

**COMMISSION MEETING**

**1:30 P.M.**

**DECEMBER 2, 2015**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, December 2, 2015, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners, Geitz, Gilligan, Harmon and Mlynar present. Also present were City Manager McAnarney, City Clerk Sull and City Attorney Plummer. Assistant City Manager Witt arrived at 1:32 p.m.

**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 November 18, 2015.
- b. Consider ratification of Payroll Ordinance for period ending November 27, 2015.
- c. Consider Change Order No. 1 for Water Storage Tank Project.
- d. Consider Change Order No. 1 for 2015 Downtown Sidewalk Improvement Project.

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

**CITY COMMISSION  
(Public Comment)**

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

**ACCOUNTING DEPARTMENT  
(Governing Finance Officers Associate - GFOA)  
(Certificate of Achievement)**

City Manager McAnarney stated this is the thirtieth year in a row that Government Finance Association of the U.S. and Canada have awarded their Certificate of Achievement for Excellence in Financial Reporting to the City of Emporia. He stated this award is for the financial report ending December 31, 2014. In order to receive the award, the governmental unit must publish a financial report that is easy to read, efficiently organized,

comprehensive and whose contents conform to program standards. The report must satisfy both generally accepted accounting principals and applicable legal requirement. Members of the Financial Department for the City of Emporia are as follows: Janet Harrouff, Director of Administrative Services; Megan O'Mara, Administrative Assistant; and Tammy Hopper, Accounting Clerk.

The Commission thanked the Finance Department for their continued efforts in receiving this prestigious award.

**AIRPORT**  
**(Airport Master Plan.)**  
**(Request for Approval on Agreement - H.W. Lockner, Inc.)**

Frank Abart, Public Works Director, was recognized and addressed the Governing Body. He stated the City was authorized to solicit proposals from qualified Consultants to perform aviation planning functions at the Airport. The primary focus is to update many components of the Master Plan for the Airport. He stated the Master Plan must be updated, or significantly underway, before the City can pursue other improvements that would utilize additional FAA 90/10 match funding. As required by FAA solicitations was sent to ten specific professional consultants. Five statements of qualifications were submitted for review. He then reviewed the services that the Consultant will complete for a total amount not to exceed \$197,200.00. The City will then be reimbursed 90% and the City's share of the cost will be \$19,720.00. He stated staff was recommending approval of H. W. Lockner, Inc. to provide Aviation Consultant Services for the Airport Master Plan Update.

Commissioner Gilligan made a motion to approve the request of H. W. Lockner, Inc., to provide Aviation Consultant Services for the Airport Master Plan Update. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

**WASTE WATER TREATMENT  
(WWTP Upgrade)  
(Request for Approval on Agreement - Burns & McDonnell)**

Frank Abart, Public Works Director, was recognized and addressed the Governing Body. He stated the City will be required to meet KDHE discharge requirements at the Waste Water Treatment Plant that focus on reducing phosphorus and nitrogen content in the discharged water. He stated the City contracted with PEC consultants in 2014, to produce recommendations which resulted in pursuing a consultant to advance the project and move forward. He stated the Request for Proposal also initiated the consultants to propose alternate solutions in addition to the original proposed. He stated after the review committee heard presentations, they recommended to pursue the alternate solution presented by Burns & McDonnell that also included a design/build implementation process to reduce time and costs associated with the project. He stated staff recommends approval of Burns & McDonnell to provide consultant services for the Waste Water Treatment Plant upgrade for Phase I of project.

Commissioner Geitz made a motion to approve Burns & McDonnell to provide consultant services for the Waste Water Treatment Plant upgrade. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**WASTE WATER TREATMENT  
(WWTP Upgrade)  
(Request for Approval on Agreement - BG Consultants)**

Frank Abart, Public Works Director, was recognized and addressed the Governing Body. He stated this item is in conjunction with the agreement with Burns & McDonnell in connection with the Waste Water Treatment Plant upgrade. He stated the review committee recommends approval of BG Consultants, Inc., to provide owner representation for the project. He stated a critical component to the design/build process is to assure owners representation during the various complex and technical stages of the project. He stated this will assure that the interest of the owner (City of Emporia) are served during the phases of the project. He stated staff

is recommending approval of BG Consultants, Inc., to provide owner representation consultant services for the upgrade project.

Commissioner Gilligan made a motion to approve BG Consultants, Inc., to provide owner representation consultant services for the Waste Water Treatment Plant upgrade project. Commissioner Harmon seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**BOUNDARY  
(Resolution Number 3575)**

City Manager McAnarney stated every year the City is required to pass a resolution declaring the entire boundary of the City. He stated this year the Prairie Land Partners (John Deere) was annexed into the City. He stated the total acres in the entire boundary of the City is 7,743.13 acres or 12.09 square miles.

Commissioner Harmon made a motion approving Resolution Number 3575, a resolution establishing the city boundary lines. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**BONDS  
(Industrial Revenue Bonds Series A, 2015 - \$2,975,000.00)  
(Industrial Revenue Bonds Series B, 2015 - \$525,000.00)  
(Smoots Enterprises II, LLC)  
(Ordinance Number 15-31)**

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2015 (SMOOTS ENTERPRISES II, LLC), IN THE AGGRESS PRINCIPAL AMOUNT OF NOT TO EXCEED \$2,975,000 AND ITS SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2015 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$525,000 FOR THE PURPOSES OF (1) PURCHASING, ACQUIRING, CONSTRUCTING, FURNISHING AND EQUIPPING A REFRIGERATED WAREHOUSE AND RELATED FACILITY FOR A PREPARED MEATS BUSINESS LOCATED IN THE CITY OF EMPORIA, KANSAS; AND (2) PAYING CERTAIN COSTS OF ISSUANCE, AUTHORIZING THE EXECUTION OF A TRUST INDENTURE BY AND BETWEEN THE CITY AND CORNERBANK, WINFIELD, KANSAS, AS TRUSTEE; AUTHORIZING EXECUTION OF A LEASE BETWEEN THE CITY AND SMOOTS ENTERPRISES II, LLC; APPROVING THE FORM AND GUARANTY AGREEMENTS; AUTHORIZING THE EXECUTION OF A BOND PLACEMENT AGREEMENT BY AND BETWEEN THE CITY, SMOOTS ENTERPRISES II, LLC, AND CORNERBANK, AS PURCHASER OF THE SERIES A, 2015 BONDS AND A BOND PLACEMENT AGREEMENT BY AND

BETWEEN THE CITY AND SMOOTS ENTERPRISES II, LLC, AS PURCHASER OF THE SERIES B, 2015 BONDS, to which the City Clerk assigned Ordinance Number 15-31, was presented to the Governing Body for their consideration.

City Manger McAnarney stated the City of Emporia has approved an Incentive Compliance Agreement with Fanestils (Smoots Enterprises II, LLC) for the construction of a refrigerated warehouse on West Highway 50 in Emporia. He stated the company has met the conditions of the Incentive Compliance Agreement and it is recommended that the Commission approve the ordinance authorizing the issuance of the taxable industrial revenue bonds. He stated in connection with the bonds, the City authorizes various documents necessary to support the bond issue, including the lease agreement, a trust indenture and bond purchase agreements. The City also approves the form of the guaranty agreements related to the bond issue. He stated the bond issue si scheduled to close on December 17, 2015.

Following further discussion, Commissioner Geitz made a motion approving Ordinance Number 15-31, an ordinance authorizing the City of Emporia, Kansas to issue Taxable Industrial Revenue Bonds Series A, 2015 (Smoots Enterprises II, LLC) in the aggregate principal amount not to exceed \$2,975,000 and it subordinated Taxable Industrial Revenue Bonds, Series B, in the aggregate principal amount not to exceed \$525,000. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Giefer, 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 DECEMBER 9TH STUDY SESSION**

1. Update on Capital Projects
2. Review RHID Goals

3. Animal Shelter Report
4. Animal Control Ordinance Review
5. Discuss Towing Guidelines
6. Veteran's Memorial Park Update
7. Discuss Stoplight at 6<sup>th</sup> & Congress

Joint Luncheon W/CVB

City Manager McAnarney stated the will be no Study Session on December 23, 2015.

**CITY COMMISSION**  
**(Other Business)**

This is a time for the City Commissioners to make comments.

Mayor Giefer stated the City of Emporia will be offering a 30 day parking amnesty. To get half of the fee waived, citizens will need purchase food items from a list and provide proof of purchase equal to or greater than half of the parking ticket fees. Food items will then be donated to the Food for Student Program. He stated more information about the program will be issued at a later date with all details and when the parking amnesty will begin.

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

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Danny Giefer, Mayor

ATTEST:

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Kerry Sull, City Clerk