

COMMISSION MEETING**1:30 P.M.****SEPTEMBER 7, 2016**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 7, 2016, in the City Commission Meeting Room with Mayor Gilligan presiding and Commissioners, Giefer, Harmon and Mlynar present. Commissioner Geitz was absent. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Montgomery.

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 Commission Meeting held on August 17, 2016.
- b. Consider ratification of Payroll Ordinance for period ending September 2, 2016.
- c. Set Bid Time and Date for Water Main Project WM1601.
- d. Set Bid Time and Date for Water Main Project WM1602.
- e. Consider Change Order No. 1 for the 2016 Street Rehabilitation Project No. PV1602.

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

**CITY COMMISSION
(Public Comment)**

Mary Ann Newton, representing the Department of Labor's Office of Disability Employment Policy; and Shelly Kelley, Community Service Officer, were in attendance to accept a proclamation declaring the month of October as "National Disability Employment Awareness Month" in Emporia. They stated October is the awareness month to education about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities. They stated they recognize the indispensable contributions people with disabilities make in our economy and recommit to building a community where each of us can realize the full extent of our dreams.

Mayor Gilligan then presented the proclamation.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

Mayor Gilligan recognized the following employees as winners of The Above and Beyond Award. He stated this is a quarterly award given to employees that are nominated by their peers for special recognition of their valuable contribution to the City. He then presented the winners as follows:

Kale Neis - Fire Department
Rich Rhoades - Public Works
Jonathan Hull - Public Works
Armando Mejia - Water Service

**SEWER MAINTENANCE
(Approval of the Design and Engineering Contract with BG Consultants)
(Lift Station No. 9 Upgrade)**

Frank Abart, Public Works Director, was recognized and addressed the Governing Body. He stated this is an old style lift station in operation that was initially constructed around 1962. It is scheduled to be replaced in 2017 and this proposed contract includes design, construction, engineering and survey services in an amount of \$82,100. This style of lift station has not been in general production for approximately 20 years. The newer designs are more dependable, reliable, easier to maintain and much safer for employees to perform maintenance and repair functions. He stated this lift station is approximately 24 feet below ground level. The new installation is planned to be in close proximity but final design will dictate the actual location. Decommissioning will involve making the unit safe and left in the ground due to the expense of removal. He stated staff recommends approval of the Design and Engineering Contract with BG Consultants in the amount of \$82,100.

Commissioner Mlynar made a motion to approve the Design and Engineering Contract with BG Consultants for Sewer Lift Station No. 9 Upgrade in the amount of \$82,100. Commissioner Giefer seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Giefer,

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

ENGINEERING
(Merchant St. Storm Sewer Replacement Project No. SW1602)
(Merchant Street at Railroad Crossing)
(Bids)

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the Merchant Street Storm Sewer Replacement at the Railroad Crossing. The storm sewer pipe is crushed and needs to be replaced. The bids are as follows:

Contractor	Total Bid
Skillman Construction, LLC	\$ 97,964.82
Nowak Construction Co.	\$137,138.70
Rubick Construction, Inc.	\$108,618.01
Engineer's Estimate	\$102,566.00

He stated this project is budgeted for \$100,000.00 from the Multi-Year Fund. Staff is recommending awarding the project to Skillman Construction, LLC for a total bid amount of \$97,964.82.

Commissioner Giefer made a motion to award the bid for the Merchant Street Storm Sewer Replacement (Merchant Street at Railroad Crossing) Project No. SW1602 to Skillman Construction, LLC for a total bid amount of \$97,964.82. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Mlynar, aye; Commissioner Harmon, aye; and Mayor Gilligan, aye.

ENGINEERING
(Permanent Utility Easement to Westar)

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated this permanent utility easement grants Westar access to an existing power line on City property North of 30th Avenue west of Prairie Street. He stated Westar has prepared a right-of-way agreement, and exhibits and has agreed to pay \$500.00 for easement. The utility easement is associated with the construction of the Edward's residence on 30th Avenue that was annexed into city limits. Staff is recommending granting the permanent utility easement to Westar.

Commissioner Mlynar made a motion granting Westar a permanent

utility easement on City property North of 30th Avenue West of Prairie Street. Commissioner Harmon seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Board Appointments)**

Accessibility Advisory Board:

_____It was moved by Commissioner Giefer, seconded by Commissioner Harmon that B. Grace Jones and Wendy N. Talley be appointed to the Accessibility Advisory Board for terms that expire July 31, 2018.

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

**CITY COMMISSION
(Hidden Vista Housing Development)
(Rural Housing Incentive District)
(Public Hearing)**

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated in February, 2016, the Kansas Department of Commerce authorized the City to establish a Rural Housing Incentive district pursuant to K.S.A. 12-5241. The Hidden Vista development area was one of the districts approved in the request. The purpose of the district is to encourage the development of housing in the rural cities and counties of Kansas. The shortage of desirable housing was supported by a housing needs analysis conducted by the City in December, 2015. On August 3, 2016 the Commission approved a resolution to establish the district named Hidden Vista, located in northwest Emporia. The resolution also declared the intent to adopt the Development Plan and conduct the required Public Hearing. He stated per State Statute, the City shall present the Development Plan at the public hearing and the developers shall be identified. He then reviewed the plan for Hidden Vista Housing Development.

Property owners for the Hidden Vista Housing Development (Mid-Kansas Properties, LLC) were present, as required per State Statute K.S.A. 12-5246.

Mayor Gilligan then declared the public hearing opened.

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

**CITY COMMISSION
(Adopt the Development Plan Hidden Vista Housing Development)
(Rural Housing Incentive District)
(Ordinance Number 16-36)**

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS ESTABLISHING A RURAL HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH (HIDDEN VISTA), to which the City Clerk assigned Ordinance Number 16-36, was presented to the Governing Body for their consideration.

Commissioner Harmon made a motion to approve Ordinance Number 16-36, an ordinance adopting the Development Plan for the Hidden Vista housing development within the City's Rural Housing Incentive District. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**CITY COMMISSION
(Industrial Revenue Bonds for Chelsea Lofts Project)
(Public Hearing)**

City Manager McAnarney stated in accordance with Kansas Statutes, the City of Emporia is required to give a public notice and conduct a public hearing in conjunction with the granting of a tax exemption related to the issuance of Industrial Revenue Bonds. The Bonds are proposed to be issued by the City and repaid by the developer with no liability assumed by the City for repayment in the estimated amount not to exceed \$3,500,000 to finance the costs of purchasing, acquiring, constructing, furnishing and equipping a 49-unit, three story apartment building that includes approximately 1,200 square feet of ground floor commercial or retail space, commonly known as Chelsea Apartments located at 1020 Commercial St. The bonds will make the project eligible for ad valorem property tax exemption. The proposed project would be owned by the City

and leased to Emporia Main Street Development Group, LLC.

Mayor Gilligan then declared the public hearing opened.

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

**CITY COMMISSION
(Industrial Revenue Bonds for Chelsea Lofts Project)
(Resolution Number 3586)**

City Manager McAnarney stated the Commission previously approved a resolution indicating its intent to issue Taxable Industrial Revenue Bonds in the approximate amount of \$3,500,000 issued by the City and repaid by the developer with no liability assumed by the City for the Chelsea Apartments Project. This resolution authorizes the approval of items purchased with the IRB's to be tax exempt for up to ten years.

Commissioner Harmon made a motion to approve Resolution Number 3586 a resolution authorizing the City of Emporia to exempt certain property acquired with the proceeds of Industrial Revenue Bonds in the amount of \$3,500,000 for the Chelsea Apartments Project. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**TRAFFIC - PARKING
(Amendment to Downtown Parking)
(Change Designated Parking on the Eastside of Merchant St.)
(Between 700 and 800 Blocks)
(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 16-37, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated BLI has requested a change to the designated parking on Merchant Street between 7th Avenue and 8th Avenue to allow vehicles to park there for at least 8 hours. The Joint Traffic Safety Committee voted in favor of changing the parking in that area. Staff has prepared an

ordinance with the proposed change that would change the designation on the east side of the street on the 700 block of Merchant Street to 24-hour parking, leaving the parking on the west side of the street at 2-hour parking, as previously designated.

Commissioner Giefer stated he would abstain from the vote on this item due to conflict of interest.

Commissioner Mlynar stated she would vote against the change.

Following further discussion and due to the number of Commissioners present, Commissioner Harmon made a motion to table this item until all Commissioners were present for the vote. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Mlynar, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

**LEAGUE OF KANSAS MUNICIPALITIES
(Designating Voting Delegates)**

City Manager McAnarney stated the annual League of Kansas Municipalities (LKM) conference is October 8 - 10, 2016. The City is permitted to have 4 votes based on current population. The City may designate up to 4 delegates and 4 alternates to vote.

Commissioner Giefer made a motion to appoint Commissioners Mlynar, Gilligan, Harmon and Geitz as the voting delegates; and City Manager McAnarney, Assistant City Manager Witt, City Attorney Montgomery and Commissioner Giefer as the voting alternates. Commissioner Harmon seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Mlynar, 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 SEPTEMBER 14TH STUDY SESSION

1. Update on Commission Goals
2. Review Technology Security Plan
3. Housing Development Update

Joint Luncheon w/NRAB

EXECUTIVE SESSION

Commissioner Harmon made a motion to adjourn into Executive Session to discuss proprietary information and consultation with the City Attorney from 2:01 p.m. to 2:11 p.m., in the City Commission Meeting Room. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Mlynar, aye; Commissioner Giefer, aye; and Mayor Gilligan, aye.

Upon reconvening the meeting in Regular Session, at 2:11 p.m., this same date, in the City Commission Meeting Room, Mayor Gilligan stated they had discussed proprietary information and consultation with the City Attorney and no action was taken.

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

Robert F. Gilligan, Mayor

ATTEST:

Kerry Sull, City Clerk