

COMMISSION MEETING

7:00 P.M.

JANUARY 16, 2019

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, January 16, 2019, in the City Commission Meeting Room with Mayor Giefer presiding and Commissioners Geitz, Mlynar and Smith present. Commissioner Gilligan was absent. Also present were City Manager McAnarney, Assistant City Manager Massey, 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. **The following is general information for the month of December for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2017	2018	
	\$379,799.08	\$407,028.86	Increase of \$28,229.78 for the month, and
			Overall increase of 4.17% from year 2017
YTD	\$4,649,522.00	\$4,843,361.41	

2. City Share from County Tax

	2017	2018	
	\$182,853.57	\$197,197.39	Increase of \$14,343.82 for month, and
			Overall increase of 5.03% from year 2017
YTD	\$2,271,487.21	\$2,385,755.94	

3. Building Permits issued from 12/1/2018 to 12/31/2018 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	38
Total of valuations associated with those building permits:	\$ 928,250.00
Total number of dollars collected for Building Permit Fees:	\$ 4,447.00
Construct - single family dwellings	4
Demo - single family dwellings	2

Flint Hills Mall CID for December	\$ 13,462.16
Year to Date Total	\$ 185,876.28

Consent Agenda

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

- a. Consider minutes of the Regular Meeting held on December 19, 2018.
- b. Consider ratification of Payroll Ordinance for the periods ending on December 21, 2018 and January 4, 2019.

- c. Consider Change Order No. 1 for 2018 Waterline Improvements Kansas Ave. & Warren Way Project WM1704.
- d. Consider Set Bid Time & Date for Bids for One Track Loader.
- e. Consider Set Bid Time & Date for Three New Police Vehicles.

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

**CITY COMMISSION
(Public Comment)**

Darby O'Neill, Principal of Sacred Heart Catholic School, was in attendance to accept a proclamation recognizing the week of January 27th through February 2nd, as "Celebrate Catholic Schools Week" in Emporia. He stated each year the Archdiocese of Kansas City in Kansas designated one week during the year to highlight Catholic Schools. He stated since 1926 Sacred Heart has had a Catholic School. The presence of a Catholic school in our community has proven to be an additional amenity and incentive in the education of the youth of the City of Emporia. He stated the legacy of Sacred Heart School will live on for many years thanks to dedicated administrators, teachers and students as well as a very supportive community.

Mayor Giefer then presented the proclamation.

**CITY COMMISSION
(Board Appointment)**

Emporia-Lyon County Metropolitan Area Planning Commission:

It was moved by Commissioner Mlynar, seconded by Commissioner Smith that Chip Garrett be appointed to the Emporia-Lyon County Metropolitan Area Planning Commission for a term that expires on December 31, 2021. The vote follows: Commissioner Mlynar, aye; Commissioner Smith, aye; Commissioner Geitz, aye; and Mayor Giefer aye.

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
(Kansas State Water Revolving Loan Fund)
(Public Hearing)**

City Manager McAnarney stated the City will need to conduct a public hearing to inform the public on the proposed application to Kansas Public Water Supply Loan Fund.

Thaniel Monaco, representing BG Consultants, was recognized and addressed the Governing Body. He stated the City is seeking a loan from the Kansas State Water Revolving Loan Fund for water infrastructure improvements not to exceed \$9,969,862.50. A list of potential projects will be reviewed at a later date. He stated the advantages of financing municipal water system improvements from the loan fund are as follows:

The interest rate is subsidized by the Kansas Department of Health and Environment (KDHE) and is lower than traditional methods of debt financing.

The initial borrowing costs are much lower than traditional debt financing.

The loan fund repayments are based on a 20-year amortization schedule, but the debt can be retired at anytime.

Interest only accrues on funds that are withdrawn during the construction period.

The loan can be used as a construction loan.

He stated the City is required to hold a public hearing regarding the loan prior to adoption of a resolution approving the application.

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

**KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
(Kansas Public Water Supply Loan Fund)
(Application for Loan)
(Resolution Number 3616)**

Thaniel Monaco, representing BG Consultants, was recognized and addressed the Governing Body. He stated the adoption of this resolution is a necessary step in the process of securing a loan from the Kansas Public

Water Supply Loan Fund. The resolution authorizes the completion and submittal of an application to KDHE regarding the loan.

Commissioner Smith made a motion to approve Resolution Number 3616, a resolution authorizing the completion of an application to the Kansas Department of Health and Environment regarding a loan from the Kansas Public Water Supply Loan Fund. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Mlynar, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Citizens National Plaza & Lofts, LLC,
(Emporia Downtown Plaza, LLC and Preston Plaza & Lofts, LLC)
(Resolution Number 3617)**

City Manager McAnarney stated this resolution is the next step as authorized by Development Agreement with the Citizens National Plaza & Lofts, LLC, Emporia Downtown Plaza, LLC and Preston Plaza & Lofts, LLC as approved by the City Commission. The resolution indicate the Intent of the Governing Body of the City of Emporia, to issue Taxable Industrial Revenue Bonds in an approximate principal amount of \$6,500,000.00 for the purpose of purchasing, acquiring, constructing, furnishing and equipping two mixed use buildings containing residential apartments and commercial suites at 527 Commercial Street and 528 Merchant Street. He stated this resolution is not the final action regarding issuance of bonds for the project but will allow the developer to secure interim financing and move forward with the project. He stated nothing in this resolution shall obligate the City in any manner in connection with the costs of the issuance of the Bonds.

Commissioner Geitz made a motion to approve Resolution Number 3617, a resolution relating to the intent to issue Taxable Industrial Revenue Bonds in an approximate principal amount of \$6,500,000.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Geitz, aye; Commissioner Smith, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

PLANNING AND DEVELOPMENT
(MAPC Excepts of Regular Meeting Held 12-18-18)
(Application No, 2018-16 - Request of City of Emporia)
(Conditional Use Permit at 1320 Warren Way to allow Water Tower)

Excerpt of Planning Commission December 18, 2018 regular meeting:

The Planning Commission met in a regular session on Tuesday, December 18, 2018 with Chair Springeman presiding. Members Bucklinger, Rech, Moore, Duncan, Sauder, Thomas and Williams were present. Member Just was absent.

APPLICATION 2018-16: A request of the City of Emporia to allow a Conditional Use Permit to allow a water tower in accordance with Section 15-301 Table 15-2.19 of the Zoning Regulations. The Conditional Use Permit requirements are outlined in Section 26 of the Zoning Regulations.

Staff confirmed jurisdiction over this application.

No exparte communication was declared.

STAFF REPORT: A water tower is being planned at 1320 Warren Way. This is part of the Water Improvements Plans for Industrial Park III. A Letter of Map Amendment (LOMAR) was granted for this location on October 28th, 2018, as this area has a 1% annual chance of flooding. All setback and height requirements will be met. The Water Tower will be approximately 200 ft. in height.

The proposed water tower will add 1 million gallons of water storage for Industrial Park III and S.E. Emporia. It will be a key infrastructure component and will meet a need for the community.

The DRT Team discussed this on November 30th, no issues were noted.

There was no questions or discussion from the Planning Commission concerning this application.

Public Hearing: No public comments were made for or against the application.

The Public Hearing portion was opened.

With no further discussion, the Public Hearing portion was closed.

Member Williams moved to approved Application 2018-16, to approve the application based staff recommendation. Member Sauder seconded the motion.

Motion: Application was approved 7-0.

Joe Foster, Zoning Enforcement Officer, was recognized and addressed the Governing Body. He stated this is a request of the City of Emporia for a Conditional Use Permit to allow for a water tower in accordance with Section 15-301 Table 15-2.19 of the Zoning Regulations that is planned at 1320 Warren Way. This is part of the Water Improvements Plan for Industrial Park III. The proposed water tower will add 1 million gallons of water storage for Industrial Park III and SE Emporia. The proposed water tower is a key infrastructure component and will meet a need for the community. A Letter of Map Amendment (LOMAR) was granted for this location as this area has a 1% annual chance of flooding. He stated all setback and height requirements will be met. The water tower will be approximately 200 ft. in height. At their December 18, 2018 regular meeting, the Planning Commission voted unanimously to approve the Conditional Use Permit.

PLANNING AND DEVELOPMENT

**(Application No, 2018-16 - Request of City of Emporia)
(Conditional Use Permit at 1320 Warren Way to allow a Water Tower)
(Ordinance Number 19-01)**

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 19-01, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 19-01, an ordinance issuing a conditional use permit at 1320 Warren Way to allow a water tower. Commissioner Geitz seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Mlynar, aye; and Mayor Giefer, aye.

WATER SERVICE

**(Amending Water Rate to Include 12 Inch Meter Pricing)
(Ordinance Number 19-02)**

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO WATER RATES; AMENDING SECTION 28-41 OF THE CODE OF THE CITY OF EMPORIA, to which the City

Clerk assigned Ordinance Number 19-02, was presented to the Governing Body for their consideration.

Janet Harrouff, Director of Administrative Services, was recognized and addressed the Governing Body. She stated a local industry has recently installed a 12 inch water meter and the current water ordinance number 18-39, Section 28-41, does not include pricing for a 12 inch meter. She stated appropriate pricing has been determined for the 12 inch meter and this proposed ordinance will update the pricing. She stated staff recommends approval of the ordinance.

Commissioner Mlynar made a motion to approve Ordinance Number 19-02, an ordinance pertaining to water rates; amending Section 28-41 to include pricing for a 12 inch meter. Commissioner Smith seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Smith, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

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

This is a verbal report that announces upcoming events, recognized employees for outstanding contributions 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 JANUARY 23RD STUDY SESSION

Review the Proposal from the Airport Consultants Lochner Assoc.
2018 Street Rehab-List Street Review.
Discuss 727 Commercial SHPO Appeal.
Discussion for Storm Water Drain Off.
Becker Creek
Amending State of Kansas Sewer Loan.

Joint Luncheon w/Planning Commission & Board of Zoning Appeals

**CITY COMMISSION
(State of City Speech)
(Mayor Danny Giefer)**

As we move into 2019, now is our opportunity to look back on 2018 of the successes and opportunities that the City of Emporia was able to participate in. 2018 was certainly a busy year for the community and many achievements are worth mentioning.

The Commission and City staff met in several meetings in early 2018 to update the goals and strategies for 2018 - 2020. These goals are a valuable tool in charting the future of the community. The goals are as follows:

Economic Development Partnerships - Review effectiveness of all Economic development partners.

Workforce Development - Support, promote and recruit job ready employees. Partner with private sector for current/future labor needs.

Housing Development - Housing data considerations for mixed housing types for the community to address the housing shortage.

Operational Partnerships - partnerships with other community governmental entities needs.

Water Development - Quality and quantity considerations for community and awareness of future system capital demands.

Operational Oversight - Management/leadership to plan for future changes to help the community and city staff to come together.

Infrastructure investments in replacement, repair and preventive maintenance have been one of our biggest challenges in the past year. Some of these projects include:

Replacement, new and repairs of water main and transfer lines were costs at approximately - \$1,400,000.00.

Sewer line inspection and relining and manhole rehabilitation at approximately \$838,000.00.

Rebuilt Sanitary Sewer Lift Station #9 - approximately \$850,000.00.

Replace Lime Slakers at the Water Treatment Plant - approximately \$600,000.00.

Annual street milling, slurry, rehabilitation and resurfacing projects - approximately \$2,000,000.00.

Annual hazardous sidewalk program - approximately \$70,000.00.

The continued construction of the Wastewater Treatment Plant to meet compliance of Federal mandates - approximately \$29,000,000.00.

Construction of a new 1,000,000 gallon water tower and new 16" main to Industrial Park #3 - approximately \$5,000,000.00. Grant money awarded for this project was \$1,341,000.00.

Equipment purchases to meet the needs of services required for the City to operate include: Ambulances, Police vehicles, mower, aviation fuel truck, backhoe, tire loader, forklift, skid steer, solid waste truck, packer body, flatbed truck and multi use vehicle - approximately \$1,190,000.00.

Maintaining the City's infrastructure is a major and necessary expense to meet the needs of our community and plan for the future.

Positive growth in our industrial community includes a substantial expansion of the Simmons Pet Food manufacturing facility with a 200,000 square foot expansion. The expansion will employ 100 new personal with an additional payroll of \$5 million. In addition to the manufacturing expansion, a Care Clinic has been constructed to serve its workforce.

Cargill Animal Nutrition has constructed a new 50,500 square foot warehouse with an additional 10 full time positions and \$330,000 additional payroll.

Bunge North America, Inc., started the expansion of a new railroad spur to better serve their facility's storage needs and keeping rail car traffic off the US Hwy 50 roadway.

Private sector investment in Emporia for 2018 consist of a new Aldi's grocery store - \$2.9 million; new apartment complex in east Emporia - \$3.9 million; new apartment complex in the downtown area - \$3.5 million; 21 new single family dwellings and the removal of 14 single family dwellings.

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

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk

Commissioners Geitz, Giefer, Mlynar and Smith convened as the Governing Body.

Commissioner Mlynar made a motion nominating Jon Geitz to serve as Mayor for the coming year. Commissioner Smith seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Geitz, aye.

Commissioner Mlynar made a motion nominating Danny Giefer to serve as Vice-Mayor for the coming year. Commissioner Smith seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Geitz, aye.

**CITY COMMISSION
(Approve Surety Bonds)**

Commissioner Giefer made a motion to approve Surety Bonds for the City Manager McAnarney, City Clerk Sull and City Treasurer Harrouff. The City has obtained Surety Bonds from Cincinnati Insurance Co. for the 2019 fiscal year. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Commissioner Mlynar, aye; and Mayor Geitz, aye.

**CITY COMMISSION
(Designate Official City Newspaper)**

Commissioner Giefer made a motion to designate The Emporia Gazette to be the official City newspaper, as per K.S.A. 12-1420. The City is required by State law to designate an official newspaper, which must have a general circulation in the City. Commissioner Mlynar stated she would abstain from the vote due to freelance work for the Emporia Gazette. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Mayor Geitz, aye; and Commissioner Mlynar abstained.

**CITY COMMISSION
(Designate Financial Institutions)**

Commissioner Giefer made a motion to designate the following financial institution to serve as depositories of funds of the City of Emporia, per K.S.A. Supp. 9-401: Citizens State Bank; Community National Bank & Trust; ESB Financial and Lyon County State Bank. Commissioner Smith seconded the

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

**REGIONAL DEVELOPMENT ASSOCIATION OF EAST-CENTRAL KANSAS BOARD
(Appoint Governing Body Representation)**

Commissioner Giefer made a motion to re-appoint Commissioner Gilligan as a representative of the Governing Body to participate in the activities of the Regional Development Associate of East-Central Kansas Board. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Commissioner Mlynar, aye; and Mayor Geitz, aye.

**JOINT ECONOMIC DEVELOPMENT ADVISORY COUNCIL
(Appoint Governing Body Representation)**

Commissioner Giefer made a motion to appoint Mayor Geitz as a representative of the Governing Body to participate in the activities of the Joint Economic Development Advisory Council. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Mlynar, aye; Commissioner Smith, aye; and Mayor Geitz, aye.

**RECREATION COMMISSION
(Appoint Governing Body Representation)**

Commissioner Mlynar made a motion to re-appoint Commissioner Giefer as a representative of the Governing Body to participate in the activities of the Emporia Recreation Commission. Commissioner Smith seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Geitz, aye.

**WILLIAM ALLEN WHITE COMMUNITY PARTNERSHIP
(Appoint Governing Body Representation)**

Commissioner Mlynar made a motion to appoint Commissioner Smith as a representative of the Governing Body to participate in the activities of the William Allen White Community Partnership. Commissioner Giefer seconded the motion. The vote follows: Commissioner Mlynar, aye; Commissioner Giefer, aye; Commissioner Smith, aye; and Mayor Geitz, aye.

**EMPORIA ENTERPRISES
(Appoint Governing Body Representation)**

Commissioner Giefer made a motion to re-appoint Commissioner Mlynar as a representative of the Governing Body to participate in the activities of the Emporia Enterprises Board. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Commissioner Giefer, aye; and Mayor Geitz, aye.

**EMPORIA CONVENTION AND ADVISORY BOARD
(Appoint Governing Body Representation)**

Commissioner Giefer made a motion to a re-appoint Commissioner Mlynar as a representative of the Governing Body to participate in the activities of the Emporia Convention and Advisory Board. Commissioner Smith seconded the motion. The vote follows: Commissioner Giefer, aye; Commissioner Smith, aye; Commissioner Mlynar, aye; and Mayor Geitz, aye.

**JOINT CITY/COUNTY FACILITIES AND SERVICES COMMUNITY BOARD
(Appoint Governing Body Representation)**

Commissioner Smith made a motion to re-appoint Mayor Geitz as a representative of the Governing Body to participate in the activities of the Joint City/County Facilities and Services Community Board. Commissioner Mlynar seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Mlynar, aye; Commissioner Giefer, aye; and Mayor Geitz, aye.

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

Jon Geitz, Mayor

ATTEST:

Kerry Sull, City Clerk