

COMMISSION MEETING

7:00 P.M.

SEPTEMBER 21, 2016

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 21, 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.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

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

Mayor Gilligan reviewed general information for the month of August for the community, including monthly sales tax receipts, CID collections for the Flint Hills Mall, building permits and information.

The following is general information for the month of August for the community:

1- Monthly Local Retail Sales Tax Receipts Update

2015	2016	
\$384,400.99	\$363,657.34	Decrease of \$20,743.65 for the month, and Overall increase of 1.17% from year 2015

2- City Share from County Tax

2015	2016	
\$194,119.42	\$181,145.54	Decrease of \$12,973.88 for the month, and Overall decrease of 0.13% from year 2015

3- Building Permits issued from 8/1/2016 to 8/31/2016 for new construction, remodeling / repairs and demolition.

Total number of building permits issued through Code Services:	38
Total of valuations associated with those building permits:	\$718,874.00
Total number of dollars collected for Building Permit Fees:	\$ 5,464.25

- 2 new single family dwellings
- 1 new duplex
- 2 tear down - single family dwellings

Flint Hills Mall CID for August	\$14,978.74
Year to Date Total	\$17,712.07

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on August 17, 2016.
- b. Consider ratification of Payroll Ordinance for period ending August 16, 2016.
- c. Consider Approval of August Budget.
- d. Consider Change Order No. 2 for the Warren Way Paving Project No. PV1402.

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

CITY COMMISSION (Public Comment)

Ruth Wheeler and Evora Wheeler were in attendance to accept a proclamation declaring October 2, 2016 as "Walk to End Alzheimer's Day" in Emporia. Alzheimer's disease is a progressive degenerative disease of the brain causing memory loss and impaired thinking, judgement and behavior. It is the sixth leading cause of death for older adults. The Heart of America Chapter of the Alzheimer's Association is sponsoring a Walk to End Alzheimer's in Emporia on Sunday, October 2, 2016. They stated the Alzheimer's Association and its volunteers raise funds and promote awareness in the fight against Alzheimer's.

Mayor Gilligan then presented the proclamation.

Kent Heermann, President of the RDA; and Dean Hollenbeck, President of the Flint Hills Technical College were in attendance to accept a proclamation declaring October 6 and 7, 2016 as "Manufacturing Days" in Emporia. They stated Manufacturing Day has been recognized as an effective way to expand knowledge about value manufacturing brings to the Kansas economy and to showcase high-skilled, high-paying manufacturing jobs within Emporia. Manufacturing employees require more education, training and skill development from higher education institutions such as Emporia State

University and Flint Hills Technical College. The Regional Development Association of East Central Kansas, Emporia Area Chamber of Commerce, Flint Hills Technical College, Emporia State University and USD #253 are collaborating with manufactures, educational institutions and other partners to celebrate the success of the manufacturing industry and manufacturing companies in Emporia and Lyon County.

Mayor Gilligan then presented the proclamation.

Representatives from Emporia State University were in attendance to accept a proclamation declaring the month of October as "Texting & Driving - It Can Wait Month" in Emporia. They stated AT&T Kansas has launched a campaign encouraging drivers to take the pledge to not text and drive. The National Highway Traffic Safety Administration states approximately 660,000 drivers are using cell phones or manipulating electronic devices while driving. They stated this program can literally save lives throughout our city, state and country. They encouraged all citizens to commit to refraining from texting while driving by taking the pledge.

Mayor Gilligan then presented the proclamation.

**CITY COMMISSION
(Agreement for Reference Station Host)**

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated this host agreement is for the purpose of allowing Smartnet to take over maintenance of reference station located on the roof of the City Hall building. The reference station provides electronic information to users of the global navigation satellite system for the purposes of establishing coordinates when doing surveying work in the field. He stated Smartnet agrees to install the latest equipment and maintain it at no cost to the City, in exchange for two licenses to be used by City staff for the purpose of survey work. He stated this agreement would essentially remove any need by the City to maintain the reference station in the future. In the event the City does not wish to continue

with the agreement, 60 days after written notice is given, Smartnet will abandon use of the reference station. He stated staff was recommending the Mayor sign the agreement.

Commissioner Geitz made a motion for the Mayor to sign the agreement with Smartnet to take over maintenance of the City's reference station located on the City Hall building. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

CITY COMMISSION
(Assignment of the Development Agreement)
(Emporia Land Development, LLC)

Jim Witt, Assistant City Manager, was recognized and addressed the Governing Body. The City received notice from Emporia Land Development, LLC, the Developer under a Development Agreement with the City regarding the Emporia Pavilions TIF and CID project. The Developer will assign its rights under the Development Agreement, including the right to receive reimbursement under the Development Agreement from TIF and CID revenues, to Country Club Bank. The assignment is collateral for the construction loan Country Club Bank is making to the Developer to complete the project. This type of collateral assignment is common and is permitted by Article V of the Development Agreement. The assignment does require the consent of the City and the Developer and lender bank have requested the City's consent. The Developer requests that Commission approve the collateral assignment and authorize the Mayor to execute a document evidencing the City's consent. Mary Carson, the developer's attorney and an attorney for the financial institution also recommends approval of the consent.

Following further discussion Commissioner Giefer made a motion authorizing the Mayor to execute a consent to assignment of the Development Agreement between the City and Emporia Land Development, LLC, to County Club Bank, as collateral for the loan Country Club Bank will make to Emporia Land Development for construction of the project. Commissioner Geitz seconded the motion. The vote follows: Commissioner Giefer, aye;

Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

TRAFFIC SAFETY COMMITTEE
(Amending Parking in the Downtown District)
(Ordinance Number 16-37)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO PARKING; AMENDING SECTION 25-85 PARKING IN THE DOWNTOWN DISTRICT, to which the City Clerk assigned Ordinance Number 16-27, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated there is a requested change to the designated parking on Merchant Street between 7th Avenue and 8th Avenue to allow vehicles to park for at least 8 hours. The Joint Traffic Safety Committee met in regular session, on July 18, 2016, and voted 5-3 in favor of changing the parking on that block. This proposed ordinance would change the parking designation on the east side of the street in the 700 block of Merchant to 24-hour parking and leaving the parking on the west side of the street at 2 hour parking as designated. She stated staff is recommending approving the ordinance to allow for the requested change.

Commissioner Mlynar stated she felt that this was speciality parking and this type of request has been turned down in the past and she would not be voting in favor of the amendment now.

Commissioner Giefer stated he would abstain from the vote due to a conflict of interest.

Commissioner Geitz made a motion to approve Ordinance Number 16-37, an ordinance amending parking in the downtown district on the east side of the street between 7th Avenue and 8th Avenue on Merchant street to 24 hour parking. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Mayor Gilligan, aye; and Commissioner Mlynar, nay. Commissioner Giefer abstained.

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:

TENTATIVE AGENDA FOR SEPTEMBER 28TH STUDY SESSION

1. Discuss Increase in Transient Guest Tax
2. Wastewater Treatment Plant Update
3. Discuss Changes in MUPP Board Bylaws

Joint Luncheon w/Emporia Main Street

Following discussion it was the consensus of the Commission and staff to cancel the study session scheduled for September 28, 2016 and move all items to the October 12, 2016 study session. The luncheon with Emporia Main Street will be rescheduled.

EXECUTIVE SESSION

Commission Geitz made a motion to adjourn into Executive Session to discuss attorney client privilege from 7:30 p.m to 7:40 p.m., in the City Commission Meeting Room. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 7:40 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed attorney client privilege and no action was taken.

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