the unexpired term on the Accessibility Advisory Board that expires on July 31, 2018. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

EMPORIA PUBLIC LIBRARY BOARD:

_____It was moved by Commissioner Giefer, seconded by Commissioner Mlynar to appoint Andrew Smith and re-appoint Cy Anderson to the Emporia Public Library Board for terms that expire on April 30, 2020. The vote follows: Commissioner Giefer, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(10 block of W. 8th Avenue)
(Beer Garden for Live in the Lot Dirty Kanza Kick-Off Event)
(Ordinance Number 16-14)**

AN ORDINANCE EXEMPTING WEST 8TH AVENUE INCLUDING THE MID-10 BLOCK TO COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE LIVE IN THE LOT DIRTY KANZA KICK-OFF EVENT JUNE 2, 2016, to which the City Clerk assigned Ordinance Number 16-14, was presented to the Governing Body for their consideration.

Christina Montgomery, City Attorney, was recognized and addressed the Governing Body. She stated the Emporia Granada Theater is requesting a temporary exemption from the prohibition of the sale and consumption of alcoholic beverages for the Live in the Lot Dirty Kanza Kick-Off event to be held on June 2, 2016. She stated the exemption would include the area between the alley and Commercial Street on the 10 block of 8th Avenue from 6:00 p.m. to 10:00 p.m. All requirements to ensure the compliance with state law and city ordinances will be met.

Commissioner Harmon made a motion to approve Ordinance Number 16-14, an ordinance exempting the area between the alley and Commercial Street on the 10 block of W. 8th Avenue, from the prohibition on the sale and consumption of alcoholic beverages for the Live in the Lot Dirty Kanza Kick-off Event to be held on June 2, 2016. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Permitting the Sale and Consumption of Alcohol)
(10 block of W. 7th Avenue)
(Beer Garden for Live in the Lot Season)
(Ordinance Number 16-15)**

AN ORDINANCE EXEMPTING WEST 7TH AVENUE INCLUDING THE MID-10 BLOCK TO COMMERCIAL STREET IN THE CITY OF EMPORIA FROM THE PROHIBITION ON THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE LIVE IN THE LOT EVENTS JUNE 8TH, 2016; JUNE 15TH, 2016; JUNE 22ND, 2016 AND JUNE 29TH 2016, to which the City Clerk assigned Ordinance Number 16-15, was presented to the Governing Body for their consideration.

Christina Montgomery, City Attorney, was recognized and addressed the Governing Body. She stated the Emporia Granada Theatre is requesting a temporary exemption from the prohibition of the sale and consumption of alcoholic beverages for the Live in the Lot events to be held on June 8th, 15th, 22nd and 29th, 2016. The requested exemption would include the area between the alley and Commercial Street on the 10 block of W. 7th Avenue, from 6:00 p.m. to 10:00 p.m. on those dates. All requirements to ensure the compliance with state law and city ordinances will be met.

Commissioner Giefer made a motion to approve Ordinance Number 16-15, an ordinance exempting the area between the alley and Commercial Street on the 10 block of W. 7th Avenue, from the prohibition on the sale and consumption of alcoholic beverages for the Live in Lot Season for June 8, 15, 22 and 29, 2016. Commissioner Harmon seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

HOUSING
(Approve Contract Amendment for CDBG Grant #14-HR-003)

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated the contract amendment is required to reconcile pre-project estimated budget totals to actual amounts used on the projects when the minimum difference is exceeded. The costs of most of the lead paint activities were lower than expected, resulting in shifting additional funding into the rehabilitation budget to complete another home than originally estimated. He stated this budget amendment is required by the Kansas Department of Commerce Small Cities Community Development Block Grant.

Following further discussion, Commissioner Mlynar made a motion to approve the Contract Amendment for Kansas Department of Commerce Small Cities Community Development Block Grant No. 14-HR-003. Commissioner Harmon seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

HOUSING
(Review Performance for CDBG Grant #14-HR-003)
(Public Hearing)

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated the CDBG grant of \$400,000 was matched with a total of approximately \$178,000 in local cash and in-kind contributions to rehabilitate 21 owner-occupied homes and demolish 11 dilapidated homes city-wide over a two-year period. He stated a public hearing is required at the completion of all CDBG grants to allow the public an opportunity to comment about the grant project.

Mayor Gilligan then opened the public hearing.

As no one in attendance wished to address the Governing Body, Mayor Gilligan then closed the public hearing.

**CITY COMMISSION
(Emporia Pavilions Community Improvement District - CID)
(Accept Petition)**

Jim Witt, Assistant City Manager, was recognized and addressed the Governing Body. He stated the first step in the creation of the CID to be paired with the recently approved TIF for the Emporia Pavilions project is the acceptance of the attached petition submitted by the property owners. The method of financing the Project is 100% from a sales tax imposed pursuant to the Act on a pay as you go basis and funds of the developer of the Project. No special assessments are requested to be imposed and no bonds or notes are requested to be issued by the City. The proposed amount of the CID sales tax is 1.00%. This action is consistent with state law and requires a Public Hearing be included in the next action item.

Commissioner Mlynar made a motion to accept the Petition for the creation of the Emporia Pavilions Community Improvement District. Commissioner Giefer seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Emporia Pavilions Community Improvement District - CID)
(Resolution Number 3581)**

Jim Witt, Assistant City Manager, was recognized and addressed the Governing Body. He stated the next step in the process of the Community Improvement District (CID) for Emporia Pavilions is to provide notice of a public hearing on the advisability of creating Emporia Pavilions CID. The Petitioners request the formation of a CID for the purpose of financing project costs eligible for reimbursement. The project is estimated to be \$36,836,951 with \$3,000,000 financed through CID revenues over the life of the district. The petitioners proposed financing the project costs through pay-as-you-go financing. This resolution shall set a public hearing on the advisability of creating the CID for Emporia Pavilions on June 15, 2016 at 7:00 p.m.

Commissioner Giefer made a motion to approve Resolution Number 3581, a resolution calling for a public hearing on the creation of the CID District for the Emporia Pavilions. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

**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 MAY 11TH STUDY SESSION

1. Update on Trap, Neuter and Release Program
2. Discuss Present 5 Year Plan
3. Discuss Becker Addition
4. Discuss Park Playground Equipment

JOINT LUNCHEON w/RDA and Emporia Enterprises

**CITY COMMISSION
(Other Business)**

This is a time for the City Commissioners to make comments. The Commission congratulated the upcoming graduates.

EXECUTIVE SESSION

Commissioner Mlynar made a motion to adjourn into Executive Session to discuss proprietary information and possible land acquisition from 2:15 p.m. to 2:45 p.m., in the City Commission Meeting Room. Commissioner

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

Upon reconvening the meeting in Regular Session, at 2:45 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed proprietary information and possible land acquisition and no action was taken.

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

Commissioner Giefer spoke on behalf of the Commission regarding City Manager McAnarney's annual evaluation and recommendations. He stated this item would be presented at the next regular meeting.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk