

COMMISSION MEETING

1:30 P.M.

AUGUST 5, 2020

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, August 5, 2020, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Brinkman, Geitz, Gilligan and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey and City Clerk Sull and City Attorney Montgomery.

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on July 15, and Special Meeting on July 22, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on July 17, 2020.
- c. Consider Request to Set Date for 2021 Budget Public Hearing.
- d. consider Change Order No. 2 for the 2018 Water Improvements 1,000,000 Gallon composite Tank (Warren Way West of Penny Lane) Project No. WP1802.

The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith, 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.

**ENGINEERING
(Accept Permanent Drainage Easement from Sara J. Kelley)
(S. Walnut Grove Dr.)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City has proposed a storm drainage project that will construct a drainage ditch/swale to better drain the storm sewer in S. Walnut Grove cul-de-sac. The storm sewer drained under an abandoned railroad track and the owner of railroad track went bankrupt and left the rail line and drainage under the track in disrepair. This project will cut

a ditch through that abandoned railroad embankment to better drain the storm sewer and cul-de-sac area. He stated this step is necessary for the project to be completed at a later date. He stated staff was recommending accepting the permanent drainage easement between the City of Emporia and Sara J. Kelley for the purpose of constructing and maintaining storm sewer and drainage within the drainage easement along tracks.

Commissioner Gilligan made a motion to accept the permanent drainage easement between the City of Emporia and Sara J. Kelley. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

PLANNING AND DEVELOPMENT

(MAPC Excerpts of Regular Meeting Held 6-16-20)

(Application No. 2020-08 - Request of City of Emporia)

(Vacate a Portion of County Road K - Airport Runway Extension)

Excerpts of the June 16, 2020 Meeting:

The Planning Commission met in a regular session on Tuesday, June 16, 2020 with Chairman Thomas presiding. Members Bucklinger, Duncan, Garrett, Moore and Williams were present. Members Just, Sauder and Springeman were absent. (This meeting was held via Zoom and on Facebook Live, due to the restrictions in place because of Covid19.)

—Application 2020-08: A request of the City of Emporia to vacate a portion of County Road K, south of County Road 130, between Sections 3 and 4, in Township 20 South, Range 11, East of the 6th P.M. in Lyon County, Kansas.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

STAFF REPORT:

LEGAL DESCRIPTION: Vacate without survey that portion of County Road "K" beginning at a point 981.09 feet south of the Northwest Corner of Section 3, Township 20 South, Range 11 East of the 6th P.M. in Lyon County, Kansas; thence south on the section line between said Sections 3 and 4 for 318.07 feet more or less to the north line of the City of Emporia airport tract

as described in Book 358 on Page 986 in the Lyon County Register of Deeds Office and there ending.

ANALYSIS:

The City of Emporia, in compliance with FAA requirements, acquired property around the airport, which was annexed into the city limits in January 2020. When the property was annexed, the roadway was also annexed. The road around the airport is currently a private road that has been used by the general public but the city desires to protect the airport by blocking this road. This vacation will not need to get approval from the County Commission as it is owed by the City of Emporia.

This item was discussed at the Technical Review Team Meeting on June 4th, 2020 and there were no concerns regarding the vacation. The Utility Advisory Board met June 5th, 2020 and the UAB recommend approval of the proposed vacation, with no opposition since there are no utilities on this road. The City of Emporia, Everygy, Cable one/Spraklite, and Kansas Gas were in attendance.

RECOMMENDATION:

Staff recommends approval of the application based upon the need to protect city property and no private rights will be affected with this vacation, as there is public access available to all adjacent parties.

Member Williams shared, all the houses down that road had been removed for the extension.

PUBLIC HEARING:

With no further discussion, the Public Hearing was opened.

With no discussion or comment in favor or in opposition, the Public Hearing was closed.

Member Moore motioned to approve Application 2020-08, a request to vacate a portion of County Road K, south of County Road 130, between Sections 3 and 4, in Township 20 South, Range 11, East of the 6th P.M. in Lyon County, Kansas, based upon Staff's recommendation. Member Bucklinger seconded. Motion approved 6-0.

Joe Foster, Zoning Enforcement Officer, was recognized and recognized the Governing Body. He stated this is a request of the City of Emporia to vacate a portion of County Road K as part of the Airport Runway

Extension. He stated for the City of Emporia to be in compliance with FAA requirements, acquired property around the airport, which was annexed into the City limits in January 2020. When the property was annexed, the roadway was also annexed. The road around the airport is currently a private road that has been used by the general public but the City desires to protect the airport by blocking this road. No private rights will be affected as there is public access available to all adjacent parties. He stated at their June 16, 2020 regular meeting the Planning Commission voted unanimously to approve the request.

PLANNING AND DEVELOPMENT
(Application No. 2020-08 - Request of City of Emporia)
(Vacate a Portion of County Road K - Airport Runway Extension)
(Ordinance Number 20-21)

AN ORDINANCE VACATING A CERTAIN CITY STREET RIGHT OF WAY IN THE CITY OF EMPORIA KANSAS, to which the City Clerk assigned Ordinance Number 20-21, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 20-21, an ordinance vacating a portion of County Road K. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 7-21-20)
(Application No. 2020-09 - Request of Scott Strahm)
(Final Planned Unit Development at 2910 W. Hwy 50)

Excerpts of the July 21, 2020 Meeting:

The Planning Commission met in a regular session on Tuesday, July 21, 2020 with Chairman Thomas presiding. Members Bucklinger, Duncan, Garrett, Just, Sauder and Williams were present. Members Springeman and Moore were absent. (This meeting was held via Zoom and on Facebook Live, due to the restrictions in place because of Covid19.)

APPLICATION 2020-09. A request of Scott Strahm for approval of

a Final Planned Unit Development Application for property on and associated with the address of 2910 W. Hwy 50 and, as authorized by Article 16 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

STAFF REPORT:

LEGAL DESCRIPTION: LOTS 13, 14, AND 28 IN LESTER MATLOCK'S 1ST ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

RECOMMENDATION: Staff recommends approval of the Final PUD request as it is consistent with the ELC Comprehensive Plan for infill development, and there has been no objections from the neighboring property owners.

PUBLIC HEARING:

APPLICATION 2020-09: A request of Scott Strahm for the approval of a Final Planned Unit Development Application for property at and associated with the address of 2910 W. Hwy 50, and as authorized by Article 16 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

STAFF REPORT:

A request of Scott Strahm for the approval of a Final Planned Unit Development Application for property at and associated with the address of 2910 W. Hwy 50, and as authorized by Article 16 of the Zoning Regulations.

The Planning Commission had approved the preliminary PUD at the May 19, 2020 meeting with conditions that a public hearing be held for the Final PUD in order to make sure there was ample opportunities for feedback from the public. Mr. Foster stated, he has not received any questions or comments from the public, regarding the application. He also stated, there were no significant changes to the plans.

Staff recommends approval of the application based on the compatibility of surrounding uses.

With no further discussion, the Public Hearing was opened.

Mr. Strahm, 1554 Road 175, expressed he was happy with his prior comments and did not need to add anything further.

There were no further comments in favor or against the applications.

The Public Hearing was closed.

Member Sauder moved to approve Application 2020-08, for a Final PUD at 2910 W. Hwy 50, based upon Staff recommendation and no changes made to the plans. Member Bucklinger seconded. The vote was: Members Thomas, Bucklinger, Sauder, Springeman, Williams, Duncan and Garrett voted aye. Motion approved 7-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of Scott Strahm for a Final Planned Unit Development to allow for stand alone onsite storage units made from cargo storage containers as well as inside climate-controlled storage at 2910 W. Hwy 50. The plan is requesting the use of cargo storage containers double stacked, to be used as storage units to the north and northwest of the existing building. The applicant will use the existing buildings for climate-controlled storage units. The applicant desires to make these units attractive and will meet all zoning and building code requirements. He stated at their July 21, 2020 regular meeting, the Planning Commission voted unanimously to approve the request. A Preliminary PUD was granted by the Commission at their June 17, 2020 meeting. He stated there were no objections from the general public or neighboring property owners.

PLANNING AND DEVELOPMENT
(Application No. 2020-09 - Request of Scott Strahm)
(Final Planned Unit Development at 2910 W. Hwy 50)
(Ordinance Number 20-22)

AN ORDINANCE APPROVING THE FINAL PLANNED UNIT DEVELOPMENT AMENDING THE DISTRICT ZONING MAP TO DESIGNATE A CERTAIN AREA IN THE CITY OF EMPORIA, KANSAS AS A PLANNED UNIT DEVELOPMENT, to which the City Clerk assigned Ordinance Number 20-22, was presented to the Governing Body for their consideration.

Commissioner Gilligan made a motion to approve Ordinance Number 20-22, an ordinance approving the Final Planned Unit Development at 2910 W. Hwy 50. Commissioner Brinkman seconded the motion. The vote follows:

Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

PLANNING AND DEVELOPMENT

(MAPC Excerpts of Regular Meeting Held July 21, 2020)

**(Application No. 2020-09 - Request of SSB Engineering LLC and USD 253)
(Request to Rezone a Parcel of Land Located at 210 S. Lawrence St.)**

Excerpts of the July 21, 2020 Meeting:

The Planning Commission met in a regular session on Tuesday, July 21, 2020 with Chairman Thomas presiding. Members Bucklinger, Duncan, Garrett, Sauder, Springeman and Williams were present. Members Just and Moore were absent. (This meeting was held via Zoom and on Facebook Live, due to the restrictions in place because of Covid19.)

APPLICATION 2020-09. A request of SBB Engineering LLC and USD 253 Emporia Public Schools rezone property commonly known as 210 S. Lawrence, from C-3 General Commercial Zoning to P, Public District for potential development as authorized under Article 26-1 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No ex parte communication was declared.

STAFF REPORT:

Applicant: SBB Engineering LLC, USD 253 Emporia Public Schools

Requested Action: Rezoning property from C-3, Commercial to P, Public District

Requested Action: Rezone to meet the needs of USD 253 for a new school building

Purpose: To rezone the property to meet the needs of the applicant.

Location: 210 S. Lawrence, Intersection of S Lawrence Street & Rindom Road.

Existing Land Use: C-3, General Commercial.

Physical Characteristics: Blighted building

Past Applications:

1- None

Analysis: The applicant is requesting a rezoning of the subject parcel.

ANALYSIS: The applicant would like to rezone this property in order to expand the existing building and operations. The

proposed use is consistent with the comprehensive plan. The Utility Advisory Board met May 13, 2020 and discussed the rezoning and annexation request, easements are available and in place to meet current and future needs. The Technical Review Team met May 7, 2020 and discussed the property and applications. There were no concerns noted that would prevent this request. Other departments continue to work on details of this project, related to drainage, and building plans.

APPLICABLE REGULATION:

Section 26-108.

Factors to be Considered in a Rezoning: When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines:

1. Whether the change in classification would be consistent with the intent and purpose of these regulations;
2. The character and condition of the surrounding neighborhood and its effect on the proposed change;
3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;
4. The current zoning and uses of nearby properties and the effect on existing nearby land uses upon such a change in classification;
5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;
6. The suitability of the applicant's property for the uses to which it has been restricted;
7. The length of time the subject property has remained vacant or undeveloped as zoned; provided, the use of land for agricultural purposes shall be considered as allowing the land to be vacant or undeveloped;
8. Whether adequate sewer and water facilities and all other needed public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;
9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;
10. The recommendations of professional staff;

11. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;
12. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,
13. Such other factors as may be relevant from the facts and evidence presented in the application.

RECOMMENDATION: Staff recommends approval of the rezoning request as it is consistent with the ELC Comprehensive Plan.

PUBLIC HEARING:

The applicant is requesting a rezoning of the subject parcel. The current zoning is C-3 General Commercial, which would not be consistent with a public school building and grounds. A legal notice of the public hearing was published in the paper June 27th, 2020 and legal notices were mailed to neighboring property owners. Staff received no verbal or written objections to this request. This item was discussed by the Technical Review Team on July 15th, 2020 and no Utility Review Team meeting was required.

Staff recommends approval of the application based on the character and condition of the surrounding neighborhood. The new school will meet the needs of the community and removal of a blighted building will be an improvement.

Member Bucklinger asked if the school building would have been allowed in the current zoned C-3 district. Mr. Foster agreed that it would be able to stay in C-3 but changing to Public use will clean up the zoning.

Member Garrett asked if there were any standing water issues in the area. Mr. Foster explained, to his knowledge there is not an issue. There are flood plain areas to the south of the property but does not affect this property. He shared, there have been storm water studies done and City Engineers office is working on the project. Member Garrett inquired, does Staff foresee any future problems with the requested zoning change. Mr. Foster replied, he does not see any issues but felt the rezoning was appropriate since the property is no longer in an active commercial area.

With no further discussion, the Public Hearing was opened.

Rob Scheib, Assistant Superintendent with Emporia Schools, 26 Bodock Rd, spoke as a representative of the application. He explained the parking lot area will cover much of the space and

felt the proposed building would be a beautiful addition.

With no discussion or comment in favor or in opposition, the Public Hearing was closed.

MOTION: Member Sauder moved to approve Application 2020-10 to rezone property commonly known as 210 S. Lawrence St, from C-3 General Commercial Zoning to P, Public District. Member Williams seconded. The vote was: Members Thomas, Bucklinger, Sauder, Springeman, Williams, Duncan and Garrett voted aye. Motion approved 7-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated the applicant on behalf of USD 253 is requesting a rezoning of a parcel of land located at 210 S. Lawrence Street from C-3, General Commercial to P, Public Use for potential development. He stated the current zoning would not be consistent with a public school building and grounds and rezoning would clean up the zoning. He stated USD 253 is proposing a new building and parking lot in the area. The Technical Review Team met and had no concerns. Notices were mailed to neighboring property owners and there were no verbal or written objections to the request. The proposed use is consistent the Comprehensive Plan. At their July 21, 2020 regular meeting, the Planning Commission voted unanimously to approve the request.

PLANNING AND DEVELOPMENT

**(Application No. 2020-09 - Request of SSB Engineering LLC and USD 253)
(Request to Rezone a Parcel of Land Located at 210 S. Lawrence St.)
(Ordinance Number 20-23)**

AN ORDINANCE REZONING A PROPERTY IN THE CITY OF EMPORIA, KANSAS FROM C-3 GENERAL COMMERCIAL ZONING, TO P, PUBLIC USE AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 20-23, was presented to the Governing Body for their approval.

Commissioner Geitz made a motion to approve Ordinance Number 20-23, an ordinance to rezone a parcel of land located at 210 S. Lawrence Street from C-3, General Commercial to P, Public Use. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith,

aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Strengthening People and Revitalizing Kansas - CARES SPARK FUNDS)
(City of Emporia Coronavirus Relief)
(Approve Potential Projects)**

Jim Witt, Special Projects Coordinator, was recognized and addressed the Governing Body. He stated staff has provided background information to the Commission on potential projects in the last two Study Sessions. That list has been forwarded to the appropriate County officials. He stated approval of projects today will allow the County to move forward in preparing their final Direct Aid Plan to the SPARK recovery office. It will also provide the Spark County Advisory Committee with the ability to ascertain if there are any unallocated funds to be earmarked for business assistance, economic development, childcare and broadband access. Besides the project approved by the Commission there will be a reimbursement submitted to the County for funds expended from March 2020 through the end of July, 2020. He stated the total amount to be submitted is for \$565,000.00. Staff is recommending approval of the projects allocated for Lyon County CARES SPARK Funds.

Commissioner Smith made a motion approving the projects allocations in the amount of \$565,000.00 for Lyon County CARES SPARK funding. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**ECONOMIC DEVELOPMENT
(S&S Quality Meats, LLC and Smoots Enterprises, LLC II)
(Consider Incentive Compliance Agreement)**

City Manager McAnarney stated S&S Quality Meats, LLC and Smoots Enterprises, LLC II are planning to construct an approximately 42,000 square foot addition to their facility located at 4700 W Highway 50 in Emporia, Kansas. The company plans to invest approximately \$8,420,000.00 in the expansion and move all of their production from the facility on S Highway 99 to the new facility. He stated this project was reviewed and recommended by the Regional Development Association (RDA) and it is now ready for approval in order to facilitate the issuance of Industrial Revenue Bonds and approve a ten-year tax abatement on the new addition. The tax abatement is contingent on the Company attaining and maintaining certain targeted payroll and employment levels.

Dan Smoots, President and CEO of S&S Quality Meats, LLC and Smoots Enterprises, LLC II, was recognized and addressed the Governing Body. He stated this was Phase II of the expansion and relocation for S&S Quality Meats to the facility located at 4700 W. Highway 50. He stated plans have been approved and the company was ready to move forward.

Following further discussion, Commissioner Geitz made a motion to authorize the Mayor to sign the Incentive Compliance Agreement between the City of Emporia and S&S Quality Meats, LLC and Smoots Enterprises, LLC II to construct a new facility for approximately \$8,420,000.00. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Consider Requiring Individuals to Wear Face Masks)
(Ordinance Number 20-24)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS CREATING NEW CITY CODE SECTION 16-266 REQUIRING INDIVIDUALS TO WEAR MASKS OR OTHER FACE COVERINGS IN CERTAIN CIRCUMSTANCES, to which the City Clerk assigned Ordinance Number 20-24, was presented to the Governing Body for their consideration.

City Manager McAnarney stated this the City received multiple contacts in the past several days about a mask ordinance and concerns with all the students returning to the community and this was something needed to be discussed.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated the proposed ordinance would create a new code section 16-266 requiring individuals to wear masks or other face covering in certain circumstances. In preparing this ordinance, staff looked at what various other cities were doing that have already passed their ordinances. The cities that were looked at specifically were Hays, Salina, Manhattan and Wichita. There are a few points of differences between these cities ordinances but they are substantially similar. She reviewed some of the provisions of the proposed ordinance under Section 1. including definitions of mask or other face covering; when required; exemptions; penalties; and enforcement. She stated the proposed penalties for violations are a fine of \$25.00 first conviction, \$50.00 second conviction and \$75.00 third or subsequent conviction. This proposed ordinance would be in effect until October 7, 2020, at which time it will come back for review.

The Commission discussed the late placement of this item on the agenda, the difficulty of enforcement of the proposed ordinance, other public safety issues and how calls into the dispatch center could be overwhelming.

Deputy Police Chief Ed Owens, was recognized and addressed the Governing Body. He stated his concerns were how the public will respond to the proposed ordinance and the impact it could make on the department and on the dispatch center.

Commissioner Smith expressed interest in collaborating with the County Board of Health on this type of issue.

City Attorney Montgomery stated if the proposed ordinance is approved enforcement will be at the City level.

Mayor Giefer then opened discussion up for public comment.

Art Gutierrez, Lucas Moody, Alaska Turner and Kim Simons all spoke in favor of the proposed mask ordinance for the safety of the entire community and encouraged the Commission to pass the proposed ordinance.

The Commission expressed that they did not ask to be put in this position for the City to make a decision about a required mask ordinance. They felt this type of discussion should have come from the State or other higher level entity and not just at the city level.

Commissioner Smith stated her concern that the City has followed the County's Public Health Order since the beginning of the pandemic and now the City is being asked for a mask requirement.

Following further discussion the Commission asked for a review date to be changed from October 7, 2020 to September 16, 2020 and the language under Section 1 (b) (A) "**and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity;**" be included in (2) (A) (C) and (D).

Commissioner Geitz made a motion to approve Ordinance Number 20-24 with aforementioned changes, an ordinance requiring individuals to wear face mask or face covering in certain circumstances in the City of Emporia. Commissioner Gilligan seconded the motion.

Commissioner Smith encouraged the public to share opinions about this ordinance by the review date of September 16, 2020. She also wants to hear from the Police Department on how it has effected the department and would like to hear from the Lyon County Health Department and County Commissioners.

Mayor Giefer stated this ordinance was not planned as an item for discussion prior to adoption and he was not expecting to review this at a City level. There was a call for the vote as follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

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

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

Tentative Agenda for August 12th Study Session

Final Discussion of 2021 budget & 5-year plan.

Recycling Contract Discussion.

Discussion of Housing Study.

EXECUTIVE SESSION

Commissioner Smith made a motion to adjourn into Executive Session for preliminary discussion regarding a potential land acquisition from 2:55 p.m. to 3:00 p.m., in the City Commission Meeting Room. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session at 3:00 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had preliminary discussion regarding a potential land acquisition and no action was taken.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session for consultation with the City Attorney regarding a legal matter, from 3:00 p.m. to 3:05 p.m., in the City Commission Meeting Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session at 3:05 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had consultation with the City Attorney regarding a legal matter and no action was taken.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information of a potential retail/service developer, and to invite Jim Witt, Special Projects Manager, from 3:06 p.m. to 3:11 p.m., in the City Commission Meeting Room. Commissioner Geitz seconded the

motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session at 3:11 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed proprietary information of a local business considering expansion and no action was taken.

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

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk