

**COMMISSION MEETING**

**1:30 P.M.**

**SEPTEMBER 2, 2020**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, August 2, 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 August 19, 2020.
- b. Consider ratification of Payroll Ordinance for the period ending on July 17, 2020.
- c. Consider Change Order No. 1 for Sanitary Sewer System Improvements Project No. SS1803.
- d. Consider Change Order No. 3 for Sanitary Sewer System Improvements Project No. SS1803.
- e. Consider Set Bid Time and Date for Elm Street & 9<sup>th</sup> Avenue Watermain Project No. WM1904.
- f. Consider accepting a new permanent sidewalk easement between the City of Emporia and Mr. G's Express LLC along the East Side of Prairie Street along Mr. G's Express LLC Car Wash.

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.

**HOUSING  
(Kansas Housing Resources Corporation)  
(Moderate Income Housing Program)  
(Resolution Number 3631)**

Jeff Lynch, Community Development Coordinator, was recognized and addressed the Governing Body. He stated this resolution is to authorize the submittal of an application to the Kansas Housing Resources Corporation for Moderate Income Housing Program funding to develop single family homes in order to provide more affordable housing and to replace homes that have been demolished in the older neighborhoods, providing an in-fill housing development program to improve the City's housing. This resolution would allow the city to be a grant administrator; waive city building permits and inspection fees; donate 2 residential city owned lots; and provide \$50,000 bridge construction loans. He stated the application will be submitted for \$250,000.00 in assistance. He stated staff recommends approval of the resolution.

Commissioner Smith made a motion to approve Resolution Number 3631, a resolution authorizing the submittal of an application to the Kansas Housing Resources Corporation for Moderate Income Housing Program funding to develop and provide assistance for infill housing. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer aye.

**CITY COMMISSION  
(Kansas Department of Commerce0  
(CDBG-CV Economic Development/Meals Program)  
(Approval of Grant Fund Allocations)**

Assistant City Manager Massey, was recognized and addressed the Governing Body. He stated as discussed at a previous study session, the next step in the CDBG-CV grant process is for the Commission to approve the allocations and authorize the submittal of the information to the State of Kansas. There are grant funds for Economic Development Allocation of \$132,000.00 and \$35,000.00 for the Meal Program. He stated the option for disbursement of the grant funds, based on the number of qualified

employees, was capped at \$35,000.00 for Radius; and \$1,709.25 per employee for other applicants. The applicants and allocations are as follows:

<b>Applicant</b>	<b>Employees</b>	<b>Grant</b>
Time Travelers	1	\$ 1,709.25
Shrockbier Old Smokehouse	1	\$ 1,709.25
Maud's Tattoo	1	\$ 1,709.25
Ken's Sharpening	2	\$ 3,418.50
Amanda's Bakery	2.25	\$ 3,845.81
Gravel City Roasters	2.5	\$ 4,273.13
Chi Em Eats	2.75	\$ 4,700.44
Sunflower Gymnastics	3	\$ 5,127.75
Green Tree LLC	3	\$ 5,127.75
Flint Hills Music	4.25	\$ 7,264.31
The Sweet Granada	6.75	\$ 11,537.44
Flint Hills Mall	7	\$ 11,964.75
Flint Hills Lanes	7.25	\$ 12,392.06
Do-B's Inc.	13	\$ 22,220.25
Radius Brewing Company	26	\$ 35,000.00
<b>TOTAL</b>		<b>\$131,999.94</b>

**Meal Program**

Salvation Army Food Pantry	\$ 5,000.00
John & Frances Ice Food Pantry	\$ 5,000.00
First United Methodist Church Food Pantry	\$ 5,000.00
First Christian Church Food Pantry	\$ 5,000.00
Spartan Shop	\$ 5,000.00
Food 4 Students	\$ 5,000.00
Farmers Market	\$ 5,000.00
<b>TOTAL</b>	<b>\$35,000.00</b>

Commissioner Geitz made a motion to approve the CDBG-CV Grant Fund Allocations at \$35,000.00 for Radius and \$1,709.25 per qualified employee for other applicants for a total of \$131,999.94 and \$5,000.00 for each applicant for the meal program for a total of \$35,000.00. 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  
(Kansas Department of Commerce for Small Cities)  
(Community Development Block Grant)  
(Lift Station #2 Improvements)  
(Public Hearing)**

Assistant City Manager Massey, was recognized and addressed the Governing Body. He stated staff has been working with our CDBG grant administrator to submit an application for a Kansas Department of Commerce for Small Cities Community Development Block Grant sewer project.

Bruce Boettcher, BG Consultants, was recognized and addressed the Governing Body. He stated the project is for improvements to Lift Station #2 and will include the replacement of two flooded suction centrifugal wastewater pumps, valves and piping. The estimated total project cost is \$1,703,200.00 with a grant request of \$700,000.00 and local cost share of \$1,003,200.00. The local share will be utilized from the City of Emporia KDHE-SRF loan. The next step in the application process is to have a public hearing.

Mayor Giefer then opened the public hearing.

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

**BONDS  
(S&S Quality Meats, LLC and Smoots Enterprises, LLC II)  
(Approving Option of Purchase 2015 IRB's)  
(Resolution Number 3622)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated this resolution approves the request by Smoots Enterprises II, LLC to exercise the option to purchase the 2015 Series A and B Industrial Revenue Bonds.

Mary Carson, representing Triplett Woolf Garretson, LLC, was recognized and addressed the Governing Body via phone. She stated the 2015 Industrial Revenue Bonds were issued to finance development of the Fanestil refrigerated warehouse and fresh market. This action will allow Smoots Enterprises to proceed with refinancing the IRB's as S & S Quality Meats, LLC. This is clean up the bonds, allow financing through Sunflower Bank and allow the Sunflower Bank first position.

Following further discussion, Commissioner Geitz made a motion to approve Resolution Number 3632 a resolution approving the sale of IRB's; authorizing the execution and delivery of a special warranty deed; a bill of sale; a termination and release of lease, and a satisfaction discharge and release of indenture. Commissioner Gilligan seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

**BONDS**  
**(S&S Quality Meats, LLC)**  
**(Authorize the Issuance of Taxable Industrial Revenue Bonds)**  
**(Ordinance Number 20-26)**

AN ORDINANCE AUTHORIZING THE CITY OF EMPORIA, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REFUNDING REVENUE BONDS, SERIES 2020 (S&S QUALITY MEATS, LLC), IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$1,600,000 FOR THE PURPOSES OF REFUNDING, REDEEMING AND RETIRING THE CITY'S TAXABLE INDUSTRIAL REVENUE BONDS, SERIES A, 2015 AND SUBORDINATED TAXABLE INDUSTRIAL REVENUE BONDS, SERIES B, 2015 ORIGINALLY ISSUED TO FINANCE CERTAIN COMMERCIAL IMPROVEMENTS IN THE CITY ON BEHALF OF SMOOTS ENTERPRISES II, LLC; AUTHORIZING THE EXECUTION OF A TRUST INDENTURE BY AND BETWEEN THE CITY AND SECURITY BANK OF KANSAS CITY, KANSAS CITY, KANSAS, AS TRUSTEE; AUTHORIZING EXECUTION OF A LEASE BETWEEN THE CITY AND S&S QUALITY MEATS LLC; APPROVING THE FORM OF GUARANTY AGREEMENTS; AUTHORIZING THE EXECUTION OF A BOND PLACEMENT AGREEMENT BY AND BETWEEN THE CITY S&S QUALITY MEATS, LLC, AND SUNFLOWER BANK, N.A., AS PURCHASER OF THE SERIES 2020 BONDS AND AUTHORIZING OTHER NECESSARY DOCUMENTS, to which the City Clerk assigned Ordinance Number 20-26, was presented to the Governing Body for their consideration.

Mary Carson, representing Triplett Woolf Garretson, LLC, was recognized and addressed the Governing Body via phone. She stated this ordinance authorizes the City of Emporia to issue taxable Industrial Revenue Bonds, Series 2020 on behalf of S&S Quality Meats, LLC, for the purpose of retiring the City's 2015 taxable Industrial Revenue Bonds to finance commercial improvements on behalf of Smoots Enterprises II, LLC.

Commissioner Geitz made a motion approving Ordinance Number 20-26, an ordinance authorizing the City of Emporia to issue taxable Industrial Revenue Bonds, Series 2020 for the purpose of retiring the City's 2015 taxable Industrial Revenue Bonds to finance commercial improvements on behalf of Smoots Enterprises II, LLC. 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**  
**(Amend Sidewalk Enhancement Policy)**  
**(Resolution Number 3633)**

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated amendments to the City's Sidewalk Enhancement Policy are proposed in order to offer additional options and flexibility for local businesses to request utilization of sidewalks, parking, alleyways and roadways for display of merchandise, goods and wares, and/or the sale, service and consumption of prepared meals and beverages. Applicants will be required to comply with all federal, state and local laws including the Americans with Disabilities Act and alcohol licensing requirements. She stated staff was recommending approval of the Resolution adopting the amendments to the Sidewalk Enhancement Policy.

Commissioner Gilligan made a motion to approve Resolution Number 3633, a resolution amending the Sidewalk Enhancement Policy. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; 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 September 9th Study Session**

Discuss Contract with RDA.

Discuss Mask Ordinance  
Discuss FEMA Flood  
Update on CARES/SPARK Funds

**EXECUTIVE SESSION**

Commissioner Gilligan made a motion to adjourn into Executive Session to discuss proprietary information regarding potential commercial development, and to invite Jim Witt, Special Projects Manager, from 1:50 p.m. to 2:00 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 2:00 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed proprietary information regarding potential commercial development 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, and to invite Jim Witt, Special Projects Manager, and Jim Ubert, City Engineer, from 2:01 p.m. to 2:16 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 2:16 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 potential land acquisition from 2:16 p.m. to 2:25 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; Commissioner Smith, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session at 2:25 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed potential land acquisition and no action was taken.

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

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Danny Giefer, Mayor

ATTEST:

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Kerry Sull, City Clerk