

Commission Meeting

11:00 a.m.

May 21, 2025

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, May 21, 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.

Viola Heskett, 2211 Birch Road, Emporia, Kansas and Jerald Campbell, 1201 Presby Drive, Emporia, Kansas, stated their concerns of duplication and/or loss of services at Newman Regional Health and proposed Stormont Vail medical facility.

**CITY COMMISSION
(Board Appointment)**

Emporia Public Library Board:

It was moved by Commissioner Sauder, seconded by Commissioner Brinkman that Terri Summey be appointed to the Emporia Public Library Board for a term ending April 20, 2029. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Building Trades Board:

It was moved by Commissioner Curtis, seconded by Commissioner Brinkman that Jason Williams and Stan Grimwood be appointed to Building Trades Board for terms the expire on December 31, 2027. The vote follows: Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**PAVING
(2025 Pavement Preservation Project No. PV2502)
(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 Pavement Preservation Project No. PV2502 for various locations around the city that includes chip seal and fog seal on the following streets: 3rd Avenue (Neosho Street to Rural Street), 8th Avenue (Congress Street to West Street & Woodland Street to Prairie Street), 10th Avenue (State Street to Neosho Street), Grove Avenue (West Street to Walnut Street), Sherman Street (3rd Avenue to 6th Avenue), State Street (Railroad to 12th Avenue), Washington Street (Grove Avenue to 12th Avenue), West 6th Avenue (US-50 Highway to Graphic Arts Road), West Street (3rd Avenue to 6th Avenue) and Wilson Street (6th Avenue to 9th Avenue). He stated four bids were received as follows:

BID TABULATION FOR 2025 PAVEMENT PRESERVATION PROJECT NO. PV2502

Contractor	Base Bid
APAC- Kansas Shears Division	\$197,698.61
American Road Maintenance	\$315,065.00
Bettis Asphalt & Construction	\$330,004.31
Vance Brothers, LLC	\$425,476.22
Engineer's Estimate	\$294,125.90

This project will be funded from the Multi-Year Fund and the City's portion of County sales tax. Staff recommend awarding the 2025 Pavement Preservation Project No. PV2502 to APAC-Kansas Shears Division for the Base Bid in the amount of \$197,698.61.

Commissioner Brinkman made a motion to award the project to APAC-Kansas, Inc., Shears Division for the base bid amount of \$197,698.61 for the 2025 Pavement Preservation Project No. PV2502. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

CITY COMMISSION
(Dynamic Brewing, LLC d/b/a Champions Landing)
(Contract for Tourism-Related Capital Support)

City Manager Cocking stated Dynamic Brewing, LLC proposes to construct three regulation disc golf courses and one foot golf course at Champions Landing located at 1801 Rural Street, Emporia, Kansas. He stated Emporia is already recognized as a disc golf destination and expanding play at Champions Landing strengthens that reputation, extends visitors stays and leverages existing tourism marketing. To stimulate tourism and outdoor recreation, the City will provide Transient Guest Tax (TGT) funding in exchange development of three disc golf courses, one foot golf course, hosting and marketing tournaments and providing four (4) years of limited free public access.

City Attorney Montgomery was recognized and addressed the Governing Body. She stated there have been changes to the contract that were not included in the agenda packet and the new version of the contract be included in the agenda packet and updated online after the Commission Meeting today for viewing by the public. She then reviewed the changes as follows:

1. Purpose – 2nd paragraph.

Contractor proposes to install new recreation amenities available to the public consisting of a 9-18 hole beginner-friendly disc-golf course, an 18 hole intermediate-level disc golf course, an 18 hole advanced-level disc golf course, and a foot-golf course (collectively, the "Phase 1 Improvements") at Champions Landing, 1801 Rural Street, Emporia, Kansas.

3rd paragraph

The City agrees to provide funding from Transient Guest Tax ("TGT") revenues to support the project. In return, the Contractor will promote tourism by developing disc-golf and foot-golf courses and hosting and marketing tournaments at those courses. Further, the Contractor will maintain public access to the courses and provide access to Emporia residents, Emporia State University students, and Flint Hills Technical College students free of charge for a minimum of four (4) years.

2. Scope of Work

2.1 Task

Purchase and install 45-54 PDGA-approved baskets

3. Funding, Disbursement & Repayment.

3.1 Amount. – 2nd paragraph

In the event the Contractor installs a 9-hole beginner-friendly disc golf course instead of an 18 hole beginner-friendly disc golf course, the total maximum disbursement shall be

reduced to \$49,675, and the Equipment and Labor portion reduced to a maximum of \$37,675.

3.2 Disbursement.

Disbursement of funds shall be made on a reimbursement basis. The Contractor shall submit documentation verifying all allowable costs incurred under this Agreement. Final disbursement shall not be made until the City has reviewed and approved such documentation.

3.4(b) Repayment Due

(Disbursement for Labor & Equipment / 48) × (48 – number of full months of compliant public access provided).

10. Notice

Contractor address corrected to 1801 Rural on the signature page.

City Manager Cocking stated the agreement outlines the project scope, funding mechanics, maintenance standards and repayment safeguards. Key points of the agreement include:

- **Project Elements:** 45 to 54 PDGA-approved baskets, 45 to 54 disc-golf tee signs, 18-foot-golf tee signs/markers, foot-golf course material, and bridge/spillway repairs.
- **Completion Deadlines:** Equipment installed within 120 days; remaining work and bridge repairs within 180 days, subject to reasonable extensions for weather or force majeure.
- **City Investment:** Up to \$53,950 from the TGT Fund for equipment, installation, site preparations, and marketing.
- **Disbursement Schedule:** 60 % (\$32,370) advanced at contract execution upon receipt of required documentation; 40 % (\$21,580) reimbursed after City acceptance of deliverables.
- **Public-Access Term:** Free greens-fee play for Emporia residents, Emporia State University students, and Flint Hills Technical College students (valid ID required) seven days a week, dawn-to-dusk, for four years. Rental equipment, paid tournaments, and private events are excluded. The course may be closed for weather, maintenance, or special events with at least 48 hours' written notice to the City Clerk.
- **Repayment Protections:** Full or pro-rated repayment required for non-completion, early closure, or other material breach; the City may accept equipment in lieu of repayment.

- **Contractor Obligations:** Ongoing maintenance to public-facility standards, annual tournament coordination, City-approved sponsorship messaging, and \$1 million/\$2 million CGL insurance naming the City as additional insured.
- **Standard Terms:** Independent-contractor status, Kansas law governing, cash-basis safeguards, and anti-discrimination provisions (Exhibit A).

The City will disburse up to \$53,950.00 from the Transient Guest Tax Fund for this agreement. The TGT Fund has sufficient resources to absorb the expenditure without impacting other commitments. Staff recommend approval of the Contract for Tourism-Related Capital Support with Dynamic Brewing, LLC and authorize the City Manager to execute the contract and any associated documents, subject to final legal review.

Following discussion Commissioner Sauder made a motion to approve the Contract for Tourism-Related Capital Support with Dynamic Brewing, LLC and authorize the City Manager to execute the contract as well as the amendments and any associated documents, subject to final legal review. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, 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 April 2025 for the community:

1. Monthly Local Retail Sales Tax Receipts Update

	2024	2025	
	\$ 492,491.26	\$ 500,397.02	Increase of \$7,905.76 for the month, and
YTD	\$ 2,091,926.48	\$ 2,148,522.40	Overall increase of 2.63% from year 2024.

2. City Share from County Tax

	2024	2025	
	\$ 250,316.44	\$ 264,261.39	Increase of \$13,944.95 for the month, and
YTD	\$1,065,834.91	\$1,107,078.41	Overall increase of 3.73% from year 2024.

Building Permits issued from 4/1/2025 to 4/30/2025 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	64
Total of valuations associated with those building permits:	\$3,653,478.65
Total number of dollars collected for Building Permit Fees:	\$ 18,369.50
Construct – Single-family dwellings	5
Demo – Single-family dwellings	0
Flint Hills Mall CID for April 2025	\$ 11,599.18
YTD	\$ 63,259.65
Pavilions CID for April 2025	\$ 12,008.22
CID #2	\$ 12,008.22
YTD	\$ 126,509.64
Fairview Hotel CID for April 2025	\$ 6,414.02
YTD	\$ 26,711.30
West Plaza CID for April 2025	\$ 5,830.00
YTD	\$ 31,145.93

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on May 7, 2025.

The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, 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 JUNE 4, 2025, MEETING.

- Proclamation Recognizing June as Pride Month.
- Proclamation Recognizing June as Zoo Month.

- Ordinance for Emporia/Lyon County Traffic Safety Committee.
- Sacred Heart Vacation of Utility Easement.
- Agreement with Sacred Heart Church.
- Design Contract for Fire Station No. 2
- Feasibility Study for WLW Auditorium Fire Station No. 1 Space.
- **Study Session:**
 - Art Installation at White Park.
 - Crosswinds Update.
 - Review Outside Appropriations Request.

CITY COMMISSION (Governing Body Comment)

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

EXECUTIVE SESSION

Commissioner Brinkman made a motion to recess into Executive Session for 15 minutes inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for executive session is provided in K.S.A. 75-4319(b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume in this room at approximately 11:37 a.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session at 11:37 a.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had consultation with the City Attorney regarding a legal matter and no action was taken.

Commissioner Smith made a motion to recess the meeting at 11:51 a.m., to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

The following items were discussed at the Study Session:

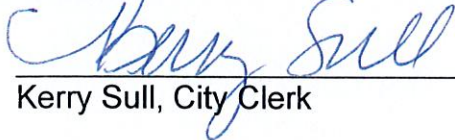
1. Discuss Chickens Permit Requirements.
2. Stormwater ERU/Becker Addition.
3. Joint Traffic Safety Committee.
4. Joint Task Force on Mill Levy Reduction.

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

