

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, December 16, 2015, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Geitz, Gilligan, Harmon, and Mlynar present. Also present were City Manager McAnarney, Assistant City Manager Witt, City Clerk Sull and City Attorney Plummer.

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 Giefer reviewed general information for the month of November for the community which included monthly sales tax receipts, building permits and information.

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

1. Monthly Local Retail Sales Tax Receipts Update

2014	2015	Decrease of \$15,177.10 for the month, and
\$373,291.98	\$388,469.08	Overall increase of 3.56% from year 2014

2. City Share from County Tax

2014	2015	Increase of \$14,722.75 for month, and
\$179,744.10	\$194,516.85	Overall increase of 3.89% from year 2014

3. Building Permits issued from 11/1/2015 to 11/30/2015 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	27
Total of valuations associated with those building permits:	\$363,721.00
Total number of dollars collected for Building Permit Fees:	\$3,305.50

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on December 2, 2015.
- b. Consider ratification of Payroll Ordinance for period ending December 11, 2015.
- c. Consider Approval of November Budget.
- d. Consider Approving City Charge Offs.
- e. Consider Set Bid Time and Date for Police & Battalion Chief Vehicles.

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

**ALL VETERANS MEMORIAL
(Approval of Agreement with Emig & Associates)
(Veteran's Memorial Park Project)**

City Manager McAnarney stated the City of Emporia and the Emporia Veterans Memorial Committee have been working together for the last several years on improvements to the Emporia All Veterans Memorial. He stated the City and the Veterans Committee have agreed upon a design for the memorial. He stated the City agreed to match the Veterans Committee fund-raising activities in an amount up to \$90,000.00 with the city share coming from the Special Park Fund. This agreement with Emig and Associates will provide the design and inspection services for the project. He stated staff was recommending approval of the agreement.

Commissioner Geitz made a motion authorizing the Mayor to sign the agreement with Emig and Associates for design and inspection services for the Veterans's Memorial Park Project. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**SANITATION
(Solid Waste Transfer Station)
(Equipment Purchase - Packer Body)
(Bids)**

Tim Frevert, Purchasing Officer, was recognized and addressed the Governing Body. He stated bids were received for a new solid waste

packer body that will be mounted on the City's existing 2010 Crain Carrier chassis. This is the second time the city has replaced a packer body on an existing chassis. Staff has had excellent results in our last remount and expect the same from this one. He stated the high quality of the Crane Carrier chassis allows us to consume two bodies with one chassis saving the city money in the long run.

BID TABULATION

Vendor	Year	Make	Model	Bid	Trade-in	Net Bid
Downing Sales	2016	PakMor	R228	\$61,080.00	\$15,000.00	\$46,080.00
Armor Equipment	2106	Heil	PT-1000	\$65,725.80	\$ 8,000.00	\$57,725.80

He stated the budgeted amount for this purchase is \$90,000.00 for this replacement purchase. He stated both bids came in lower than expected due to much lower iron prices and greater trade in value. Staff is recommending awarding the low bid of Downing Sales for the purchase of a PakMor packer body in the amount of \$46,080.00.

Commissioner Mlynar made a motion to award the low bid of a PakMor Model R220B packer body with mounting on an existing city owned truck for \$46,080.00 from Downing Sales and Service. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Permanent Utility Easement - ValuNet)

City Attorney Plummer was recognized and addressed the Governing Body. He stated as part of the development and installation of fiber optic service to the eastern part of the City of Emporia, there has been a request from ValuNet to have an easement granted allowing for the installation of an underground fiber optic cable across city property. He stated the proposed fiber optic line would run east about mid-block from the east side of the Civic Auditorium under the City owned parking lot to a utility pole in the first alley east of the auditorium. This 10' easement will allow for a shorter and cleaner installation process

while eliminating an additional underground utility in an already crowded public right of way. He stated staff was recommending granting the permanent utility easement.

Commissioner Harmon made a motion granting a permanent utility easement to ValuNet for underground fiber optic line. Commissioner Geitz seconded the motion. The vote follows: Commissioner Harmon, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

BUDGET
(Approve 2015 Budget Amendments)
(Public Hearing)
(Ordinance Number 15-32)

AN ORDINANCE AMENDING THE 2015 BUDGET, to which the City Clerk assigned ordinance number 15-32, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated before the City can amend its budget it is required by State statute to hold a public hearing.

Mayor Giefer then declared the public hearing open.

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

Janet Harrouff, Director of Administrative Services, stated in accordance with State law, the City must adopt the necessary amendments by the end of the fiscal year as government cannot spend more money than in the adopted budget. The following funds will need amended.

Multi-Year Fund - increased due to a larger cash carry over from 2014 than the budget indicated. This money has been used for various infrastructure improvements.

Drug Forfeiture Fund - increased due to additional revenue was received which allowed additional items to be purchased.

Waste Water Fund - increase due to transferring additional money to the Industrial Park IV sewer main project.

Library Employee Benefit Fund - increased in order to transfer any remaining balance to the Library.

Industrial Development Sales Tax - increased due to the additional projects that were completed in 2015.

Commissioner Gilligan made a motion to approving Ordinance Number 15-32, an ordinance amending the 2015 budget to increase spending authority in the Multi Year Fund; Drug Forfeiture Fund; Waste Water Fund; Library Employee Benefit Fund; and Industrial Development Sales Tax. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

**OFF THE AGENDA ITEM
CITY COMMISSION
(Scholarships for Emporia State University)**

City Manager McAnarney stated at a previous study session, Emporia State University requested funds from the City to help support higher education initiative to provide for student scholarships. He stated the cash reserve in the General Fund is at an amount higher than projected and the General Fund would be able to make available \$125,00.00 towards providing community development for student scholarships for ESU. He stated that the General Fund budget would not need to be amended to support this request.

Commissioner Geitz made a motion authorizing \$125,000.00 from the General Fund towards providing for student scholarships for Emporia State University. Commissioner Harmon seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Harmon, aye; Commissioner Gilligan, aye; Mayor Giefer, aye; and Commissioner Mlynar abstained.

**ANIMALS
(City Code)
(Amendments to the Animal Control Ordinance)
(Ordinance Number 15-33)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO ANIMALS; AMENDING SECTION 6-1 DEFINITIONS; SECTION 6-11 IMPOUNDMENT, EUTHANASIA AND STERILIZATION; SECTION 6-23 IMPOUNDMENT AND REDEMPTION AND SECTION 6-46 EXEMPTIONS; AND REPEALING SAID SECTIONS AS THEY PREVIOUSLY EXISTED, to which the City Clerk assigned Ordinance Number 15-33, was presented to the Governing Body for their consideration.

Assistant City Manager Witt, was recognized and addressed the Governing Body. He stated this proposed ordinance would allow for the following changes. The first change is to increase the impoundment fee from \$10 to \$20 per day. This increase more accurately reflects the actual costs of daily impound. The increase in fees will be utilized by the Humane Society for the operation of the shelter. This is a joint effort between the City and Flint Hills Humane Society. The second portion of the ordinance revisions are to allow a Trap, Neuter and Release (TNR) program to be implemented by the Friends of the Animal Shelter. He stated this had previously been discussed at a study session as a solution to our community cat problem. The City of Emporia Animal Control Officer will help with the trapping of cats, as time allows, to help the program.

Following further discussion, Commissioner Geitz made a motion approving Ordinance Number 15-33, an ordinance amending the animal control ordinance to allow for increase of impoundment fees and allow a Trap, Neuter and Release program to be implemented. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

BUILDING CODE
(BTB Excerpts of Regular Meeting Held 2-23-15)
(Adopting 2012 Uniform Plumbing Code & Amendments)

BUILDING TRADES BOARD

MINUTES: REGULAR MEETING, MONDAY, FEBRUARY 23, 2015

The Building Trades Board met in regular session on Monday, February 23, 2015 with Member Hensley presiding as Chair. Members Burris, Francis, Markowitz, Moore, Satterfield, Spellman and Stephens were present. Members Hanlin, Jensen and Miller were absent.

The board welcomed new members Dave Markowitz and Steve Moore.

With this being the first meeting of the year, the Board elected a Chairman and Vice-Chairman for the new year. Member Burris motioned to elect Hensley as Chairman. Member Stephens seconded. Motion approved 7-0-1 with Hensley abstaining. Member Markowitz motioned to elect Randy Burris as the Vice-Chairman. Member Moore seconded. Motion approved 7-0-1 with

Burris abstaining.

Member Burris moved to approve the minutes of the January 27, 2014, meeting, as written. Member Spellman seconded. Motion approved 8-0.

The next agenda item, to consider amending Article VII of the Building and Construction Regulations by approving the 2012 Uniform Plumbing Code (UPC) and the local amendments, thereof, and to make a recommendation to the governing body for adoption. Secretary Peres explained a majority of the changes between the 2006 and 2009 UPC were to get the Code language into conformance with the Standards. A new Exception was included, following a meeting with Main Street of Emporia, regarding fixture counts in an existing building.

Member Stephens motioned to approve the adoption of the 2012 Uniform Plumbing Code and the local amendments, and to make a recommendation to the City Commission Board. The effective date, for enforcement, would be six months from the adoption. Member Moore seconded. Motion approved 8-0.

Secretary Peres discussed updating the 2006 International Building Code (IBC) and the 2006 International Building Code (IBC) and requested the boards direction and recommendation for the next code review process. In order to do so, Staff asked for a recommendation from the Trades Board to proceed with the purchase of the necessary code books. Member Burris motion to purchase the necessary study material in order to begin the review process updating the International Building Code and the International Residential Code from the 2006 to the 2015 edition. Member Markowitz seconded. Motion approved 8-0.

Secretary Peres requested Building Trades Board members to consider the appointments of Francis Springeman, Paul Challender and Randy Hagemann to the Building Code Review Committee. Member Burris motioned to appoint Francis Springeman, Paul Challender and Randy Hagemann to the Building Code Review Committee. Member Stephens seconded. Motion approved 8-0.

Member Burris motioned to appoint Lenny Spellman to serve on the Property Maintenance Board of Appeals. Member Moore seconded. Motion approved 8-0.

Martin Peres, Chief Building Inspector, was recognized and addressed the Governing Body. He stated the proposed local amendments to the 2012 Uniform Plumbing Code (UPC) are primarily relocating certain local amendments to the appropriate section of the code. He stated this will

provide consistency with the various regulations contained in the standards. There is a new exception which pertains to existing buildings, which refers to plumbing fixtures based upon the type of building occupancy. In buildings where potable and non-potable water systems are installed, each system is required to be clearly identified with color coding. Approved underground plastic piping used in water service piping is not required to be installed with a tracer wire. He stated at their February 23, 2015 meeting, the Building Trades Board voted unanimously to approve the 2012 UPC and the proposed amendments.

BUILDING CODE
(Adopting 2012 Uniform Plumbing Code & Amendments)
(Ordinance Number 15-34)

AN ORDINANCE ADOPTING THE UNIFORM PLUMBING CODE OF 2012, AS AMENDED, AMENDING SECTION 8-3 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, 1983, AND REPEALING SAID SECTION, to which the City Clerk assigned Ordinance Number 15-34, was presented to the Governing Body for their consideration.

Commissioner Geitz made a motion to approve Ordinance 15-34, an ordinance amending Article VII of the Building and Construction Regulations by adopting the 2012 Uniform Building Code (UPC) and the local amendments. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Harmon, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

TRAFFIC
(Standard Traffic Ordinance)
(Ordinance Number 15-35)

AN ORDINANCE ADOPTING THE STANDARD TRAFFIC ORDINANCE AND AMENDMENTS THERETO, AMENDING SECTION 25-21 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, 1983 AS AMENDED, AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE, to which the City Clerk assigned Ordinance Number 15-35, was presented to the Governing Body for their consideration.

City Attorney Plummer was recognized and addressed the Governing Body. He stated the League of Kansas Municipalities prepares a yearly updated booklet containing the Standard Traffic Ordinances for Kansas cities. He stated the 43rd edition contains all of the legislative changes

adopted after the last legislative session, as well as all previous amendments. He stated the legislature made the following changes to the traffic laws for 2015:

Section 138. Riding on Motorcycles. This amendment clarifies that the requirement that a person ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle does not apply to any person riding within an autocycle. An autocycle is defined as a three-wheel motorcycle that has a steering wheel and seating that does not require the operator to straddle or sit astride it.

Section 142. Equipment for Motorcycle Operator or Rider. This amendment adds autocycle to the list of exceptions to requirements for helmets and protective eye gear. The other exceptions of an enclosed cab, a golf cart, and a truckster remained the same.

Section 182. Child Passenger Safety Restraining System. This amendment adds autocycle to the list of vehicles in which child passenger safety restraining systems are required.

Section 182.1 Seat Belts. This amendment adds autocycle to the vehicles in which seat belts are required for occupants age 14 to 18, and occupants age 18 and over.

Section 193. Driver's License in Possession. This amendment states that a charge will be dismissed if a person charged with a violation of this section produces a valid driver's license to the office of the arresting officer, or in court. The previous version of this section provided for this or occur only if the license was provided at court.

Section 198. Vehicle License; Illegal Tag. This amendment adds a provision stating that a person shall not be charged with an expired vehicle tag if, up to and including the 10th day of the month following expiration of registration, that person is able to produce a printed payment receipt or electronic payment receipt for the current 12 month registration period. It further states that pending charges for this charge shall be dismissed if the same information is produced in court, and was valid at the time of the arrest.

He stated he was recommending that the Commission adopt the Standard Traffic Ordinance, 43rd edition, incorporating the changes.

Commissioner Gilligan made a motion to approve Ordinance Number 15-35, an ordinance adopting the amendments listed to the Standard Traffic Ordinance for 2015. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; Commissioner Harmon, aye; and Mayor Giefer, 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:

The City has the following people retiring in December:

Lila Altis - 14 years of service
Martin Peres - 33.5 years of service
Gary Sadowski - 17 years of service
Blaise Plummer - 15 years of service
Rex Fisher - 27 years of service

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

**TENTATIVE AGENDA FOR DECEMBER 30TH
STUDY SESSION @ 10:00 A.M.**

1. Review Tourism Applications for Dirty Kanza, Glass Blown Open & Symphony in the Flint Hills

COMMISSION MEETING @ 10:30 A.M.

1. Set Bid Time and Date for Warren Way Improvements.
2. Change Order No. 1 for the Neosho River Intake Improvements Project No. 13WALL.
3. Request to Approve Maintenance Contract with Emporia Public Library.
4. Change Order No. 2 for Water Storage Tower Rehabilitation Project.
5. Board Appointment to Emporia Community Foundation

City Attorney Blaise Plummer thanked the City and the Commission for 15 years of leadership. He stated it was an honor and privilege to serve and represent the City of Emporia during his time here. He stated Christina Montgomery will be representing the City as the City Attorney.

Commissioner Gilligan then made a motion to adjourn to December 30, 2015 at 10:30 a.m. in room 1AB. Commissioner Mlynar seconded the

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

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk