

Commission Meeting

11:00 a.m.

March 5, 2025

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 5, 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.

**PLANNING AND DEVELOPMENT
(Annex Property Located at 1002 Trusler Road into City Limits)
(Ordinance Number 25-09)**

AN ORDINANCE ANNEXING LAND TO THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 25-09, was presented to the Governing Body for their consideration.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the City has received consent to annexation from the owners of property located at 1002 Trusler Road. The property consists of an 11-acre tract of land with an existing house located on it. The property adjoins the city and is eligible for annexation. The annexation request is an anticipated of a new home site following a lot split and rezoning to a city Parcel Type. He stated the property is currently zoned County Agriculture. Upon annexation, the property retains its zoning designation, and rezoning is necessary for development. If the rezoning is approved, the property will be assigned a city Parcel Type of Country Home. He stated Kansas Annexation Law specifically allows that when a property adjoins the city, and the owner has consented to annexation, no review from either a city or county Planning Commission, or the Board of

County Commissioners is required. The only required action is for the City Commission to adopt an ordinance to annex the property. Staff recommend approval of Ordinance No. 25-09 annexing property located at 1002 Trusler Road pursuant to K.S.A. 12-520.

Following further discussion Commissioner Sauder made a motion to approve Ordinance Number 25-09 annexing property located at 1002 Trusler Road Pursuant to K.S.A. 12-520. Commissioner Smith seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Brinkman, Commissioner Curtis, and Mayor Harter, aye.

ENGINEERING
(United States Department of Transportation Federal Railroad Administration)
(BNSF Railway Agreement for Safety Improvements Study)
(BNSF File No. BF-20553756)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City of Emporia applied for and received funding for the United States Department of Transportation (USDOT) Federal Railroad Administration (FRA) for a Corridor Safety Improvements Study in October 2022. After the project award, Engineering worked with FRA and their consultants, as FRA was navigating a new USDOT program. Funding was obligated in November 2024. He stated the City solicited six KDOT Pre-Qualified Consultants for the study and selected HDR Engineering, Inc. in January 2025. In the application to FRA, BNSF submitted a letter of support for the Safety Improvements Study and committed to paying \$571,000 of the study. He stated since 2012, Emporia subdivision rail corridor has seen thirteen (13) collisions, four (4) injuries and three (3) fatalities. This agreement is BNSF's commitment to their financial share of the Study to explore safety improvements, sound improvements and emergency services access along the rail corridor at the street crossings. He stated the City has an agreement with USDOT for FRA to fund \$601,000 of the study. BNSF is contributing \$571,000 toward the study and the City will be responsible for \$30,000. Staff recommend approval of the Agreement with BNSF for their share of the Study and authorize the Mayor to sign the agreement.

Commissioner Brinkman made a motion to approve the Agreement with BNSF for the Study Improvements Study and authorize the Mayor to sign the agreement.

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

ENGINEERING
(United States Department of Transportation Federal Railroad Administration)
(Emporia Kansas Corridor Improvement Project)
(Professional Services with HDR Engineering, Inc.)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated City Engineering and the City Manager's Office selected HDR Engineering, Inc. team in January 2025 while using KDOT's Request for Qualifications process. This agreement is for the Emporia, Kansas Corridor Improvement Project to explore safety improvements, sound improvements and emergency services along the rail corridor and at street crossings. HDR Engineering, Inc., along with BG Consultants as a subconsultant for the utility portion of the project. He stated HDR helped the City with the application for funding along with application submission. Staff recommend approving the professional services agreement with HDR Engineering, Inc. for the study and authorize the Mayor to sign the agreement.

Commissioner Smith made a motion to approve the professional services agreement with HDR Engineering, Inc. for the study and authorize the Mayor to sign the agreement. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

SIDEWALK
(2025 Hazardous Sidewalk Program)
(Bids)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated three (3) bids were received for the 2025 Hazardous Sidewalk Program. The bids received are used for setting unit prices for each individual project line item. Bid totals

were achieved by multiplying these unit prices with our initial estimated quantities from the list of site work projected for the 2025 Hazardous Sidewalk Program.

BID TABULATION FOR 2025 HAZARDOUS SIDEWALK PROGRAM

Contractor	Base Bid
South Central Sealing, LLC	\$51,237.50
Burlington Construction	\$69,182.50
S. R. Coffman Construction	\$72,410.00
Engineer's Estimate	\$65,070.00

He stated there is \$100,000 budgeted for the 2025 Hazardous Sidewalk Program, paid from the Multi-Year Fund. Locations and quantities will be added throughout the year as property owners sign up for participation in the program. He stated the program allows the homeowner the option to hire their own bonded contractor to replace their sidewalk at these set unit prices. The 2025 program participation is 25% residential property owner/75% City and 50% commercial property owner/50% City. Staff recommend awarding the contract to South Central Sealing, LLC and authorize the Mayor to sign the agreement.

Commissioner Sauder made a motion to award the 2025 Hazardous Sidewalk Program to South Central Sealing, LLC and authorize the Mayor to sign the agreement. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**EMPORIA MUNICIPAL AIRPORT
(Taxiway Lighting System Project)
(Construction Services with H.W. Lochner, Inc.)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated the construction of the airport taxiway lighting system project started in 2024. This project will convert the remaining airport lighting to LED and upgrade the electrical circuits. Construction of the project will start in the fall of 2025 and the City would like to have the construction services contract with H.W. Lochner executed prior to the contractor starting work. The contract with H.W. Lochner is \$90,750.00 not-to-exceed for preliminary and construction observation phases, and \$8,225.00 lump sum for the

project closeout phase. This project, including construction services contract, will be reimbursed at 90% cost share with the airport grants from the FAA. The city's portion will be \$9,897.50. Staff recommend approval of the contract for construction services with H.W. Lochner, Inc. in the amount of \$98,975.00.

Commissioner Brinkman made a motion to approve the contract for construction services with H.W. Lochner for \$98,975.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

Consent Agenda

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

- a. Minutes of the Regular Meeting held on February 19, 2025.

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

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 19, 2025, MEETING.

- Recognize Finance Department for Government Finance Officers Association (GFOA) Award.
- Ordinance Vacating a Platted Alley West of 12th Avenue Baptist Church.
- Award Bid for Fremont Park Bandstand Remodel.
- Rezone Stormont Vail Healthcare, Inc. Property located at 1700 Road G.
- Construction Services Contract with BG Consultants, Inc for Southeast Transmission Waterline.
- Award Bid for Southeast Transmission Waterline Improvements
- Purchase Airport Hangar Door.
- FHTC Appropriation.
- Property Acquisition at 115 E 5th Avenue.

- **Study Session:**
- Discuss Jones Aquatic Center Agreement.
- Gas Franchise Agreement.
- Update on Homelessness Advisory Board.
- Pickle Ball Development Plan.

CITY COMMISSION (Governing Body Comment)

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

Commissioner Curtis stated he was very concerned about folks who are scared and fearful related to their immigration status, and this is really just a plea for information for ways that we can support those residents within the limits of the law. We need to be lawful but certainly look at residents who are here to be given some suggestions on how we can support that population knowing that they are scared and fearful and anxious.

Commissioner Brinkman stated earlier this month or maybe it was late last month, I noticed that the City placed on social media information letting folks know that the window is open to file for City Commission. We have three seats that are available, and this is no surprise to my colleagues, but I think it is important that folks know that I will not be seeking an additional term. That may be important to individuals in our community who are considering running, it is a true open seat. It has been a privilege of my lifetime to serve our community for 14 years, it is time for someone else to step in. From what I read on the chat there are quite a few folks who are well qualified and anxious to bring new ideas to our community. I have always done my very best to be the voice at the table for those in our community who do not have one, and I plan to finish 2025 strong.

Commissioner Smith stated to consider running for City Commission you have to be a city resident and a registered voter and 18 years of age.

Mayor Harter stated he stated he and the City Manager attended another Rapid Response meeting this morning and that group has done a tremendous job wanted to say a few words about the response since the Tyson and Holiday Resort news in early December.

Thanks to any of our citizens that have lent a hand. We have heard stories of financial help, help around the house, and much more from our neighbors and friends.

Thanks to the staff at Holiday Resort for finding support and placement for all of the residents in just over a week. A truly amazing feat.

Thanks to all of the local employers who have hired any displaced workers. Simmons alone hired over 100 people.

CDL training at FHTC is full. Make sure you get on their wait list. FHTC has been able to expedite the CDL course because of the expertise that some of the displaced workers already had.

Emporia Spanish Speakers and LeLan Dains have been vital in translation with displaced workers and most importantly has provided a comfort level for all involved that would not be possible without them. You can send them a thank you at 215 W 6th Ave or call (620) 757-3264.

Kansasworks – Katie Givens and her team were well prepared and have executed flawlessly. They are able to help with unemployment benefits and find new jobs for nearly all involved. You can send them a thank you at 215 W 6th Ave or give them a call at (620) 342-3355.

I want to thank the groups that were involved in the Rapid Response meetings. City of Emporia, Crosswinds, Emporia Chamber of Commerce, Emporia Mainstreet, Emporia Spanish Speakers, ESU, FHTC, Kansasworks, Local Legislators, Lyon County, RDA, United Way, USD 253.

Finally, I know it's not all about money, but the average wage was \$38,000 annually at Tyson. Most of the displaced workers have seen anywhere from a 15% - to as much as a 60% raise as a result of changing jobs.

I hope that all that has been done by our community will increase Emporian's financial, social, mental and physical wealth.

Commissioner Sauder made a motion to recess the meeting at 11:45 a.m., to Conference Room 1AB. Commissioner Curtis seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Brinkman, nay; Commissioner Smith, nay; and Mayor Harter, nay.

Commissioner Smith made a motion to recess the meeting at 11:40 a.m. Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

The following items were discussed at the Study Session:

1. Carnegie Building Update.
2. Disc Golf Update.
3. Discuss Increase in Court Costs and Fees.
4. Winter Storm Response Recap.

5. Discuss Fee Decrease for Chicken or Fowl Pen and Domestic (farm and non-farm) Permit.
6. Citizen Representative to the Joint Traffic Safety Committee.
7. Flint Hills Technical College Board of Trustees Interviewing Commissioners.
8. Discuss City/County Meeting on April 2, 2025.

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



Erren Harter, Mayor

ATTEST:


Kerry Sull, City Clerk

