

Commission Meeting

11:00 a.m.

March 19, 2025

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 19, 2025, with Mayor Harter presiding and Commissioners Brinkman, Curtis, and Smith present. Commissioner Sauder was absent. 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.

**FINANCE
(2023 Government Finance Officers Association - GFOA)
(Certificate of Achievement)**

Janet Harrouff, Director of Finance, was recognized and addressed the Governing Body. She stated the City of Emporia submitted the 2023 Annual Comprehensive Financial Report to the Government Finance Officers Association for consideration of the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ending December 31, 2023. The report has been judged by an impartial panel to meet the high standards of the program, which includes to clearly communicate its financial story that is easy to understand. The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting and its attainment represents a significant accomplishment by the government and its management. This is the 39th consecutive year the City of Emporia has received the award from 1985 to 2023. Members of the Finance Department for the City of Emporia include Janet Harrouff, Chelsea Tyson and Tess Shepherd.

**CITY COMMISSION
(Board Appointment)**

Community Housing Board/Land Bank:

It was moved by Commissioner Brinkman seconded by Commissioner Smith that Tyler Pettigrew be appointed to the Community Housing Board/Land Bank for a term that expires May 31, 2028. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 2-25-25)
(Application No. 2025-02 – Request of Stormont-Vail Regional Health Systems)
(Rezone Property Located at 1700 Road G)**

The Planning Commission reconvened the regular session meeting of Tuesday, February 18, 2025, at 6:00 pm on Tuesday, February 25, 2025 in the Municipal Courtroom with Chair Rogers presiding. Commissioners, Bucklinger, Thomas, Fowler, Lingenfelter, and Reed were present. Commissioner Ogle was absent.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

3. Consider PC-2025-02 – A Request to Rezone Property Located at 1700 Road G

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2025-02

Applicants: Stormont-Vail Regional Health Systems

Owners: Stormont-Vail Regional Health Systems

Requested Action: Consider a request to rezone property from County Agriculture/Commercial Parcel Type to City Commercial Parcel Type.

Purpose: Property was recently annexed and for any development to proceed on the property, it must be rezoned from a Lyon County Zoning Parcel Type to a City of Emporia Parcel Type.

Address: 1700 Road G

Legal description: A part of the Northwest Quarter of Section 7, Township 19 South, Range 11 East of the 6th P.M., Lyon County, Kansas, written by Travis L Haizlip, PS 1724 on May 02, 2024 and more particularly described as follows: Beginning at the Northwest corner

of the Northwest Quarter of said Section 7; thence on a NAD 83, Kansas Regional Coordinate System, Zone 9 bearing of North 89 degrees 00 minutes 04 seconds East on the North line of said Northwest Quarter a distance of 958.46 feet to the West line of an excepted tract described as Tract 2 in Document No. 2024-00630 at the Office of the Lyon County Register of Deeds; thence South 00 degrees 59 minutes 56 seconds East on said West line a distance of 898.84 feet; thence South 89 degrees 00 minutes 04 seconds West a distance of 980.11 feet to the West line of said Northwest Quarter; thence North 00 degrees 22 minutes 50 seconds East on said West line a distance of 899.10 feet to the point of beginning. Containing 20.00 acres of land more or less. Emporia, Lyon County, Kansas

Lot Size: 17.64 acres +/-

Existing Zoning: Lyon County Agriculture / Commercial

Future Zoning in ELC Comp. Plan: Commercial

Surrounding Zoning:

North	Flex Use Low Greenspace/Parks/Recreation County Agriculture
East	Flex Use Low
South	County Agriculture
West	Flex Use Low County Flex Use Low

Surrounding Actual Uses:

North	Frontier Farm Credit Lighthouse Baptist Church
East	DeBauge Soccer Complex
South	Vacant Agricultural Land
West	Evergy Schaefer Equipment Co. Agricultural Land

Analysis: The applicant has requested that this property be rezoned to a city zoning designation to facilitate future development. They are also concurrently seeking to plat the property under City of Emporia Zoning Regulations. The property, while annexed into the city, retains its Lyon County zoning designation until such time as it is rezoned.

The absence of extraterritorial zoning, has created additional steps such as rezoning from a County designation to a City designation, and created uncertainty in what parcels are actually zoned. By rezoning to a City designation, this allows property owners to have a clearer understanding of allowed uses with the particular Parcel Type that is assigned and design parameters for any future development.

The 17 acre tract of land sits at the corner of Road G and 18th Ave, which is prime commercial development space and was contemplated as such in Plan ELC and its Regulating Plan. A Commercial Parcel Type designation allows for a multitude of uses on the property, and would be consistent with the Zoning Regulations of the City.

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; **Removing the County designation and assigning a City zoning designation is consistent with the zoning regulations and required for properties to be developed within the City.**
2. The character and condition of the neighborhood and its effect on the proposed change; **Rezoning this property to a City Commercial Parcel Type would have no negative effect on the neighboring properties. Properties to the north are zoned with City Commercial zoning and those properties to the west are developed as commercial or industrial type properties.**
3. The zoning and uses of properties nearby; **Commercial development has already occurred in the area, and will most likely continue. Commercial / Industrial properties are currently located on the west side of Road G with Everygy recently opening their local office and yard. The two properties directly to the north, Frontier Farm Credit and the Lighthouse Baptist Church are both zoned as Commercial Parcel Types. A future development north of the subject property has proposed additional commercial property along Road G with housing to be developed on the interior of their property. Uses allowed outright or be Conditional Use Permits would be compatible with the surrounding area.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property was previously zoned as Commercial, and only when the County dissolved the Metropolitan Growth Area and designated properties as County Parcel Types has subject property been restricted.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Removing the County Parcel Type and reclassifying it as a City Commercial Parcel Type will have no detrimental impact on nearby properties. The property has been proposed to be commercial in nature for some time and is listed as such in the comprehensive plan.**
6. The length of time the subject property has remained vacant as zoned; **The property is within the natural growth area of the City and has been zoned as**

a commercial type property for some time. The change in zoning is from a County zoning designation to a City zoning designation and therefore the length of time the subject property has remained vacant should be of minimal influence in the decision making process.

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; **Staff contends there is no value to be gained for the public health, safety, and welfare of this property, by not reclassifying the property under City Zoning Regulations, the City would impose greater hardships on the property owner and diminish the value of the property by not rezoning the property and forcing it to develop under County standards.**
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's Regulating Plan identifies this tract of land as a Commercial Parcel Type, and the area is within the natural growth area of the city. Existing infrastructure is in place, as encouraged by Plan ELC. The subject property is corridor-focused as both Road G and 18th Ave are major development corridors as encouraged by Plan ELC.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications:

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.

Givens stated that one of the issues that necessitated the rezoning was the fact that any extra-territorial zoning was eliminated by the County and now made it necessary for property owners, who were once within the municipal growth area, to go through additional steps to develop their property.

The Public Hearing was opened.

Tim Shultz, Stormont-Vail Health, spoke in favor of the application, and on behalf of Stormont-Vail. Shultz stated that when they bought the property, they were under the

assumption that it was zoned Commercial and after annexation that they would be able to develop it accordingly under city guidelines. Since learning that it needed to be rezoned, Stormont initiated the rezoning process so their development plans can proceed.

Heather Aylward, 1527 Washington St, Emporia, KS (Newman Regional Health) spoke against the rezoning request, stating that allowing another health care system that would perform duplicative services would hurt Newman Hospital and could possibly hurt the general health and welfare of the community.

Others speaking against the rezoning were:

Ester Knobloch, 2378 KS Hwy 58, Madison, KS
Steven Bazan, 2833 Rio Vista Dr. Emporia, KS
William Barnes, 2901 West Lake Dr. Emporia, KS
Don Hill, 2805 Twin Lakes Dr. Emporia, KS
Jerry Campbell, 1201 Presby Dr. Emporia, KS

The Public Hearing was closed.

Chair Rogers stated that he felt that this was truly a matter of land use, and applying the proper zoning to the property. He stated that he appreciated the speakers, but felt that it was truly a land use issue.

Commissioner Thomas agreed, stating that it was a land use issue, and that there was a need to apply the appropriate parcel type to the property. He further went on to ask about the number of uses listed within the use matrix of the zoning regulations. Givens stated that the uses were just examples and staff when tasked with looking at uses within a parcel type that may not be listed would look at other factors including the Standard Industrial Classifications to determine if a proposed use fit within the parcel type. Thomas felt that the property fit with the Commercial Parcel Type.

Commissioner Bucklinger stated that he felt the proposed use would not fit with the character of the neighborhood as the existing commercial operations were low volume in terms of traffic and the new medical facility would increase the amount of traffic in the area.

Commissioner Reed stated, that while he understood what Bucklinger was saying, he felt that there had been significant upgrades to the road infrastructure in the area, including 18th west of Road G and that the future development of the property could trigger additional upgrades to 18th.

Commissioner Fowler concurred, stating the significant upgrades had been made to Road G by the county and state and that this area was prime for commercial expansion and he felt that 18th should have been improved when Jones Aquatic Park and the soccer complex was built.

Commissioner Lingenfelter felt that Commercial zoning was appropriate, but that she had further questions that would more apply to the platting of the property.

Commissioner Reed made a motion to recommend approval of the request for rezoning based the finding that the request is consistent with the Comprehensive Plan, conforms to the intent of the Zoning Regulations, and there would not be a negative impact on the existing neighborhood. Commissioner Thomas seconded the motion. The motion carried 5-1 (Bucklinger).

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated Stormont-Vail Regional Health purchased property located at the southeast corner of Road G and 18th Avenue for the purpose of building a new medical office facility. The property was recently annexed, and prior to any development occurring on the property it must be rezoned from a County Zoning Parcel Type to a City Parcel Type. He stated the property, while annexed into the city, retains its Lyon County zoning designation until such time as it is rezoned. Rezoning this property to a City Commercial Parcel type is consistent with the zoning regulations and required for properties to be developed within the city. Adopting the ordinance will also allow Stormont-Vail to proceed with development plans for a new medical facility. Medical offices and labs are a permitted use for a commercial parcel type. Future steps in the development process include the approval of a final plat of the property, and site plan approval. At their February 18, 2025, regular meeting, the Planning Commission made a recommendation for adoption of the rezoning ordinance to the City Commission with a vote of 5 – 1. Staff recommend adopting the ordinance to amend the parcel type of property located at 1700 Road G.

**PLANNING AND DEVELOPMENT
(Application No. 2025-02 – Request of Stormont-Vail Regional Health Systems)
(Rezone Property Located at 1700 Road G)
(Ordinance Number 25-10)**

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM LYON COUNTY AGRICULTURE (A) / COMMERCIAL (C) PARCEL TYPE TO CITY OF EMPORIA COMMERCIAL (C) PARCEL TYPE AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 25-10, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 25-10 amending the parcel type of property located at 1700 Road G from Lyon County Agriculture/Commercial to City of Emporia Commercial (C). Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 2-25-25)
(Application No. 2025-01 – Request of CareArc Inc.)
(Rezone Property Generally Located at 400 W. 15th Avenue)**

The Planning Commission reconvened the regular session meeting of Tuesday, February 18, 2025 at 6:00 pm on Tuesday, February 25, 2025 in the Municipal Courtroom with Chair Rogers presiding. Commissioners, Bucklinger, Thomas, Fowler, Lingenfelter, and Reed were present. Commissioner Ogle was absent.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

2. Consider PC-2025-01 – A Request to Rezone Property Located at 400 W 15th
Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2025-01

Applicants: CareArc Inc.

Owners: CareArc Inc.

Requested Action: Consider a request to rezone property from Multi-Family (MF) to Civic/Public (CP)

Purpose: Multi-Family property was purchased by CareArc to facilitate the expansion of their employee parking lot.

Address: 400 W 15th

Legal description: PART OF LOT 1 IN JANET'S SUBDIVISION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, AS SURVEYED BY AARON C. DAVIS, PS 1368, ON DECEMBER 30, 2024, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE S.00°26'07"W. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID LOT 1 FOR 124.50 FEET; THENCE N.88°30'45"W. FOR 39.73 FEET; THENCE S.87°59'12"W. FOR 23.50 FEET;

THENCE N.89°49'10"W. FOR 77.50 FEET TO THE WEST LINE OF SAID LOT 1 AND BEING 11.00 FEET NORTH OF A CORNER OF LOT 1; THENCE N.00°16'57"W. ON THE WEST LINE OF SAID LOT 1 FOR 110.35 FEET TO THE NORTHEAST CORNER OF LOT 2 IN SAID JANET'S SUBDIVISION; THENCE S.89°25'34"E. ON THE NORTH LINE OF SAID LOT 1 FOR 17.29 FEET; THENCE N.00°49'43"E. ON THE WEST LINE OF SAID LOT 1 FOR 14.76 FEET; THENCE S.89°35'38"E. ON THE NORTH LINE OF SAID LOT 1 FOR 124.69 FEET TO THE POINT OF BEGINNING

Lot Size: 17,368 sq. ft. +/-

Existing Zoning: Multi-Family

Future Zoning in ELC Comp. Plan: N/A

Surrounding Zoning:

North	Commercial Civic/Public
East	Multi-Family Park/Greenspace
South	Multi-Family Single-Family Detached
West	Civic/Public Commercial

Surrounding Actual Uses:

North	Crosswinds Hammond Park
East	Hammond Park Single-Family Residences
South	Hillcrest Apartments Single-Family Residences
West	CareArc Inc. Crosswinds

Analysis: CareArc has purchased a portion of property directly north of the Hillcrest Apartment complex. As CareArc has grown, they have an increased demand for parking at their facility. The change in parcel type will allow for them to develop a parking lot on the property to free up space within their existing parking area for clients.

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 in the parcel type, would be consistent with the zoning regulations. The subject property would be an extension of the Civic/Public parcel type that CareArc is currently zoned as.**
2. The character and condition of the neighborhood and its effect on the proposed change; **The proposed change would not have a negative impact on the area.**

It currently is unused property that would be converted to a parking lot that would provide additional off street parking in the area.

3. The zoning and uses of properties nearby; **Civic/Public uses exist in the area, as well as Commercial and Multi-Family. The rezoning of this area would not have a negative impact on nearby uses and is compatible with the surrounding area.**
4. The suitability of the subject property for the uses to which it has been restricted; **While currently zoned as Multi-Family, the ownership change necessitated a zone change. The applicants could have built a parking lot with a Conditional Use, but staff determined that aligning the property with the parent property's zoning would be more beneficial for the property owner and restrictive in uses for the area.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Staff contends there would be no detrimental impact to neighboring properties if the rezoning was granted.**
6. The length of time the subject property has remained vacant as zoned; **The property was unused by the previous owner, and not a part of the development of the Hillcrest Apartments.**
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 will be no loss to the public health, safety, and welfare by allowing the rezoning and existing services will not be negatively impacted.**
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; **The zone change will allow for adaptive reuse of an area that is not being used, and will allow for more efficient use of space for CareArc in their primary parking area.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: As of writing this report, Staff has been contacted by one property owner to the south of 15th Ave. There was no objections on their part.

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 | Current Zoning Map | CareArc Boundary Survey

The Public Hearing was opened.

Renee Hively, CareArc CEO, spoke in favor of the request, stating that the rezoning would facilitate the development of much needed parking, approximately 70 spots, for CareArc employees to use.

Tegan Trahoon, 400 N 15th Ave., also spoke in favor of the request.

No Person spoke against the rezoning.

The Public Hearing was closed.

Commissioner Bucklinger made a motion to recommend approval of the rezoning. Commissioner Lingenfelter seconded the motion. The motion carried 6-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated CareArc purchased a portion of property adjacent to their property and behind the Hillcrest Apartments to facilitate the development of a new parking lot. CareArc is expanding and other developments in the area has created a need for additional parking. He stated rezoning the property to match the existing parcel type for CareArc would be the most appropriate action to facilitate the development of the parking lot. At their February 25, 2025, regular meeting, the Planning Commission voted unanimously recommending rezoning of the property.

PLANNING AND DEVELOPMENT
(Application No. 2025-01 – Request of CareArc Inc.
(Rezone Property Generally Located at 400 W. 15th Avenue)
(Ordinance Number 25-11)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM MULTI-FAMILY (MF) PARCEL TYPE TO CIVIC/PUBLIC (CP) PARCEL TYPE AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 25-11, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 25-11 amending the parcel type of a portion of property located at 400 W. 15th Avenue from Multi-Family (MF) to Civic/Public (CP). Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; and Mayor Harter, aye.

PUBLIC LANDS AND FACILITIES
(Fremont Park Bandstand Project)
(Bids)

Kevin Hanlin, Director of Public Lands and Facilities, was recognized and addressed the Governing Body. He stated the bandstand was originally constructed in 1901 and then rebuilt in 1991, with the help of ESB, and then in 2008 some reinforcement work at the bottom of the bandstand to help the structure. Discussion with the community band director and members lead staff to explore ideas for renovating the bandstand to make it more accessible and safer to use. He stated David Foster, with Foster Design Associates, LLC, provided a rendition of what the new bandstand could look like. He provided new features of lowering the floor taking access from six steps to access the platform down to two steps, adding an ADA ramp on the south side, and expanding out the platform to allow for more space but not to expand past the original eave of the roof. After the rendition was provided by David Foster, Ben Moore Studio was selected to develop plans. Two bids were received as follows:

BID TABULATION FOR FREMONT PARK BANDSTAND

Bidder	Base Bid	Alt #1	Alt #2	Alt #3	Alt #4	Total
Mitchell-Markowitz Construction Co., Inc.	\$154,132	\$2,588	\$12,075	\$55,212	\$14,796	\$238,803
Evergreen	\$156,358	\$6,897	\$10,588	\$46,645	\$23,806	\$244,294

Design-Build

He stated the bid form consisted of the following:

Base Bid consists of rebuild, lower and expand the platform, new steps, ADA ramp, new handrails, replace lower shingles on columns with cement board cedar shake shingle siding.

Alternate No. 1 - 2' concrete slab under the platform.

Alternate No. 2 - additional concrete paving to the south of the new ADA ramp.

Alternate No. 3 - new metal roofing with simulated shake shingles with associated ice and water shield, flashing and sheathing.

Alternate No. 4 - composite decking for the platform.

He stated funding will be provided through the Kahola Fund in the amount of \$168,000, BNSF Grant in the amount of \$60,000, Everygy Grant in the amount of \$5,000, and General Fund Special Project expected not to exceed \$25,000. The total cost of the project including Architectural fees is \$257,803. Staff recommend awarding the bid the Mitchell-Markowitz Construction for the base bid, and all four alternates not to exceed \$238,803.

Commissioner Brinkman made a motion to award the bid for the Fremont Park Bandstand remodel to Mitchell-Markowitz Construction for the base bid and all four alternates not to exceed \$238,803. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**MUNICIPAL COURT
(Pertaining to Court Costs)
(Charter Ordinance Number 47)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated K.S.A. 12-4112 pertains to court costs in municipal courts but does not apply uniformly to all cities in Kansas. A City may utilize its Home Rule authority under Article XII, Section 5, of the Constitution of the State of Kansas to exempt itself from said provisions. The City previously exempted itself from the provisions of K.S.A. 12-4112 in

Charter Ordinances 9, 16, 18 and 33. She stated this proposed Charter Ordinance exempts the City from the provisions of K.S.A. 12-4112 and repeals Charter Ordinance Number 33 concerning the same topic. Charter Ordinance Number 47 specifies that court costs will be assessed as provided by ordinary city ordinance. She stated approval of a Charter ordinance requires a 2/3 majority vote of the City Commission, publication in the official city newspaper for two consecutive weeks and a sixty-day protest petition window following publication. Staff recommend approval of Charter Ordinance Number 47 pertaining to court costs.

Commissioner Curtis made a motion to approve Charter Ordinance Number 47 pertaining to court costs. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; Commissioner Brinkman, 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 February 2025 for the community:

1. Monthly Local Retail Sales Tax Receipts Update

	2024	2025	
	\$ 597,914.46	\$ 627,414.93	Increase of \$29,500.47 for the month, and
YTD	\$ 1,115,283.82	\$ 1,173,268.91	Overall increase of 4.94% from year 2024.

2. City Share from County Tax

	2024	2025	
	\$ 302,081.68	\$ 321,970.79	Increase of \$19,889.11 for the month, and
YTD	\$ 570,044.59	\$ 597,583.04	Overall decrease of 4.60% from year 2024.

Building Permits issued from 2/1/2025 to 2/28/2025 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	30
Total of valuations associated with those building permits:	\$ 732,751.19
Total number of dollars collected for Building Permit Fees:	\$ 5,104.00

Construct – Single-family dwellings	0
Demo – Single-family dwellings	1

Flint Hills Mall CID for February 2025	\$	20,076.51
YTD	\$	39,003.24
Pavilions CID for February 2025	\$	21,857.48
CID #2	\$	21,857.48
YTD	\$	79,270.78
Fairview Hotel CID for February 2025	\$	8,183.96
YTD	\$	14,694.22
West Plaza CID for February 2025	\$	16,760.94
YTD	\$	19,076.52

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on March 5, 2025.
- b. 2025 Annual Operation and Maintenance Assurance Statement of Land and Water Conservation Fund.
- c. FHTC Appropriation Funding.
- d. Purchase Hangar Doors for Municipal Airport.
- e. 2025 Jones Aquatic Center Agreement.

The vote follows: Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Smith, 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 APRIL 2, 2025, MEETING.

- Proclamation Recognizing April as National Child Abuse and Neglect Prevention Month.
- Proclamation for National Public Safety Telecommunicators Week.
- Proclamation for National Library Week.
- Franchise Agreement with Kansas Gas Service.

- Property Acquisition at 115 E. 5th Avenue.
- **Study Session:**

No Study Session Agenda.

Chief Owens gave a brief report on the Common Consumption Area that was open on Saturday, March 15, 2025, in conjunction with the St. Patrick's Day parade. He stated there were no problems and the event went well.

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 made a motion to recess the meeting at 11:37 a.m., to Conference Room 1AB. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye. Commissioner Brinkman abstained.

The following items were discussed at the Study Session:

1. Update on Homelessness Advisory Board.
2. Pickle Ball Development Plan.
3. Franchise Agreement with Kansas Gas Service.
4. Discuss SE Transmission Waterline.

Water Maintenance

Southeast Transmission Water Main Improvements – WM2303 Bids

Mark Detter, Deputy City Manager, stated the City has made approximately \$15 million in water line improvements over the last few years. The SE Transmission water main project began preliminary engineering in 2021. Since that time, the scope of the projects has changed over the last four years and prices have increased post COVID. The previous projects included the Peyton Street water main project; 24th Avenue water main project, and Prairie Street water main project and the current SE transmission water main project. To complete the SE Transmission line another \$6 million would need to be added to the SRF Loan bringing the total to approximately \$21 million. The projected debt payment

for these projects in 2021 was \$1.1 million for 20 years. The new projected costs is \$1.550 million for 20 years. The debt service is based on previous projects for Peyton Street, 24th Avenue, Prairie Street and current SE Transmission line project.

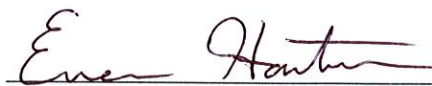
Jim Ubert, City Engineer, reviewed the projects that have been completed to meet the demands for water to serve Industrial Park III. A total of 13 projects were submitted for an original total of approximately \$15 million from the SRF Loan. He stated Engineer's Estimates on materials have shown a significant increase in item prices and labor since COVID.

Following further discussion, Commissioner Brinkman made a motion to award the contract to Nowak Construction Co., Inc., contingent upon KDHE concurrence for the Base Bid for the sum of \$9,469,049.00 and authorize the Mayor and City Attorney to process all Contract Documents and proceed with construction. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

City Manager Cocking stated Supplement Agreement No. 2 with BG Consultants, Inc., would also need to be approved. BG Consultants will be the construction engineers on site for the project.

Commissioner Brinkman made a motion to authorize the contract with BG Consultants, Inc., Supplemental Agreement No. 2 for Southeast Transmission Water Main Improvements not to exceed \$909,348.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

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

