

Commission Meeting**11:00 a.m.****June 4, 2025**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, June 4, 2025, with Mayor Harter presiding and Commissioners Brinkman, Curtis, and Smith present. Commissioner Sauder was present via phone. Also present were City Manager Cocking, Deputy City Manager Detter, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery.

Tagan Trahoon, and other citizens of Emporia, were in attendance to accept a proclamation declaring the month of June 2025, as "Pride Month" in Emporia. He stated Emporia has a diverse Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ+) community and is committed to supporting visibility, dignity, and equity for all residents. Emporia is strengthened by the diversity of ethnic, cultural, racial, gender, and sexual identities of its residents and business community members. Discrimination against people from the LGBTQ+ community around the world makes it imperative for cities like Emporia to stand up and show support for our LGBTQ+ residents. Each of us can promote inclusiveness, celebrate diversity, support all fellow community members, prevent the spread of misinformation, and reject hate and bias in all forms, which will make Emporia a stronger and healthier community. June has become a symbolic month in which the LGBTQ+ community and allies come together in various celebrations of pride. He encouraged all residents to actively promote, support, and help build a culture of inclusiveness and acceptance.

Mayor Harter then presented the proclamation.

Representatives of EFOZ Board Members, and David Traylor Zoo were in attendance to accept a proclamation declaring the month of June as "Zoo Month" in Emporia. They stated Zoological Parks and Aquariums of North America serve the needs of both humans and wildlife by bringing them together in a unique setting. They help build awareness, understanding, concern and a sense of stewardship for wildlife and the environment. Their commitment to education fosters and enriches the appreciation of wildlife in over 20 million school children each year. They urged all citizens to visit the

David Traylor Zoo of Emporia to experience firsthand the wonders of nature and our environment offered by the zoo.

Mayor Harter then presented the proclamation.

Pauline Stacchini, Emporia Public Library Executive Director, was in attendance to accept a proclamation in support of the 2025 Summer Reading Program "Color Our World" in Emporia. She stated the Emporia Public Library keeps our minds sharp, our imaginations vivid, and our community connected all year long. The power of stories brings folks together, lights up imaginations, and makes long summer days a little brighter. She stated the Emporia Public Library is opening its doors and its books for another season with the 2025 Summer Reading Program. She stated the Library's Summer Reading Program offers a rainbow of free, family-friendly programs that help kids keep learning while school's out and give everyone a reason to turn the page. She encouraged all residents to read, explore and celebrate with the Emporia Public Library.

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.

Jerry Campbell, 1201 Presby Drive, Emporia Kansas; Ester Knobloch, 2378 State Highway 58, Madison, Kansas; and Don Hill, 2805 Twin Lakes Drive, Emporia, Kansas, stated their concerns of services from the proposed medical facility of Stormont Vail Healthcare and the services provided by Newman Regional Health with the effect on the community.

**CITY COMMISSION
(Stormont Vail Healthcare, Inc.)
(Development Agreement)**

City Manager Cocking stated the City of Emporia has negotiated a Development Agreement with Stormont Vail Healthcare, Inc. for the construction and operation of a new healthcare facility at 18th Avenue and Road G. The agreement formalizes the project, outlines development standards and establishes long-term mutual responsibilities. This Development Agreement represents a balanced approach to supporting private healthcare investment while safeguarding the long-term viability of Newman Regional Health and other existing medical providers. He stated as part of the Agreement, Stormont Vail Healthcare, Inc. has agreed to a contractual provision prohibiting the operation of an ambulatory surgical center (ASC) on the property to a period of six (6) years. The Agreement does not authorize or restrict ASC use beyond that term; any future proposal will remain subject to applicable building codes, zoning regulations and state licensing requirements. The six-year prohibition on the operation of an ASC provides clarity on the facility's intended scope of operations and aligns with the City's long-term objectives for community-focused development. Key points of the Agreement include:

- Project Scope: Construction of a healthcare facility intended for use as medical offices and medical labs.
- Six-Year Prohibition: No ambulatory surgical center may be operated on the property for six years from the date of the Agreement.
- Stormont Vail Commitments:
 - Construct a medical office facility.
 - Fund and construct all on-site infrastructure improvements.
 - Conduct a traffic impact study.
 - Construct a new city street and storm water improvements along the eastern boundary of the project site, adjacent to Debaugé Soccer Complex.
 - Contribute \$250,000 towards cost of future street and storm water upgrades to 18th Avenue and Road G.
- City Commitments:
 - Review and process development applications in good faith and consistent with adopted policies.
 - Collaborate on public infrastructure planning as needed.

The six-year prohibition on ASC operations reflects significant community input and was negotiated to reduce potential service duplication and support strategic healthcare growth. The Agreement provides predictability for all parties, encourages infrastructure investment and expands healthcare access within clearly defined parameters. He stated after review, Staff has reached the conclusion that cities in Kansas currently do not have the authority to limit the duplicative services health care entities provide. There is no financial obligation imposed on the City. There are no incentives given by the City for this project. Stormont Vail is responsible for funding all on-site improvements and contributing toward off-site infrastructure enhancements. He stated at the end of the six-year restriction on ASC, this will come before the City for further discussions, it does not automatically lift and allow an ASC. Staff recommend approval of the Development Agreement between the City of Emporia and Stormont Vail Healthcare, Inc., including the six-year prohibition on the operation of an ambulatory surgical center, and authorizing the Mayor to sign the agreement.

Commissioner Brinkman made a motion to approve the Development Agreement between the City of Emporia and Stormont Vail Healthcare, Inc., including the six-year prohibition on operation of an ambulatory surgical center, and authorize the Mayor to sign the agreement. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**FIRE DEPARTMENT
(Architectural Services Agreement – Tessere, Inc.)
(Remodel and Addition)
(Fire Station No. 2)**

City Manager Cocking stated the City of Emporia is moving to the next phase of the remodel and expansion of Fire Station No. 2 at 1427 Industrial Road. City Staff recommend that the City entered into an agreement with Tessere, Inc. for full architectural services, including design, documentation and construction administration. The project delivery model is the same as Fire Station No. 1 with a Construction Manager as Constructor (CM). Crossland Construction Company, Inc. is the CM for the project. Total

cost of the project is estimated at \$5,679,400. He stated Tessere, Inc. brings public safety facility experience and familiarity with Emporia to this project. The contract defines clear roles between the architect and the CM ensuring that the City retains project oversight and design control. The Architectural Services Agreement includes:

Stipulated Sum: \$397,000
Estimated Reimbursable Expenses: \$11,500
Total Estimated Compensation: \$408,500

This project will be funded through the City's Bond and Interest Fund. Staff recommend approving the agreement with Tessere, Inc. for architectural services for Fire Station No. 2 in the amount of \$397,000 plus up to \$11,500 in reimbursable expenses and authorize the City Manager to execute the agreement.

Commissioner Curtis made a motion to approve the agreement with Tessere, Inc., for architectural services for Fire Station No. 2 in the amount of \$397,000 plus up to \$11,500 in reimbursable expenses and authorize the City Manager to execute the agreement. Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**WILLIAM L. WHITE AUDITORIUM
(Architectural Concept Design Services – Tessere, Inc.)
(Renovation Planning - ADA Compliant Facility)**

City Manager Cocking stated the City of Emporia is exploring the potential to consolidate various functions, such as Administration, Engineering Department, Building and Neighborhood Development and reusing Fire Station No. 1 space into a renovated William L. White Auditorium. This would optimize the use of existing public facilities and improve long-term operational efficiency. The existing building presents accessibility challenges, including a lack of interior ADA compliant ramps and one elevator that has limited access to key areas. He stated this concept design phase will evaluate potential improvements that bring the building into compliance with ADA standards including:

- Scope of this concept design includes:
 - Evaluating spatial needs for relocated departments.
 - Developing floor plan options focused on accessibility.

- Identifying potential locations for elevators and interior ramps.
- Conducting site visits and workshops with City staff.
- ADA compliance is a core focus of this effort.
- Final deliverables will include four conceptual floor plan options.
- Professional renderings and construction documents are not included at this stage.
- Duration of this concept phase is estimated at three months.

Tessere, Inc. will provide architectural services only to generate concepts for adaptive reuse of the William L. White Auditorium. This early design phase is needed to determine the feasibility of consolidating City functions, and ensuring we have ADA-complaint facility. The work will inform future design development and cost estimates, should the City proceed with renovation. The architectural agreement includes:

The architectural agreement includes:
Stipulated Sum: \$45,750
Estimated Reimbursable Expenses: \$2,750
Total Estimated Compensation: \$48,500

This project will be funded through the City's Bond and Interest Fund. Staff recommend authorizing the City Manager to approve the proposal from Tessere, Inc. in the amount of \$48,500 for architectural concept design services for William L. White Auditorium.

Commissioner Smith made a motion authorizing the City Manager to approve the proposal from Tessere, Inc. in the amount of \$48,500 for architectural concept design services for William L. White Auditorium. 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 COMMISSION
(Establishment a Stormwater Utility)
(Ordinance Number 25-18)

AN ORDINANCE ESTABLISHING A STORMWATER UTILITY FOR THE CITY OF EMPORIA, KANSAS; PROVIDING FOR THE OPERATIONS, AND FUNDING OF A STORMWATER MANAGEMENT PROGRAM; AND ESTABLISHING A STORMWATER USER FEE, to which the City Clerk assigned Ordinance Number 25-18, was presented to the Governing Body for their consideration.

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the City currently operates a stormwater management program that provides

critical services to protect infrastructure by controlling stormwater flooding. The services include system maintenance, infrastructure improvements, and regulatory compliance activities to meet state and federal water quality standards. He stated as previously discussed, to fund needed stormwater projects and ensure the long-term sustainability of the program, staff has proposed the establishment of a dedicated stormwater utility and user fee. The proposed user fee is structured to fairly distribute program costs based on each property's contribution to stormwater runoff based on Equivalent Residential Units (ERU). An ERU system is currently utilized by 23 of 26 Cities of the First Class in Kansas. Authority for the establishment of a stormwater utility is granted under K.S.A. 12-3101 et seq. and the City's home rule powers. He stated the proposed ordinance formally creates the City of Emporia's stormwater utility user fee and establishes the legal framework for administration, billings, and oversight. Other key provisions include:

- Creation of a stormwater utility fund
- User fee of \$1.00 per Equivalent Residential Unit (ERU) per month for all developed property.
 - 1.0 ERU per standard single-family residential parcel.
 - 0.5 ERUs per multi-family unit with an individual water bill, and single-family parcels with building footprints under 1,500 square feet.
 - Non-residential and multi-family complexes serviced by a single water bill ERUs calculated by dividing impervious surface area by 3,000 square feet.
- Appeals process for property owners to contest classifications or charges.
- User fees will be included as a line-item on the City utility bill. Developed properties that do not receive a regular utility bill will be billed annually or semi-annually.

This ordinance provides for equitable cost-sharing to support system upkeep and regulatory compliance. This utility will operate as an enterprise fund, independently accounting for revenues and expenditures associated with stormwater services. Implementation is scheduled to begin January 1, 2026. Staff recommend approval of Ordinance 25-18 Establishing a Stormwater Utility.

Following further discussion Commissioner Smith made a motion to approve Ordinance Number 25-18 establishing a stormwater utility. Commissioner Curtis seconded the motion.

Commissioner Sauder stated that he felt the zoning codes could become less restrictive in a way where it is not requiring so much impervious surfaces. He felt this was vital when adding a new facility or building for the community.

Commissioner Brinkman stated she was not in favor of implementing a new utility.

Following further discussion the vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; Mayor Harter, aye; and Commissioner Brinkman, nay.

Commissioner Sauder left the meeting at 11:42 a.m.

ENGINEERING
(Agreement with the Archdiocese of Kansas City, KS)
(Sacred Heart Church)
(Request of Abandon City Easement and Watermain)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated Sacred Heart Church is proposing to construct a new school building to replace their approximately 100-year-old structure. The proposed new building will be within the former Cottonwood Street right-of-way and over the existing City's 8" water main between E. 1st Avenue and E. 2nd Avenue. He stated the Archdiocese of Kansas City, Kansas, has requested the City abandon the existing easement over the water main in Cottonwood Street from E. 1st Avenue to E. 2nd Avenue. Sacred Heart Church will take over the ownership and maintenance of the exiting 8" water main as their service line in Cottonwood Street from E. 1st Avenue to E. 2nd Avenue. Sacred Heart Church agreed to pay the City \$40,892.22 for the City vacating the easement to Sacred Heart Church. Staff recommend approval of the Agreement with the Archdiocese of Kansas City, Kansas for abandonment of the City's easement in Cottonwood Street and transfer of ownership of the existing 8" water main and authorize the Mayor to sign the Agreement.

Commissioner Brinkman made a motion to approve the Agreement with the Archdiocese of Kansas City, Kansas/Sacred Heart Church for said abandonment of the City's easement in Cottonwood Street and transfer of ownership of the existing 8" water main and authorize the Mayor to sign the Agreement. Commissioner Curtis seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Meeting Held 5-20-25)
(Application No. 2025-07 – Request of Archdiocese of Kansas City)
(Vacating Utility Easement)**

The Planning Commission met in a regular session on Tuesday, May 20, 2025, with Chair Rogers presiding. Commissioners Bucklinger, Thomas, Fowler, Ogle, Lingenfelter, and Reed were present.

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

Chair Rogers called the meeting to order.

3. Planning Commission: Consider PC 2025-07 – A Request to Vacate a Utility Easement Within the Vacated Cottonwood Street Right of Way Between East 1st Avenue and East 2nd Avenue.

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 Staff Report.

STAFF REPORT

Application #: PC 2025-07

Applicants: The Roman Catholic Archdiocese of Kansas City

Requested Action: Vacate a Utility Easement within a previously vacated Right of Way

Purpose: Applicants desire to vacate a 20 ft. Utility Easement

Address: 102 Exchange St.

Legal description: The Utility Easement between East 1st Ave. and East 2nd Ave. along the previously Vacated Cottonwood St. Emporia Original Township, Emporia, Lyon County, Kansas

Lot Size: N/A

Existing Zoning: N/A

Future Zoning in ELC Comp. Plan: N/A

Analysis: The applicants have requested the vacation of the existing utility easement that was retained when Cottonwood Street was previously vacated. The applicants are in the process of developing plans to expand buildings on the campus that would extend across the utility easement.

The applicants and City Staff have worked on an agreement that will be presented to the City Commission for approval that centers on the cost share for relocating the existing water line that runs north and south within the previously vacated Cottonwood Street Right of Way. The relocation of the water line will be a part of the Southeast Transmission Line project. The associated costs of the relocation will be borne by the applicant.

Staff is recommending that the vacation be contingent upon the agreement for relocation being approved by the City Commission.

Considerations:

The Utility Advisory Board members received notices of the vacation request. There were no objections to the request noted.

Neighborhood Communications: The only property owner affected by the relocation is the applicant. Public Notice was placed in the official newspaper and no comments or objections have been received.

Recommendation: Staff recommends the Planning Commission forward a recommendation to approve the vacation to the Governing Body contingent upon an agreement with the City on costs associated with the relocation of the water line being approved, and based upon a finding that;

1. Due and Legal Notice has been given – the applicant's property abuts both sides of the easement and is the only party affected by the vacation. A notice was also provided in the official newspaper as prescribed by law.
2. No private rights will be injured or endangered – the vacation will allow for the church to expand and develop within the existing area.
3. The public will suffer no loss or inconvenience – The applicants will enter into an agreement to share in the costs to relocate the water line within the easement. The public water supply line, will actually be enhanced with the relocation.

The Public Hearing was opened.

No Person spoke during the Public Hearing.

The Public Hearing was closed.

Commissioners held a brief discussion following the Public Hearing. **Givens** stated that the vacation would be subject to the City Commission approving the agreement with the Church for the cost of the relocation.

Commissioner Bucklinger made a motion to approve the Vacation subject to City Commission approval of the agreement, finding that Due and Legal Notice had been given, No private rights would be injured or endangered, and the Public would suffer no loss or inconvenience. Commissioner Fowler seconded the motion. The motion carried 7-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the Archdiocese of Kansas City/Sacred Heart Catholic Church has requested the vacation of an existing utility easement that was retained when Cottonwood Street was vacated between E. 1st Avenue and E. 2nd Avenue. The vacation request is to facilitate the expansion of building on the campus. At their May 20, 2025, regular meeting, the Planning Commission unanimous recommended for vacating the easement to the City Commission. Staff recommend approval of Ordinance Number 25-17 vacating a utility easement within the previously vacated Cottonwood Street right-of-way between E. 1st Avenue and E. 2nd Avenue.

PLANNING AND DEVELOPMENT
(Application No. 2025-07 – Request of Archdiocese of Kansas City)
(Vacating Utility Easement)
(Ordinance Number 25-16)

AN ORDINANCE VACATING A CERTAIN EASEMENT IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 25-16, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to adopt Ordinance Number 25-16 vacating a utility easement with the Archdiocese of Kansas City, Kansas and Sacred Heart Catholic Church. Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; and Mayor Harter, aye.

**CITY COMMISSION
(Pertaining to Animals and Fowl)
(Ordinance Number 25-17)**

AN ORDINANCE PERTAINING TO ANIMALS AND FOWL; AMENDING SECTIONS 6-5 AND 6-10 OF THE CODE OF THE CITY OF EMPORIA, KANSAS AND REPEALING SAID SECTIONS AS THEY EXISTED PRIOR TO THE ADOPTION OF THIS ORDINANCE, to which the City Clerk assigned Ordinance Number 25-17, was presented to the Governing Body for their consideration.

City Attorney Montgomery stated the 14-year moratorium on chicken ownership was lifted in 2022 and the farm animal permitting process was updated after being implemented in 1997. Under the current structure, Animal Control officers inspect applicant property to ensure compliance with city code requirements prior to permit issuance. If a permit is denied or revoked, the applicant may appeal the decision to the property maintenance appeal board. Farm Animal Permits holders remain subject to City Code provision related to animal nuisance and property nuisance. She stated community members have requested an increase in the number of chickens allowed by City Code. The proposed ordinance will amend City Code Section 6-5 and Section 6-10 to include the following:

Section 6-5 Animal Enclosures

- Changes section heading from Animal and Fowl Pens to Animal Enclosures.
- Defines Animal Enclosures.
- Prohibits placement of animal enclosures within a right-of-way or utility easement.
- Increases maximum size of chicken enclosures from 50 square feet to 150 square feet.
- Prohibits housing more than 6 chickens in an enclosure.
- Reorganizes and updates language of existing provisions for clarity and ease of use.

Section 6-10 Keeping Domestic Animals

- Increases total number of animals allowed under a farm permit to 6.
- Reorganizes and updates permitting language for clarity and ease of use.

Commissioner Curtis made a motion to approve Ordinance Number 25-17 pertaining to animals and fowl. Commissioner Smith seconded the motion.

Commissioner Brinkman stated she was not in favor of increasing the amount of chickens allowed in a neighborhood without neighbor input. Utilizing a Conditional Use

Permitting (CUP) process would allow the neighbors in the area to be better informed. She was not in favor of a blanket solution to increase the number of chickens allowed. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; Mayor Harter, aye; Commissioner Brinkman, nay.

Consent Agenda

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

- a. Minutes of the Regular Meeting held on May 21, 2025.
- b. Overlander Road Right of Way, City Project No. PV2304 KDOT Economic Development Project No. 56 KA-7312-01.
- c. 618 Mechanic Street Roof Replacement.

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

- Proclamation for National Teachers Hall of Fame.
- Stormont Vail Healthcare, Inc. Final Plat.
- Ordinance Amending the Emporia/Lyon County Joint Traffic Safety Committee.
- **Study Session:**
 - Community Dashboard.
 - Review of Appropriations and Sponsorship Requests.
 - Discuss Sanitary Sewer Overflows (SSO's)
 - Discuss Snow Update.

**CITY COMMISSION
(Governing Body Comment)**

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

Commissioner Brinkman thanked United Way of the Flint Hills for their work on the Everygy Grant for \$10,000 which will be going to Quaker Park.

Commissioner Smith thanked all the City employees who worked to make a safe and well-attended bike event.

City Manager Cocking thanked the Emporia Police Department for their tremendous work on the situation that happened on Saturday during the bike event.

Mayor Harter thanked the Municipal Golf Course for hosting the best State Golf Tournament in the State.

EXECUTIVE SESSION

Commissioner Brinkman 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 Conference Room 1AB at approximately 12:13 p.m. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 12:13 p.m., this same date, in Conference Room 1AB, Mayor Harter stated they had discussed confidential data of a third party relating to economic development and no action was taken.

Mayor Harter made a motion to recess the meeting at 12:28 p.m. to Conference Room 1AB. Commissioner Curtis seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; and Commissioner Smith, aye.

The following items were discussed at the Study Session:

1. White Park Art Installation.
2. Budget Overview.

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; and Mayor Harter, aye.

ATTEST:


Kerry Sull, City Clerk




Erren Harter, Mayor