

**COMMISSION MEETING**

**7:00 P.M.**

**JULY 20, 2016**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, July 20, 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. There was no information to report at this time.

**Consent Agenda**

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

- a. Consider minutes of the Regular Meeting held on July 6, 2016.
- b. Consider ratification of Payroll Ordinance for period ending July 8, 2016.
- c. Consider Approval of June Budget.
- d. Consider the Distribution of Funds from the Transient Guest Tax Fund to Dynamic Disc for PDGA.

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

**CITY COMMISSION  
(Public Comment)**

Representative of the Shrine Bowl of Kansas, was in attendance to accept a proclamation declaring July 30, 2016 as "Kansas All-Star Football Shrine Bowl Day" in Emporia. He stated the five Shrine centers of Kansas, Abadallah of Overland Park, Arab of Topeka, Isis of Saline, Midian of Wichita and Mirza of Pittsburg, will sponsor the 43<sup>rd</sup> Annual All-Star Football game on July 30, 2016 in Emporia. For over 90 years has treated over 1 million children with orthopedic disabilities and thousands of severely burned children through its network of hospitals. The citizens of Kansas help support this effort through the Kansas All-Star Football

Shrine Bowl.

Mayor Gilligan then presented the proclamation.

**ACCOUNTING DEPARTMENT  
(Accept the 2015 Comprehensive Annual Financial Report)**

April Swartz, representing Varney & Associates, CPA's, was recognized and addressed the Governing Body. She was present to report on the CAFR procedure and answer any questions. She stated this year may be due to the implementation of GASB 68, unrestricted fund balance decreased. She stated the City of Emporia continues to have a favorable report.

The Commission accepted the 2015 Comprehensive Annual Financial Report (CAFR) as presented.

**PAVING  
(KLINK Resurfacing Project No. PV1601  
(US Hwy 50 Graphic Arts Road to Prairie St.)  
(Bids)**

Jerry Menefee, City Engineer, was recognized and addressed the Governing Body. He stated there was one bid out of five plan holders that submitted a bid for the KLINK Resurfacing Project No. PV1601 on US Hwy 50 from Graphic Arts Road to Prairie Street. He stated this project is a 50/50 split up to \$250,000 with the State. This project is budgeted at \$250,000 out of the Multi-Year Fund. He stated staff is recommending awarding the project to APAC-Kansas, inc. Shear Division for the base bid amount of \$445,970.50. APAC has completed past resurfacing project and the city has been pleased with the quality of work and professionalism. The Engineer's estimate was \$468,587.70.

Commissioner Geitz made a motion awarding the 2016 KLINK Resurfacing Project No. PV1601 to APAC-Kansas, Inc., Shear Division for the base bid amount of \$445,970.50. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**PARK DEPARTMENT  
(Authorize Purchase of Playground Equipment for Hammond Park)**

City Manager McAnarney stated the Commission had previously discussed a poured-in-place surface/playground for Hammond Park. It will replace the existing playground equipment that is no longer adequate. He stated the City of Emporia has worked with ATHOC (Lenexa, Kansas) on the design and cost of the proposed playground equipment. ATHOC will purchase the material/equipment from an approved purchasing cooperative. This material is basically maintenance free equipment with a life expectancy of 15 - 20 years. He stated the project will be paid for from budgeted funds in the Multi-Year Fund and the Special Parks Fund and there is \$150,000.00.

Commissioner Giefer made a motion to approve the proposal from ATHOC (Lenexa, Kansas) for a pour-in-place surface/playground form Hammond Park in the amount of \$148,316.00. Commissioner Geitz seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**CITY COMMISSION  
(Board Appointment)**

**Community Housing Board:**

It was moved by Commissioner Mlynar, seconded by Commissioner Geitz to re-appoint Patrick Werly, Cruz Jasso, Jennifer Skiles, Kevin Ogle and appoint Megan O'Brien to the Community Housing Board for terms that will expire on May 1, 2019.

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

**ANIMALS  
(City Code)  
(Amendments to the Animal Control Ordinance)  
(Ordinance Number 16-30)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO ANIMALS AND FOWL; AMENDING SECTION 6-1 DEFINITIONS, to which the City Clerk assigned Ordinance Number 16-30, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this proposed ordinance would amend sections 6-1 and 6-21 updating these sections to include a definition of Community Cat Caregivers and exempting Community Cat Caregivers from being considered owners or harborers of feral cats.

Commissioner Harmon made a motion to approve Ordinance Number 16-30, an ordinance pertaining to animals and fowl, amending section 6-1 to include the definition of Community Cat Caregiver. Commissioner Giefer seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Giefer, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**ANIMALS  
(City Code)  
(Amendments to the Animal Control Ordinance)  
(Ordinance Number 16-31)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO DOGS AND CATS; AMENDING SECTION 6-21 OWNER OR HARBORER DEFINED, to which the City Clerk assigned Ordinance Number 16-31, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this ordinance amending Section 16-21 pertaining to dogs and cats owners or harborer defined. She stated this amendment specifies that this ordinance not apply to community cat caregivers.

Commissioner Giefer made a motion to approve Ordinance Number 16-31, an ordinance pertaining to dogs and cats. Commissioner Giefer, aye; Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Gilligan, aye.

**MUNICIPAL COURT  
(Amending Court Costs)  
(Ordinance Number 16-32)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO COSTS IN MUNICIPAL COURT, AMENDING SECTION 201 COSTS IN MUNICIPAL COURT, to which the City Clerk assigned Ordinance Number 16-32, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated pursuant to HB 296, municipal counts are now required to send an additional \$2.50 to the State for all cases in city court involving diversions, bond forfeitures, or findings of guilt. The required fee is increasing from \$20 to \$22.50. She stated Municipal Court staff is requesting in increase in court costs from \$70.00 to \$73.00.

Commissioner Geitz made a motion to approve Ordinance Number 16-32, an ordinance to update municipal court fees from \$70.00 to \$73.00. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Mlynar, aye; Commissioner Giefer, aye; Commissioner Harmon, 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:

**TENTATIVE AGENDA FOR JULY 27<sup>TH</sup> STUDY SESSION**

1. Continued Budget Review If Necessary
2. Review Solid Waste Management Plan
3. Update of RFQ's Comprehensive Plan

***Joint Luncheon w/Emporia Rec. Center***

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

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Robert F. Gilligan, Mayor

ATTEST:

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Kerry Sull, City Clerk