

Commission Meeting

11:00 a.m.

April 16, 2025

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, April 16, 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.

Darla Mallein, President of William Allen White Community Partnership, was in attendance to accept a proclamation declaring April 26, 2025, as "Red Rocks 20th Anniversary Celebration Day" in Emporia. She stated in 2001 Barbara White Walker deeded the William Allen White family house and artifacts to the citizens of Kansas after 100 years of family ownership to become a state historic site. The historic property contributes to the interpretation of 20th century Kansas history, but also local, national and international history. She stated the site opened to the public in May 2005 and in 19 years the Red Rocks State Historic Site welcomed thousands from around the world and across the United States. 2025 marks the 20th year inviting the public to learn more about the sage of Emporia. She urged all residents of Emporia and the world to tour Red Rocks free in the 20th year.

Mayor Harter then presented the proclamation.

Jess Buchholz and Casey Woods, representing Emporia Main Street, were in attendance to accept a proclamation declaring the week of May 4 through 10, 2025, as "National Small business Week" in Emporia. They stated from family-owned storefronts that define Main Street to the innovative startups leading our nation into the future, small businesses are the backbone of our economy and the foundation of our communities. Supporting small businesses leads to job creation, strengthens local economies, and helps preserve the unique culture and identity of our communities. They stated the City of Emporia proudly supports this national initiative, reaffirming our commitment to empowering small businesses to grow, create jobs, and sustain the vibrancy of our community for generations to come.

Mayor Harter then presented the proclamation.

Nadia Qureshi and Brenda Young, representing the Natural Resources Advisory Board were in attendance to accept a proclamation declaring April 22, 2025, as "Earth Day" in Emporia. They stated Earth Day originated on April 22, 1970. Environmental awareness and education is celebrated worldwide in some 180 countries with the participation of over 4,000 separate organizations. Individuals and institutions have a mutual responsibility to seek ecological, economical, and ethical choices that enable the world, as well as our communities, to establish and maintain sustainable societies. They urged all citizens to celebrate Earth Day and to remind each person of their fight and responsibility to the wise use of this global home, to heal, preserve, and improve the Earth and the quality of life for this and future generations and to approach every day as an Earth Day.

Mayor Harter then presented the proclamation.

Josh Nelson, City Horticulturist, was in attendance to accept a proclamation declaring April 25, 2025, as "Arbor Day" in Emporia. He stated Arbor Day was first observed with the planting of more than a million trees in Nebraska and Arbor Day is now observed throughout the nation and the world. Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife. Trees in our city increase property values, enhance the economic vitality of business areas and beautify our community. He stated in honor of the Mayor, the City is planting a Robinson Red Crabapple Tree. This tree has the potential of reaching 20 feet in height and 10 feet diameter. The tree will be planted in Jones Park at 11:00 a.m. on April 25, 2025, and the public is invited. He urged all citizens to celebrate Arbor Day, support efforts to protect our trees and woodlands, and plant trees to promote the well-being of this and future generations.

Mayor Harter then presented the proclamation.

**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.

Jerald Campbell, 1201 Presby Dr. Emporia, Kansas, stated concerns about local health care and duplication of services between Stormont Vail and Newman Regional Hospital.

Heather Reeves, 1753 Road E Emporia, Kansas, stated her concerns about property known as Green Acres Estates, a mobile home park located west on Highway 50.

**CITY COMMISSION
(Board Appointment)**

Flint Hills Technical College Board of Trustees:

It was moved by Commissioner Smith seconded by Commissioner Sauder that Adrienne Burris be appointed to the Flint Hills Technical College Board of Trustees to fill an unexpired term the expires on June 30, 2028. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**PAVING
(2025 Street Rehabilitation Project No. PV2501)
(Various Locations Within City Limits)
(Bids)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the 2025 Street Rehabilitation Project No. PV2501 for various locations around the city including milling and asphalt overlay, replacement of select curb and gutter sections and some sidewalk/ADA ramp improvements. He stated only one bid was received as follows:

BID TABULATION FOR 2025 STREET REHABILITATION PROJECT

Contractor	Base Bid	Add Alt. No. 1	Add Alt No. 2	Add Alt No. 3
APAC-Kansas Shears Division	\$ 960,418.09	\$140,418.47	\$145,728.37	\$172,679.90
Engineer's Estimate	\$1,040,003.40	\$133,795.60	\$138,159.80	\$156,880.80

This project will be funded from the Multi-Year Fund/County sales tax. Staff recommend awarding the 2025 Street Rehabilitation Project No. PV2501 to APAC-Kansas Shears Division for the Base Bid and Add Alternate No. 2 in the amounts of \$960,418.09 and \$145,728.37 for a total of \$1,106,146.46.

Commissioner Brinkman made a motion to award Base Bid plus Add Alternate No. 2 to APAC-Kansas, Shears Division in the amount of \$960,418.09 plus \$145,728.37 for a total of \$1,106,146.46. Commissioner Curtis seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

PLANNING AND DEVELOPMENT (MAPC Excerpts of Regular Meeting Held 3-18-25) (Application No. 2025-06 – Request of Tara Birdsall & Russel Ringer) (Rezone Property Located at 1002 Trusler Road)

The Planning Commission met in a regular session on Tuesday, March 18, 2025, with Chair Rogers presiding. Commissioners Bucklinger, Thomas, Fowler, Ogle, and Reed were present. Commissioner Lingenfelter was absent.

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

Chair Rogers called the meeting to order.

5. Planning Commission: Consider PC-2025-06 – A Request for Rezoning of Property Located at 1002 Trusler Road.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2025-06

Applicants: Tara Birdsall & Russel Ringer

Owners: Tara Birdsall & Russel Ringer

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

Purpose: The applicants are in the process of dividing assets from an estate. The applicants are ineligible for a lot split under County Subdivision Regulations and have petitioned for annexation so a lot split can be completed. Prior to the lot split being approved or 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: 1002 Trusler Rd.

Legal description: A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 424.25 FEET SOUTH OF THE SOUTHWEST CORNER OF THE INTERSECTION OF PEYTON STREET AND RILEY AVENUE IN THE CITY OF EMPORIA; THENCE NORTHWESTERLY ON THE NORTH LINE OF TRUSLER ROAD FOR A DISTANCE OF 413.18 FEET; THENCE NORTH 1146 FEET; THENCE EAST 408.6 FEET; THENCE SOUTH 1208 FEET TO THE POINT OF BEGINNING.

Lot Size: 11 acres +/-

Existing Zoning: Lyon County Agriculture

Future Zoning in ELC Comp. Plan: Country Home

Surrounding Zoning:

North	Greenspace/Parks/Recreation County Agriculture
East	Single-Family Detached
South	Interstate 35
West	Greenspace/Parks/Recreation Single-Family Detached

Surrounding Actual Uses:

North	Trusler Sports Complex
East	Single-Family Homes
South	Interstate 35
West	Single-Family Residence Trusler Sports Complex

Analysis: The applicants are in the process of dividing assets from an estate, and have proposed a lot split that would create an approximately 2-acre home site, and the balance of the property would be a separate lot. Under County Regulations, this property is ineligible to be split as it would not meet the minimum lot size for Country Home Parcel Types (10-acres). City Regulations allow for Country Home Parcel Types to be a

minimum of 1-acre lots. The applicants have petitioned for annexation, which will be considered by the City Commission at their March 19, 2025 meeting.

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. The Country Home designation protects the existing single-family homes adjacent to the property and allows the applicants to proceed with their lot split.**
3. The zoning and uses of properties nearby; **Trusler Sports Complex would be largely unaffected by the rezoning. The neighboring properties to the east are single-family parcel types and would also not be impacted by this rezoning.**
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 Country Home Parcel Type will have no detrimental impact on nearby properties. The property has been proposed to be a large lot single-family residence and is listed as such in the comprehensive plan.**
6. The length of time the subject property has remained vacant as zoned; **Classifying the property as City Country Home will have a minimal impact on the character of the property, and it will retain for the most part its current use. The length of time this property has been vacant is not necessarily applicable to this rezoning request.**

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; **Uses are limited in the Country Home Parcel Type and there would be no detrimental impact on public health, safety, and welfare if the parcel type were changed to County Home. By limiting the lot size that is allowed under County Regulations, the applicants are hindered in their desire to split the property.**
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 Country Home Parcel Type, and the area is adjacent to the city limits.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: Staff has received several calls and questions from neighbors in the area. Most have expressed concerns about future single-family development, but have not objected to a single home.

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

Attachments: Aerial Map | Current Zoning Map | Plan ELC Regulating Plan Map

The Public Hearing was opened.

Givens stated that the city had initiated the rezoning as it is now required to move from County Parcel Types to City Parcel Types. The applicants are from out of town and were unaware of the necessity to rezone the property prior to the lot split being considered.

Tanya Gooszen, 1520 Peyton, spoke against the rezoning. Ms. Gooszen stated that she was concerned about future single-family residential development on the property and wished that she had plans on where a new home on the property would be located. She expressed concerns about the current state of the property and maintenance of it.

Julia Schaefer, 1514 Peyton, spoke against the rezoning. Ms. Schaefer stated that since Mahnopoly was created they have seen an increase in stormwater on their street. She also had concerns about future development and the impact it would have on her

view of wildlife, since she had enjoyed not having development on the property since she moved into her house in 1992.

The Public Hearing was closed.

Chairman Rogers asked since if it was within the City, City regulations would apply to the property. **Givens** stated that was correct.

Commissioner Reed made a motion to approve the rezoning based on staff recommendations that the request is consistent with the Comprehensive Plan, the request conforms to the intent of the Zoning Regulations and there would not be a negative impact of the existing neighborhood. **Commissioner Fowler** seconded the motion. The motion carried 6-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owners of the property located at 1002 Trusler Road are in the process of splitting an 11-acre tract of land. The city has recently annexed the property, and now a rezoning must be approved for the lot split to move forward. The rezoning to Country Home Parcel Type would allow the property owners to proceed with a lot split, creating a 2-acre tract of land with the existing home. The 9-acre tract of land would be vacant property. At their March 18, 2025, regular meeting, the Planning Commission voted unanimously to recommend the request as it is consistent with the Comprehensive Plan and conforms to the intent of the Zoning Regulations. Staff recommend adopting Ordinance Number 25-13 amending the parcel type of 1002 Trusler Road from Lyon County Agriculture (A) to Emporia Country Home (CH).

PLANNING AND DEVELOPMENT
(Application No. 2025-02 – Request of Tara Birdsall & Russel Ringer)
(Rezone Property Located at 1002 Trusler Road)
(Ordinance Number 25-13)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM LYON COUNTY AGRICULTURE (A) PARCEL TYPE TO CITY OF EMPORIA COUNTRY HOME (CH) PARCEL TYPE AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 25-13, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 25-13 amending the parcel type of property located at 1700 Road G from Lyon County

Agriculture/Commercial to City of Emporia Commercial (C). Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**SOLID WASTE
(Purchase of Automated Side Load Truck)
(Collections)**

Dean Grant, Director of Public Works, was recognized and addressed the Governing Body. He stated the Solid Waste Collections currently has a 2015 automated side load truck with 13658 hours and 80,041 miles on the chassis and body. Due to the abrasive and corrosive nature of garbage, Solid Waste Collections is currently on a 10-years rotation on the truck fleet, which helps reduce the number of costly repairs and equipment downtime. He stated staff would like to purchase a new Crane Carrier chassis with a Labrie, Automizer Side Loader Refuse body from Key Equipment through Sourcewell Cooperative contract purchasing. The estimated delivery for the new truck is mid-year of 2026. There was \$410,000.00 budgeted in the Solid Waste Capital Improvement Projects (CIP) for the purchase of a new Solid Waste Collections truck from the Solid Waste Fund. Staff recommend approval of the purchase of a new side load truck from Key Equipment in the amount of \$381,078.00.

Following further discussion Commissioner Curtis made a motion to approve the purchase of a new side-load truck from Key Equipment in the amount of \$381,078.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, 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 March 2025 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2024	2025	Decrease of \$9,294.93 for the month, and Overall increase of 2.95% from year 2024.
	\$ 484,151.40	\$ 474,856.47	
YTD	\$ 1,599,435.22	\$ 1,648,125.38	

2. City Share from County Tax

	2024	2025	Decrease of \$194.90 for the month, and Overall increase of 3.24% from year 2024.
	\$ 245,473.88	\$ 245,278.98	
YTD	\$ 815,518.47	\$ 842,817.02	

Building Permits issued from 3/1/2025 to 3/31/2025 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	66
Total of valuations associated with those building permits:	\$6,356,525.39
Total number of dollars collected for Building Permit Fees:	\$ 24,560.00
Construct – Single-family dwellings	0
Demo – Single-family dwellings	2
Flint Hills Mall CID for March 2025	\$ 12,657.23
YTD	\$ 51,660.47
Pavilions CID for March 2025	\$ 11,611.21
CID #2	\$ 11,611.21
YTD	\$ 102,493.20
Fairview Hotel CID for March 2025	\$ 5,603.06
YTD	\$ 20,297.28
West Plaza CID for March 2025	\$ 6,239.41
YTD	\$ 25,315.93

Consent Agenda

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

- Approve minutes of the Regular Meeting held on April 2, 2025.
- WLW Civic Auditorium Handrails.

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 MAY 7, 2025, MEETING.

- Proclamation Recognizing May as Community Action Month.
- Proclamation Recognizing National Police Week.
- Proclamation Recognizing Public Works Week.
- MOU for Emporia/Lyon County Traffic Safety Committee.
- Award Concrete Paving Project.

- **Study Session:**
- Legal Publications on the City Website.
- Discuss Municipal Judge Appointment Process.
- Commission Pay Scale Discussion.
- Sanitary Sewer Overflows.

**CITY COMMISSION
(Governing Body Comment)**

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

Mayor Harter made a motion to recess the meeting at 11:42 a.m., to Conference Room 1AB. Commissioner Curtis seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Curtis aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Commissioner Smith, aye.

The following items were discussed at the Study Session:

1. Human relations Commission Picture Exchange Communication (PEC) Board Project Proposal
2. Emporia Visitor Bureau Management and Operation Services Proposal.
3. 2025 CDBG Grant Application Process.

4. Disc Golf/Champions Landing.
5. Special Event Policy for CCA.
6. Commission Board Appointments.

**City Commission
Disc Golf/Champions Landing
TGT Request**

Jeremy Rusco, owner of Champions Landing, requested immediate support of \$53,950.00 from the Transient Guest Tax Fund to develop three new disc golf courses and a foot golf course. The three courses will consist of beginner, intermediate and advanced courses. The request will fund the following:

Dynamic Discs Veteran Baskets	54	\$ 375.00	\$20,250.00
Tee Signs & Graphic Design	54	\$ 100.00	\$ 5,400.00
Champs Employee Labor Hours			
For Installation & Improvements	250	\$ 20.00	\$ 5,000.00
Foot Golf-install 18 holes materials & labor	18	\$ 250.00	\$ 4,500.00
Foot Golf-tee signs & markers & graphic design	18	\$ 100.00	\$ 1,800.00
PDGA Event Attraction Support	2	\$2,500.00	\$ 5,000.00
Non-sanctioned Disc Golf Event attraction support	4	\$1,000.00	\$ 4,000.00
Foot Golf Tournament Event attraction support	2	\$1,500.00	\$ 3,000.00
Bridge Repair & Spillway repair from washouts	1	\$5,000.00	\$ 5,000.00
TOTAL TO INSTALL 3 DISC GOLF COURSES & FOOT GOLF			\$53,950.00

Following further discussion Mayor Harter made a motion to enter into a preliminary agreement pending a prorated contract through 2027 and award Champions Landing \$53,950.00 for the purpose of installing three new disc golf courses and a foot golf course. Commissioner Curtis seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Commissioner Sauder, aye.

**City Commission
Emporia Enterprises
Appointing Governing Body Representative**

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

**City Commission
Transient Guest Tax Advisory Board
Appointing Governing Body Representative**

Mayor Harter made a motion to appoint Commissioner Curtis to the Transient Guest Tax Advisory Board. Commissioner Sauder seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye.

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