

Commission Meeting

11:15 a.m.

February 19, 2025

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, February 19, 2025, with Mayor Harter presiding and Commissioners Brinkman, Curtis, Sauder and Smith present. Also present were City Manager Cocking, Deputy City Manager Detter, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments.

The public is invited to make comments at this time. Please limit comments to two (2) minutes each. Please state your name and address prior to making comments.

No comments were made at this time.

Caron Daugherty, Flint Hills Technical College President, was in attendance to accept a proclamation declaring the month of February as "Career and Technical Education (CTE) Month" by the Association for Career and Technical Education and supported by Flint Hills Technical College. She stated the CTE programming offers students the opportunity to gain the academic, technical, and employability skills necessary for career readiness. Leaders from business and industry nationwide report increasing challenges related to addressing the skills gap and connecting qualified professionals with careers in critical and growing CTE related fields, such as advanced manufacturing, cybersecurity, energy, healthcare, information technology, and transportation. She stated CTE programs with FHTC prepare students for rewarding careers by offering programs of study that lead to industry-recognized credentials. She urged all citizens in our community to become familiar with the services and benefits offered by THTC and to support and participate in these CTE programs to enhance their individual skills and productivity.

Mayor Harter then presented the proclamation.

**CITY COMMISSION
(Public Building Commission)
(Enter into Base Lease and Project Lease for Fire Station Project)
(Resolution Number 3761)**

Mark Detter, Deputy City Manager, was recognized and addressed the Governing Body. He stated the City is currently constructing a new Fire Station No. 1 and will be upgrading Fire Station No. 2. This proposed resolution declares the City of Emporia's intent to enter into a base lease and project lease completing leasing documents between the City of Emporia and the Public Building Commission. The resolution will allow the PBC to lease ground Fire Station No. 1 will be constructed on at 518 Market Street from the City and the City to lease from the Public Building Commission (PBC) the new Fire Station building. He stated the bonds will be issued for a total of \$12,210,000.00 to include construction and equipping of Fire Station No. 1 and design fees for Fire Station No. 1 and No. 2. The City's lease payments to the PBC will be equivalent to the debt service payments on the PBC Bond issue on a yearly basis. The debt payments start at approximately \$825,000.00 per year and will be retired in 2044 at approximately \$1,200,000.00 a year accommodating existing debt service schedules and will mature well within the life of the structure. The City will own the building upon retirement of the Bonds. Staff recommend approval of Resolution Number 3761 declaring the intent of the City of Emporia, Kansas to enter into a base lease and a project lease between itself and the City of Emporia, Kansas Public Building Commission related to the financing of a fire station facility project; approving the forms of said base lease and project lease; and authorizing the execution thereof and certain related documents.

Commissioner Sauder made a motion to approve Resolution Number 3761 declaring the intent of the City of Emporia, Kansas to enter into a base lease and a project lease between itself and the City of Emporia, Kansas Public Building Commission related to the financing of a fire station facility project; approving the forms of said base lease and project lease; and authorizing the execution thereof and certain related documents. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 1-21-25)
(Application No. 2024-17 – Request of CM2 Development)
(Rezone Property Located at 1402, 1408, 1414, 1407 & 1401 Michelle Circle)
(912 and 908 Michelle Street)

The Planning Commission met in a regular session on Tuesday, January 21, 2025, with Chair Rogers presiding. Commissioners Ogle, Bucklinger, Thomas, Fowler, Lingenfelter, Reed were present.

City staff: Justin Givens, Planning & Zoning Administrator, was present. City Engineer, Jim Ubert, was also in attendance.

Chair Rogers called the meeting to order.

2. Consider PC-2024-17 – A Request to for Rezoning of Property Located at 1402, 1408, 1414, 1407, and 1401 Michelle Circle, and 912 and 908 Michelle Street.

Chair Rogers asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper for the original public hearing date.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

Givens provided the Updated Staff Report.

UPDATED STAFF REPORT

Application #: PC 2024-17

Applicants: City of Emporia

Owners: CM2 Development

Requested Action: Consider a request to rezone property from Single-Family Detached (SF-D) to Single-Family Attached (SF-A)

Purpose: Rezoning to correct misclassification on recently adopted zoning map.

Address: 1402, 1408, 1414, 1407, and 1401 Michelle Circle; and 912 and 908 Michelle Street.

Legal description: Lots 15, 16, 17, 18, 19, 20, and 21, Eastwood 3rd Addition, Emporia, Lyon County, Kansas

Lot Size: 50' x 170' 8,500 sq. ft.

Existing Zoning: Single-Family Detached

Future Zoning in ELC Comp. Plan: Single-Family Detached

Surrounding Zoning:

North – Commercial / Multi-Family

East – Single-Family Detached

South – Park

West – Single-Family Detached / Single-Family Attached

Surrounding Actual Uses:

North – Vacant Property / Multi-Family Apartment Complex

East – Railroad Tracks / Large Lot Single-Family Homes

South – Whittier Park

West – Single-Family Attached & Detached Homes

Updated Analysis: These lots were previously rezoned as part of an overall rezoning of property on the east side of Michelle Street. The subject lots abut the rail spur and are not necessarily conducive to single-family detached units. The property owner approached staff about the rezoning to facilitate the sale of the properties to a potential developer, who intended on building duplexes on the properties. Staff discussed the possibility of the developer applying for Conditional Use Permits for each duplex, but for ease of process it was determined that rezoning the property back to Single-Family Attached as it was previously zoned would be best.

Each lot exceeds the required square footage necessary for single-family attached dwellings. The proposed cul-de-sac would be required to be built prior to any building permits being issued if the rezoning was granted. All utilities are present in the area.

The development of the property to the north of this is in limbo and staff is supportive of approving the rezoning for these properties independent of any future development plans for the northern properties.

Following the meeting in December, staff discussed drainage issues along Michelle, Mary and 9th Street with the City Engineer. There is a ridge to the north of the subject property that divides run-off from the north and south. The run-off that travels south enters into storm drains on East 9th. That water is conveyed to the drainage ditch that runs behind the subject properties.

Water that flows north of the ridge travels along Mary and Michelle to an inlet and then to 12th. The redesign of stormwater for Whittier Apartments will assist in decreasing the amount of runoff in this area, but will not elevate all of the drainage issues.

Engineering staff feels that any additional run-off created by the new duplexes could be handled by designing Michelle Circle so that it tilts towards the east and not discharging water onto Michelle Street. Grading of the lots to direct run-off towards the ditch will also be required for stormwater management.

When the property was originally rezoned from the former R-1 to R-2 districts under the previous zoning code, the allowed lot coverage for each district was 40% which is shown in the attached table. Based on the concern of increased run-off and drainage issues in the area, staff would recommend that a condition of the rezoning be that no lot exceed 40% lot coverage. This would allow for two-family dwellings to still be built on the property, but limit the amount of impervious surface and reduce the amount of run-off that would be created.

Staff is still supportive of the rezoning, as it was previously rezoned to allow two-family dwellings and only mapping errors have created a situation in which the owners have to request the rezoning of the property to Single-Family Attached now. Additionally, proper design of the road and lot grading will minimize the amount of run-off placed onto Michelle St and not add run-off to the existing inlets at 9th and Michelle.

Considerations: 9.8.3.a.8. Factors to be Considered for a Rezoning:

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon

which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in Bold**

1. Whether the change or approval would be consistent with these regulations; **The change would be consistent with the zoning regulations. Each lot meets the minimum size for development of single-family attached homes. The building envelope is appropriate as well for single-family attached homes.**
2. The character and condition of the neighborhood and its effect on the proposed change; **The existing neighborhood is a mix of owner-occupied and rental single-family detached homes and single-family attached homes. The homes are older in the area and these new homes will not have a negative impact on the character or condition of the neighborhood.**
3. The zoning and uses of properties nearby; **The area is mixed with single-family attached and detached homes. The detached homes are a mix of owner occupied and rental property. The additional homes whether they are owner occupied or rental property will not have a negative effect on the area.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property is conducive to single-family detached and single-family attached homes. The property has been vacant since platting in 1978. The adjacent rail, staff would maintain, makes it difficult to develop the property as owner occupied single-family detached homes. Allowing single-family attached homes while still impacted by the proximity to the rail spur will be more easily marketable.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Staff does not anticipate any negative impacts to the nearby property. The area is already a mix of single-family detached and attached and a blend of owner occupied and rental property. By not removing the restrictions of strictly single-family detached homes the property would most likely continue to remain vacant.**
6. The length of time the subject property has remained vacant as zoned; **The property has been zoned single-family residential in some form until it was rezoned to single-family attached in 2022. It has been vacant since being platted, and only now, as what was thought to be single-family attached zoning was there interest in developing the property.**
7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use; **There would be no gain in the public health, safety, and welfare if the rezoning were denied. Existing services are available with minimal impact on extending services to this area. The existing hardship imposed on the property owner would continue and most likely this property would remain undeveloped.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the rezoning.**
9. The conformance of the requested change to Plan ELC; **Plan ELC promotes adaptive uses and reuses of existing infill properties and the regulations**

have been put in place to accommodate a wide array of housing options. The proposed rezoning would help to meet the housing goals set out in Plan ELC

10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: At the original public hearing, several area residents expressed concerns about drainage and additional homes in the area. Minutes from the public hearing are attached with this report.

Recommendation: Staff recommends the Planning Commission make a motion of approval for the Rezoning to the Governing Body based on the following;

- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood
- 4) Approval would reaffirm the previous actions of the Planning Commission

Attachments: Aerial Map with Utilities | Current Zoning Map | Excerpt of Minutes

Givens discussed the original lot coverage ratio from the previous zoning code and the differences with the new regulations. He stated that under the previous code, which the property was rezoned originally, 40% was the maximum lot coverage, which would reduce the amount of runoff created by any new development.

Commissioner Fowler expressed his concerns about the drainage overall in the area, not necessarily with any building that could be built on the property.

Jim Ubert, City Engineer, addressed the Planning Commission. He discussed the factors that go in to helping minimize stormwater and issues that created some of the drainage issues in the area.

Ubert felt, that with proper planning and design, the developer could reduce the amount of stormwater that would go on to Michelle Street. Titling the road design for Michelle Circle to the east and by ensuring that lot grading directed stormwater to the north and east would reduce the amount of runoff from this property adding to the existing stormwater issues.

Commissioner Rogers made a motion to recommend approval of the Rezoning with conditions that the maximum lot coverage be 40% and that the City Engineer approve the final floor elevations for each building. Commissioner Lingenfelter seconded the motion. The motion carried 7-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owners of the property located on Michelle Street and Michelle Circle have requested the property be reclassified as Single-Family Attached. The property was previously rezoned under the former zoning classification to R-2 Medium Density Residential but was inadvertently reclassified to Single-Family Detached

when the new zoning map was adopted. He stated the Planning Commission recommended that the maximum lot coverage be reduced to 40% as that was the maximum lot coverage when the property was previously rezoned. He stated there were concerns about drainage and stormwater management concerns in the area of these properties. At their January 21, 2025, regular meeting, City staff provided additional information on drainage in the area, limiting the maximum lot coverage, and allowing the City Engineer to approve final floor elevations for each structure, as well as designing Michelle Circle to direct stormwater away from Michelle Street, the Planning Commission voted unanimously to recommend approval of rezoning the properties with the conditions as stated.

**PLANNING AND DEVELOPMENT
(Application No. 2024-17 – Request of CM2 Development)
(Rezone Property Located at 1402, 1408, 1414, 1407 & 1401 Michelle Circle)
(912 and 908 Michelle Street)
(Ordinance Number 25-06)**

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM SINGLE-FAMILY DETACHED (SF-D) PARCEL TYPE TO SINGLE-FAMILY ATTACHED (SF-A) PARCEL TYPE AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 25-06, was presented to the Governing Body for their consideration

Commissioner Smith made a motion to approve Ordinance Number 25-06, amending the parcel type of properties located at 1402, 1408, 1414, 1407, 1401 Michelle Circle, and 912 and 908 Michelle Street from Single-Family Detached (SF-D) to Single-Family Attached (SF-A). Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 1-21-25)
(Application No. 2024-11 – Request of XRS Pro Homes, LLC)
(Approve Final Plat for the XRS Pro Homes Addition)**

The Planning Commission met in a regular session on Tuesday, January 21, 2025, with Chair Rogers presiding. Commissioners Ogle, Bucklinger, Thomas, Fowler, Lingenfelter, Reed were present.

City staff: Justin Givens, Planning & Zoning Administrator, was present. City Engineer, Jim Ubert, was also in attendance.

Chair Rogers called the meeting to order.

. Consider PC-2024-11 – A Request to Approve a Minor Plat – XRS Pro Homes Addition.

Chair Rogers asked if proper notice had been given. **Givens** confirmed that proper notice was provided to the newspaper and property owners for the original public hearing.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

UPDATED STAFF REPORT

Application #: PC 2024-11

Applicants: Alex Trujillo, Next Level Builders

Owners: XRS Pro Homes LLC

Requested Action: Approval of a Minor Plat

Purpose: Applicants desire to plat an approximately 1-acre tract of land for the purpose of building single-family detached homes.

Address: 1002 E South Ave.

Legal description: A TRACT OF LAND COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6 TH P.M., LYON COUNTY, KANSAS, THENCE EAST 185 FEET, THENCE NORTH 270 FEET, THENCE WEST 185 FEET TO THE WEST LINE OF SAID NE 1/4, THENCE SOUTH 270 FEET TO THE PLACE OF BEGINNING. EXCEPT THAT PORTION ON THE SOUTH AND WEST SIDES THEREOF TAKEN FOR ROAD PURPOSES.

Area Size: 1 Acre +/- | 39,600 sq. ft.

Existing Zoning: Single-Family Detached

Surrounding Zoning:

North- Single-Family Residential

East- Single-Family Residential

South- Light Industrial

West – Single-Family Residential

Surrounding Actual Uses:

North – Single-Family Homes

East – Single-Family Homes

South – Vacant Industrial Property

West –Single-Family Homes

Future Zoning in ELC Comp. Plan: Single-Family Detached

Updated Analysis: Based on feedback from the Planning Commission and the public hearing, the applicant is now proposing to create three lots on the property located at the northeast corner of E South Ave. and Carter St. All three of the lots will take access from Carter St. as was suggested by the Planning Commission during the original hearing.

Each lot now exceeds not only the infill minimum lot size, but also the greenfield standard. Each lot is in excess of 11,000 sq. ft., and should be more in line with the larger lots within the area. This tract is unique in that all utilities are existing in the area and will not require the extension of any service line for the developer.

The increased lot size, will allow the developer to build either larger homes on the property or maintain smaller homes with more lot space than a traditional development.

1. **Plat Name:** The minor plat is proposed to be named XRS Pro Homes Addition, which meets requirements.
2. **Legal Description:** The legal description shown on the plat meets requirements.
3. **Lots:** The minor plat proposes three lots.

Lot #	Square Footage	Front Building Setback Infill Standard	Front Building Setback Greenfield Standard
Lot 1	11,902	15'	25'
Lot 2	11,852	15'	25'
Lot 3	11,854	15'	25'

The proposed plat reflects the infill building standard front setback of 15'. Based on the increased lot size, this could be adjusted to accommodate the larger lots or remain at 15'. The increased standard of 25' would be more reflective of properties in the area.

4. **Blocks:** No blocks are proposed, which is acceptable for a plat such as this.

5. **Streets and Access:** The development is adjacent to E South Ave. and Carter St.

- No access control is necessary for this addition. Lot 3's driveway will be required to be out of the easement and the engineering department will approve of the location of the drive when a building permit is pulled for the property.
- Formal dedication of right of way for E. South Ave. and Carter St. will be given if the plat is approved. E. South Ave will have a right of way set at 40 ft. due to its collector status. A 30 ft. right of way will be granted for Carter St., which is the typical width of a residential street.

6. **Building Setbacks:**

- A 15 ft. front building setback has been provided. Lot 3 has an additional side yard setback of 15 feet as is typical with corner lots. There is also an easement that all permanent structures must stay out of.
- No rear or side yard setbacks are shown on the plat which is typical. Side and Rear Yard setbacks are 5' and 20' for either infill or greenfield development.

7. **Easements:**

- No new easements are necessary for this development.
- A 60 ft. water line easement exists between the center-line of E South Ave. going north. This easement will increase the setback of any permanent structure on Lot 3.

8. **Reserves:** No reserves are shown or are necessary.

9. **Drainage:** This development is not subject to stormwater regulations based on the size of the development.

10. **Public & Private Improvements:** No new public or private utilities will be necessary for this development as all are in place and existing.

11. **Plat Binder:** A plat binder, identifying all property interests and encumbrances shall be submitted prior to submittal to the City Commission for final approval.

12. **Miscellaneous:**

- The applicant shall revise the plat prior to submittal to the City Commission with updated signature blocks to reflect changes in elected and appoint officials since the plat was originally drawn.

Neighborhood Communications: Several property owners expressed concerns during the public hearing on the proposed size of the original lots. Staff has included the minutes from the original meeting for review.

Recommendation: Staff recommends approval of the Revised Minor Plat subject to Staff and Planning Commission comments, and that a correct (if any) Revised Minor Plat be submitted and approved by Staff prior to submittal to the City Commission.

Attachments: Minor Final Plat / Minor Preliminary Plat / Minutes from Original Meeting / Aerial Map / Zoning Map

Robert Trujillo, XRS Pro Homes, spoke on behalf of his company, stating that they were fine with reducing the number of lots from five to three, and the 25 foot setback was acceptable. He also stated that they were ready to start building once the plat was approved.

Commissioners discussed the differences in the 15 foot and 25 foot front building setback.

Commissioner Bucklinger made a motion to recommend approval of the Minor Plat with an adjusted front building setback to 25 feet, based on staff recommendation. Commissioner Ogle seconded the motion. The motion carried 7-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owners of property located at the northeast corner of E. South Avenue and Carter Street have requested that a minor plat be approved for the property. The property is currently a single .90-acre lot with the proposed plat splitting the lot into three separate parcels. At their January 21, 2025, regular meeting, the Planning Commission made a recommendation for approval. The plat was recommended for approval after being revised from an earlier proposal that called for five lots. He stated the applicant revised the plat from the original five lots that were proposed based on feedback from the public hearing and Planning Commission. He stated the revised plan calls for three 11,000 square foot lots that will fit within the character of the existing neighborhood. Staff recommend approval of a Final Plat for the XRS Pro Homes Addition.

Follow further discussion, Commissioner Curtis made a motion to approve the Final Plat for the XRS Pro Homes Addition. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**CITY COMMISSION
(Amend Community Housing Board)
(Ordinance Number 25-07)**

AN ORDINANCE PERTAINING TO THE COMMUNITY HOUSING BOARD; AMENDING SECTION 17-63 OF THE CODE OF THE CITY OF EMPORIA, KANSAS AND REPEALING SAID SECTION AS IT EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE, to which the City Clerk assigned Ordinance Number 25-07, was presented to the Governing Body for their consideration.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated members of the Community Housing Board also serve on the Emporia Land Bank. The Board members requested a text change to update to make quorum requirements identical for both boards. She stated the proposed ordinance has been restructured to include clarifying sections and subsections including the following substantive updates:

- Subsection (a)7 anti-discrimination language updated to reflect current legal requirements.
- Subsection (b) authorizes the board chair or public officer to call a special meeting.
- Subsection (d)1 authorizes the establishment of bylaws.
- Subsection (d)2 quorum definition modified to "a majority of the board."
- Subsection (d)5 conflict of interest language modified to mirror state law requirements.
- Appointment eligibility modified to residents of the City of Emporia

Staff recommends additional updates to formatting and language to modernize and enhance clarity and approve Ordinance Number 25-07 pertaining to the Community Housing Board, amending Section 17-63 of City Code.

Commissioner Smith made a motion to approve Ordinance Number 25-07 pertaining to the Community Housing Board, amending Section 17-63 of City Code. Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**SEWER MAINTENANCE
(Lift Station No. 1)
(Supplemental Agreement No. 6)
(BG Consultants, Inc.)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated previously the only bid for construction of Lift Station No. 1 was rejected due to the significantly higher cost than expected. The project will need some changes to the scope and design of Lift Station No. 1 prior to re-bidding the project. For savings cost, rehabilitating the existing structures and electrical, as well as adding peak flow storage, BG Consultants will need to design the changes to the project for rebidding. Staff would like to execute Supplemental Agreement No. 6 with BG Consultants, Inc., in the amount of \$76,300.00. This project is funded with bond money.

Commissioner Smith made a motion to approve Supplement Agreement No. 6 with BG Consultants, Inc., in the amount of \$76,300.00. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**PAVING
(KDOT CCLIP FY2027 SP Mill and Overlay Project)
(K-99 Hwy – 3rd Ave. to 12th Ave.)
(US-50 Hwy – Neosho St. to Mechanic St.)
(KDOT Project No. 56 U-2558-01)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City of Emporia was awarded the mill and overlay project on K-99 Highway by KDOT in July 2024. The mill and overlay project will provide the necessary maintenance and repair for the portion of K-99 Highway (Commercial Street) from 3rd Avenue to 12th Avenue and on US-50 Highway (6th Avenue) from Neosho Street to Mechanic Street. He stated KDOT has allocated \$400,000.00 for construction and construction engineering. The City will be responsible for all preliminary engineering, right of way, utility costs, 10% of approve costs up to the \$400,000.00, and all other costs over that amount. Staff recommend accepting KDOT CCLIP-SP Agreement for the mill and overlay on K-99 Highway (Commercial Street) from 3rd Avenue to 12th Avenue and US-50 Highway (6th

Avenue) from Neosho Street to Mechanic Street and authorize the Mayor to sign KDOT Agreement 1034-24.

Commissioner Smith made a motion to accept KDOT CCLIP-SP agreement for the mill and overlay on K-99 Highway (Commercial Street) from 3rd Avenue to 12th Avenue and US-50 Highway (6th Avenue) from Neosho Street to Mechanic Street and authorize the Mayor to sign KDOT Agreement 1034-24. Commissioner Curtis seconded the motion.

The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

CITY MANAGER'S REPORT (Financials & Building Permits)

This is the time for the City Manager to make comments and reports to the public.
The following is general information for the month of January 2025 for the community:

1. Monthly Local Retail Sales Tax Receipts Update

	2024	2025	Increase of \$28,484.62 for the month, and Overall increase of 5.22% from year 2024.
	\$ 517,369.36	\$ 545,853.98	
YTD	\$ 517,369.36	\$ 545,853.98	

2. City Share from County Tax

	2024	2025	Increase of \$7,604.34 for the month, and Overall decrease of 2.78% from year 2024.
	\$ 267,962.91	\$ 275,567.25	
YTD	\$ 267,962.91	\$ 275,567.25	

Building Permits issued from 1/1/2025 to 1/31/2025 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	16
Total of valuations associated with those building permits:	\$11,499,464.87
Total number of dollars collected for Building Permit Fees:	\$ 5,385.00

Construct – Single-family dwellings	0
Demo – Single-family dwellings	0

Flint Hills Mall CID for January 2025	\$ 18,926.73
YTD	\$ 18,926.73

Pavilions CID for January 2025	\$ 17,777.91
CID #2	\$ 17,777.91
YTD	\$ 35,555.82

Fairview Hotel CID for January 2025	\$	6,510.26
YTD	\$	6,510.26
West Plaza CID for January 2025	\$	2,315.58
YTD	\$	2,315.58

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on February 5, 2025.
- b. Approve minutes of the Special Meeting held on February 12, 2025.
- c. Ordinance Number 25-08 Authorizing a Beer Garden for Town Royal St. Patrick's Day Celebration.

AN ORDINANCE EXEMPTING THE PARKING LOT SOUTH OF 405 COMMERCIAL STREET AND FOURTH AVENUE BETWEEN COMMERCIAL STREET AND THE ALLEY WEST OF COMMERCIAL STREET IN THE CITY OF EMPORIA, KANSAS, FROM THE PROHIBITION ON THE CONSUMPTION OF ALCOHOLIC BEVERAGES, to which the City Clerk assigned Ordinance Number 25-08, was presented to the Governing Body for their consideration.

- d. Tyler Technology Reporting Tool, Work Order, and Asset Management.
- e. Allocation to Emporia Arts Council.
- f. Award Bid for Replacement of Zoo Visitor Railing/Fencing
- g. Award Bid for Design of King Vulture Remodel.
- h. Award Water Treatment Plant Electrical Addition

The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

CITY COMMISSION (City Manager's Report)

This is an opportunity for the City Manager to present information to the public that may not be reported in other news accounts or City activities or to highlight accomplishments of the organization.

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

TENTATIVE AGENDA FOR MARCH 5, 2025, MEETING.

- Ordinance Vacating a Platted Alley West of 12th Avenue Baptist Church.
- Construction Services Contract for Airport Taxiway with HW Lochner.
- Construction Services Contract with BG Consultants for SE Transmission.
- HDR Agreement for USDOT Federal Railroad Administration.
- Award SE Transmission Contract.
- Award Hazardous Sidewalk Contract.
- **Study Session:**
 - Discuss Disc Golf Update.
 - Discuss Court Fees Increase.
 - Update on Homelessness Advisory Board.
 - Update on Carnegie Building.
 - Snow Recap.
 - Citizen Representative to the Joint Traffic Safety Committee.

EXECUTIVE SESSION

Commissioner Smith made a motion to recess into Executive Session for 15 minutes inviting pertinent city staff to discuss confidential data of a third party relating to economic development. The justification for the executive session is provided by K.S.A. 75-4319(b)(4) to protect financial affairs and trade secrets of third parties. The open meeting will resume in this room at approximately 11:56 a.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 11:56 a.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had discussed confidential data of a third party relating to economic development and no action was taken.

**CITY COMMISSION
(Governing Body Comment)**

This is the time for the Mayor and City Commissioners to make comments and reports to the public.

Commissioner Sauder made a motion to recess the meeting at 12:14 p.m., to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

The following items were discussed at the Study Session:

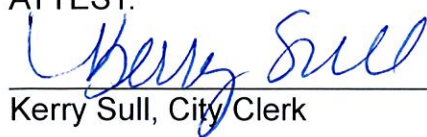
1. TGT Appropriations Process Review.
2. FHTC Appropriation Funding.
3. Discuss 2025 Street Rehabilitation Project.
4. 2024 Financial Review

Commissioner Smith then made a motion to adjourn. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.



Erren Harter, Mayor

ATTEST:


Kerry Sull, City Clerk