

**COMMISSION MEETING****1:30 P.M.****JULY 1, 2020**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, July 1, 2020, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Brinkman and Geitz. Commissioner Smith was absent. Commissioner Gilligan arrived at 1:40 p.m. 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 Brinkman that the Consent Agenda listed below be ratified as a whole:

- a. Consider minutes of the Regular Meeting held on June 17, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on June 19, 2020.
- c. Consider the Approval of the 2019 Comprehensive Annual Financial Report (CAFR).

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

Jami Reeve, Executive Director of Kansas Appleseed Center for Law Justice, was in attendance to accept a proclamation designating the month of July, 2020 as "Lunch Across Kansas Month" in Emporia. She stated during the school year 198,000 Kansas Students received free and reduced prices meals through the National School Breakfast and Lunch Programs and Emporia Public Schools serve more than 2,037 free and reduced-price meals to students per day. Since March 2020 school closures precipitated by the COVID-19 pandemic, Emporia Summer Food Service Program sponsors leadership by United States Department of Agriculture waivers to feed free and nutritious meals and snacks to children 1 to 18 years, continuing

throughout the summer when school is out. She stated July is the month to give thanks to the sponsors, site operators, volunteers, parents and community members that provide access to a healthy meal in a safe environment and ensure that every child in Emporia has access to nutritious meals during the summer as well as during the school year.

Mayor Giefer then presented the proclamation.

**PLANNING AND DEVELOPMENT**

**(MAPC Excerpts of Regular Meeting Held 6-17-20)**

**(Application No. 2020-07 - Request of Whittier Place II, LP)**

**(Rezone a Non-Addressed 2.4 Acre Parcel North of 1200 Whittier Place)**

**Excerpts of the June 16, 2020 Meetings:**

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 2020-07:** A request of Whittier Place II, LP (Gabriel and Dolph Woodman) to rezone a non-addressed 2.4-acre parcel north of 1200 Whittier Place Lane, from C-2 Restricted Commercial Zoning to R-3, High Density Residential Zoning for potential development, as authorized under Article 26-1 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

**LEGAL DESCRIPTION:**

THE EAST 322 FEET OF THE FOLLOWING DESCRIBED TRACT:  
BEGINNING 664 FEET NORTH OF A STONE 656 FEET WEST OF THE  
SOUTHEAST CORNER OF THE NE1/4 OF THE SW1/4 OF SECTION 11,  
TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., LYON  
COUNTY KANSAS; THENCE NORTH AT A RIGHT ANGLE WITH THE  
SOUTH LINE OF THE N1/2SW1/4 OF SAID SECTION 11, 325 FEET  
TO THE SOUTHWEST CORNER OF A TRACT OF LAND SOLD TO R.N.  
GAMMELL; THENCE EAST AND PARALLEL WITH THE NORTH LINE OF  
SAID SW1/4 OF SECTION 11, AND UPON THE SOUTH LINE OF SAID  
GAMMELL TRACT, 656 FEET TO THE EAST LINE OF SAID SW1/4;

THENCE SOUTH ON SAID EAST LINE 325 FEET; THENCE AT RIGHT ANGLES WITH SAID LAST DESCRIBED EAST LINE 656 FEET TO THE POINT OF BEGINNING.

**RECOMMENDATION:** Staff recommends approval of the application based on the compatibility of surrounding uses with a condition that a drainage study is required before the construction begins.

**STAFF REPORT:**

A legal notice of the public hearing was published in the paper May 23rd, 2020, and legal notices were mailed to neighboring property owners. Staff did not receive any verbal or written objections. This item was discussed by the Technical Review Team on June 7th, 2020, and by the Utility Advisory Board on May 13th and June 5th, 2020. Both groups mentioned that a drainage study will be needed as well as a possible private easement agreement for the neighboring property (Abundant Harvest).

The surrounding properties around the parcel consist of mixed zonings, such as C-1, C-2 and R-3. There was a previous application to rezone the property to the south in 2018, with no issues.

Staff recommends approval of the application based on the compatibility of surrounding uses with a condition that a drainage study is required before the construction begins.

**PUBLIC HEARING:**

With no further discussion, the Public Hearing was opened.

Applicants Gabriel and Dolph Woodman of Republic, Missouri, addressed the Board, via Zoom. Mr. Woodman explained the proposed zoning change would allow them to move forward on the second phase of the Whittier Place project. The second phase will be comprised of 2 - 24-plexes and will tie into neighborhood and the existing apartment complex.

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

The Public Hearing was closed.

Member Bucklinger asked about the possibility of a needed easement. Mr. Foster explained, the Utility Advisory Board noted there was a private, overhead electrical line connecting to Abundant Harvest. Mr. Foster was informed by Mr. Woodman that Abundant Harvest was working with them because it is beneficial to both parties.

Member Bucklinger asked for clarification on the drainage study. Mr. Foster acknowledged that the study would have to be completed and show satisfactory results before construction could begin.

Member Williams moved to approve Application 2020-07, to rezone a non-addressed 2.4-acre parcel north of 1200 Whittier Place Lane from C-2, Restricted Commercial to R-3, High Density Residential, based upon Staff's recommendation. Member Moore seconded. Motion approved 6-0.

Joe Foster, Zoning Enforcement Officer, was recognized and recognized the Governing Body. He stated this was a request from Whittier Place II, LP (Gabriel and Dolph Woodman) to rezone a non-addressed 2.4 acre parcel north of 1200 Whittier Place Lane, from C-2, Restricted Commercial Zoning to R-3, High Density Residential Zoning for potential development, as authorized under Article 26-1 of the Zoning Regulations. He stated if the proposed zoning was changed it would allow the applicant to move forward on the second phase of the Whittier Place project. The second phase will consist of two (2) 24 plexes that will tie into the neighborhood and existing apartment complex. He stated there were no objections written or verbal at the public hearing. This item was discussed by the Technical Review Team and Utility Review Team. The proposed rezoning is the first step needed to move forward. A drainage study as well as possible private easements for neighboring property will be future steps before any development. He stated at their June 16, 2020 regular meeting the Planning Commission voted unanimously to approve the request.

**PLANNING AND DEVELOPMENT**  
**(Application No. 2020-07 - Request of Whittier Place II, LP)**  
**(Rezone a Non-Addressed 2.4 Acre Parcel North of 1200 Whittier Place)**  
**(Ordinance Number 20-17)**

AN ORDINANCE REZONING A PROPERTY IN THE CITY OF EMPORIA, KANSAS FROM C-2, RESTRICTED COMMERCIAL ZONING, TO R-3, HIGH DENSITY RESIDENTIAL ZONING AND AMENDING THE DISTRICT ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 20-17, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance Number 20-17, an ordinance rezoning property for a non-addressed 2.4 acre parcel north of 1200 Whittier Place from C-2 Restricted Commercial Zoning, to R-3, High Density Residential Zoning. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; and Mayor Giefer, aye.

**CITY COMMISSION**  
**(Designating Main Trafficways & Main Trafficway Connections)**  
**(Ordinance Number 20-18)**

AN ORDINANCE DESIGNATING MAIN TRAFFICWAYS AND MAIN TRAFFICWAY CONNECTIONS IN THE CITY OF EMPORIA, KANSAS PURSUANT TO K.S.A. 12-865 ET SEQ., RESTATING AND INCORPORATING PREVIOUS DESIGNATIONS MADE BY ORDINANCE OF THE CITY AND REPEALING CERTAIN ORDINANCES, to which the City Clerk assigned Ordinance Number 20-18, was presented to the Governing Body for their consideration.

City Manager McAnarney stated the City of Emporia has previously approved various Main Trafficway and Main Trafficway Connections in the corporate limits. Bond Counsel has advised the City to re-designate all previous Main Trafficway and Main Trafficway Connections in the City of Emporia for future reference. He stated this ordinance will provide the procedure to issue general obligation bonds for street projects. He stated staff is recommending approval of the ordinance.

Commissioner Brinkman made a motion to approve Ordinance Number 20-18, an ordinance designating Main Trafficways and Main Trafficway Connections in the City of Emporia. Commissioner Geitz seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**BONDS**  
**(Authorize Main Trafficway Improvements & Main Trafficway Connections)**  
**(Authorize Issuance of General Obligation Bonds - \$1,306,000.00)**  
**(Ordinance Number 20-19)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE MAIN TRAFFICWAY IMPROVEMENTS AND TRAFFICWAY CONNECTION IMPROVEMENTS AND AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATIONS BONDS TO PAY COSTS THEREOF, to which the City Clerk assigned Ordinance Number 20-19, was presented to the Governing Body for their consideration.

City Manger McAnarney stated the Commission previously discussed general obligation bonds to pay for the following projects:

1. 30<sup>th</sup> Avenue from Crestview Drive to Prairie Street.
2. Funston Street from 6<sup>th</sup> Avenue to 5<sup>th</sup> Avenue.
3. 5<sup>th</sup> Avenue from Funston Street to Sunnyslope Street.
4. Soden Road from the intersection of the parking lot at the Zoo Education Center to the point of Soden Road to South Exchange and then South Exchange Street to a point approximately 910' south of Logan Avenue.

Commissioner Geitz made a motion to approve Ordinance Number 20-19, an ordinance authorizing the City of Emporia to make certain main trafficway improvements and trafficway connection improvements and authorize general obligation bonds in an amount of \$1,306,000.00. Commissioner Brinkman seconded the motion. The vote follows: Commissioners Geitz, aye; Commissioner Brinkman, aye; and Mayor Giefer, aye.

**BONDS**  
**(Authorize City Public Building Improvements)**  
**(Authorize Issuance of General Obligation Bonds - \$1,100,000.00)**  
**(Ordinance Number 20-20)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS, AUTHORIZING THE CITY TO MAKE CERTAIN PUBLIC BUILDING IMPROVEMENT AND AUTHORIZING THE CITY TO ISSUED GENERAL OBLIGATION BONDS TO PAY COSTS OF THE IMPROVEMENTS, to which the City Clerk assigned Ordinance Number 20-20, was presented to the Governing Body for their consideration.

City Manager McAnarney stated at a previous study the Commission recommended issuing general obligations bonds for several projects at the Public Works Center. Due to the low long-term borrowing rates, all the projects could be completed. He stated the annual increase cost of

construction is approximately 3%. Financially, it is feasible to borrow at a very low interest rate to complete the projects. He stated also included is authorization for improvements to the airport hangars.

Following further discussion, Commissioner Brinkman made a motion to approve Ordinance Number 20-20, an ordinance authorizing the City to make certain public building improvements to city owned buildings and authorize general obligation bonds in the amount of \$1,100,000.00. Commissioner Geitz seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Geitz, 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 July 8th Study Session**

Discuss Sidewalk Plan at Peter Pan Park.  
Legislative Update.  
Discuss Lifetime Dirty Kanza Sponsorship Agreement.  
Review Personnel Funds.  
CIP Review-Water, Sewer, and Solid Waste Department.

**EXECUTIVE SESSION**

Commissioner Geitz made a motion to adjourn into Executive Session to discuss proprietary information of a potential residential developer, and to invite Jim Witt, Special Projects Manager, from 1:40 p.m. to 1:50 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session at 1:50 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed proprietary information of a potential residential developer and no action was taken.

**EXECUTIVE SESSION**

Commissioner Gilligan made a motion to adjourn into Executive Session for preliminary discussion regarding a potential retail/service developer, and to invite Jim Witt, Special Projects Manager, from 1:50 p.m. to 2:05 p.m., in the City Commission Meeting Room. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session at 2:05 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had preliminary discussion regarding a potential retail/service developer and no action was taken.

**EXECUTIVE SESSION**

Commissioner Brinkman made a motion to adjourn into Executive Session to discuss proprietary information of a local business considering expansion, and to invite Jim Witt, Special Projects Manager, from 2:08 p.m. to 2:20 p.m., in the City Commission Meeting Room. Commissioner Geitz seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session at 2:20 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 Gilligan then made a motion to adjourn. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; and Mayor Giefer, aye.

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Danny Giefer, Mayor

ATTEST:

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Kerry Sull, City Clerk