

Commission Meeting

11:00 a.m.

August 20, 2025

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, August 20, 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.

Melissa Owen, Executive Director of Beacon of Hope Suicide Prevention, was in attendance to accept a proclamation declaring the month of September 2025 as "Suicide Prevention Month" in Emporia. She stated suicide is one of the leading causes of death in Kansas, affecting individuals across all ages, professions, backgrounds and neighborhoods, including children, teens, college students, working families, veterans, and older adults. She stated Kansas has seen a suicide rate increase of over 45% since 1999. In 2023, over 500 Kansans died by suicide affecting families, friends, and communities. Beacon of Hope Suicide Prevention is committed to building a community that offers support to those who are struggling. She stated they are committed to fostering a compassionate and informed community where everyone feels seen, heard, and supported. She urged all residents of Emporia to raise awareness, learn the warning signs, and support efforts to prevent suicide.

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. No comments were made at this time.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 6-17-25)
(Application No. 2025-28 – Request of City of Emporia)
(Rezone Property Located at 600 & 626 W. Hwy 50)
(Industrial Park IV)

The Planning Commission met in a regular session on Tuesday, June 17, 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.

2. Consider PC 2025-08 – A Request for Rezoning of Property Located at 600 & 626 W HWY 50 – City Initiated.

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 2025-08

Applicants: City of Emporia

Owners: Emporia Enterprises INC.

Requested Action: Rezoning property from Lyon County parcel type to City of Emporia parcel type.

Purpose: The City is initiating the rezoning of this property following annexation in 2024. Since parcels retain their county designation, staff felt compelled to initiate the rezoning of this property to a City parcel type to assist in streamlining and eliminating additional hurdles for any future development of the property. The property is currently assigned an Industrial Flex parcel type under county zoning regulations and would keep the same parcel type only under City regulations.

Address: 600 & 626 W HWY 50, Emporia KS

Legal description: Lots 1, 2, and 3 of Park IV Subdivision, Emporia, Lyon County, Kansas

Lot Size: 147 acres +/-

Existing Zoning: Lyon County Industrial Flex (IF)

Future Zoning in ELC Comp. Plan: Industrial Flex (IF)

Surrounding Zoning:

North County Single-Family Detached | County Agriculture
East County Agricultural | County Commercial
South City Commercial | County Industrial
West Agricultural

Surrounding Actual Uses:

North Large Lot Residential | Ag Land
East Ag Land | Fanestil Meats
South US HWY 50 | Prairie Land Partners
West Large Lot Residential | Ag Land

Analysis: This property was annexed in 2024 and following subsequent annexations, it was determined by staff, that properties retain their county zoning designation until they are rezoned to City parcel types. Often times, when site selectors are looking for possible sites for projects, a common question asked is "is this property properly zoned for development". One such situation occurred recently and it prompted staff to initiate the rezoning process, so one less hurdle for development can be removed.

This is not to say that a future development could not request more intense Industrial parcel types or Conditional Use Permits, but this action does allow for developers to use the City zoning regulations as a base for determining if a property is suitable and matches their needs.

Staff would reiterate that there is no development looming for this property, but this action is a proactive step to help make the property as marketable as possible.

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 property is currently designated with a county parcel type of Industrial Flex. This action merely changes the underlying zoning from a county parcel type to a City parcel type.**
3. The zoning and uses of properties nearby; **The property is currently zoned as a county Industrial Flex parcel type and was anticipated in the Regulating Plan to be Industrial Flex property. Changing the zoning from county to City Industrial Flex would have no detrimental effect on any neighboring properties.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property has, to the extent of staff's knowledge been zoned as an Industrial type property since it was purchased by Emporia Enterprises. This property is suited to be Industrial in nature and removing county regulations and allowing City regulations would streamline the development process.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Removing the county Parcel Type designation and reclassifying it as a City Industrial Flex Parcel Type will have no detrimental impact on nearby properties. The property has been zoned and anticipated to be an industrial development and is listed as such in the comprehensive plan.**
6. The length of time the subject property has remained vacant as zoned; **The length of time this property has been vacant is not necessarily applicable to this rezoning request. This property has been contemplated as industrial in nature.**
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; **Again, this property has been contemplated as an Industrial type property and this action is limited to transitioning from county regulations to City regulations. The delay of reclassifying this property could be seen as a barrier to development as it would be an additional step to see a project come to fruition on 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 an Industrial Parcel Type and is within the City Limits and as such, should have City Zoning Regulations applied to it.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: Staff has received one call on the rezoning and no objections.

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 & Current Zoning Map | Plan ELC Regulating Plan Map

Commissioner Fowler asked about whether or not if extra-territorial jurisdiction was in place, would this type of action be necessary. **Givens** stated that if the City had extra-territorial jurisdiction or a complete county zoning regulations the action would not be necessary.

The Public Hearing was opened.

Monte Miller, 1769 Road F, stated that he was not against the rezoning, but wanted to make sure that the 1,000 foot notification would still be in place once this was rezoned. **Givens** stated that it was correct. Any properties that are adjacent to the city limits require 1,000 foot notifications.

The Public Hearing was closed.

Commissioner Reed made a motion to recommend approval of the rezoning request and finding that the request is consistent with the Comprehensive Plan and conforms with the intent of the Zoning Regulations. Commissioner Bucklinger seconded the motion. The motion carried 6-0.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated this request was initiated by the City of Emporia to rezone the property located at 600 and 626 W. Hwy 50 within Industrial Park IV. The property was recently annexed to city limits. He stated properties that are annexed into the city limits retain their county zoning designation until that time when they are rezoned to a City zoning parcel type. He stated the rezoning will ensure that proper City zoning standards would be applied to any potential development on the property. Sites are evaluated on whether proper zoning is in place, and this action would assist in eliminating hurdles for any future development of the property. He stated this is a proactive step to help make the property as marketable as possible. At their June 17, 2025, regular meeting, the Planning Commission voted unanimously to recommend approval of the rezoning request. He stated when considering a recommendation from the Planning

Commission on a Rezoning Application may; 1) adopt such recommendation by ordinance; 2) override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or (3) return such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

PLANNING AND DEVELOPMENT
(Application No. 2025-28 – Request of City of Emporia)
(Rezone Property Located at 600 & 626 W. Hwy 50)
(Industrial Park IV)
(Ordinance Number 25-24)

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF EMPORIA, KANSAS, AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, which the City Clerk assigned Ordinance Number 25-24, was presented to the Governing Body for their consideration.

Commissioner Smith made a motion to approve Ordinance Number 25-24 amending the parcel type of Industrial Park IV from Lyon County Industrial Flex to Emporia Industrial Flex (IF). Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; and Mayor Harter, aye.

ECONOMIC DEVELOPMENT
(Gazette Building Development, LLC)
(517 Merchant Street)
(CDBG #23-CR-004 Time Extension)

Tayler Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated the City of Emporia has been working with the representatives of the Gazette Building Development on the redevelopment of the historic Gazette Building located at 517 Merchant Street. The project involves renovating and repairing the building, upgrading mechanical systems and windows and converting the second floor into residential units. She stated the first floor and basement will include a restaurant, event space, office, artist studio, short term rental spaces, improvements to parking and infrastructure. The developer has requested a six (6) month extension to the original project timeline due to unavoidable supply chain delays impacting the fire

sprinkler system. The new completion date will be February 28, 2026. She stated there are no financial implications related to this time extension. This project has been funded through multiple sources, including CDBG, Historic Tax Credits, Industrial Revenue Bonds and RHID. Staff recommend authorizing the Mayor to sign the time extension request for the Gazette Building Development, LLC.

Commissioner Curtis made a motion authorizing the Mayor to sign documents related to the six-month extension request for the Gazette Building Development, LLC CDBG project establishing a new completion date of February 28, 2026. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Harter, aye.

ENGINEERING
(Kansas Department of Transportation)
(2028 CCLIP-SP - US 50 Hwy from Prairie St. to Neosho St.)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated an application was submitted to KDOT for the CCLIP-SP funding for portions of US-50 Highway (6th Avenue) from Prairie Street to Neosho Street for KDOT fiscal 2028. He stated the section of US-50 Highway was last resurfaced in 2022. The City will be responsible for 10% of construction and construction engineering costs up to KDOT's share of \$400,000. The City will be responsible for all preliminary engineering, right-of-way, utility costs, non-participating costs and any costs beyond KDOT's \$400,000. He stated the estimated cost of the project is \$975,000 with \$575,000 as the City's share. Funding will be the Multi-Year Fund and County Wide Sales Tax Revenue. Staff recommend approving the KDOT awarded CCLIP-SP project and authorizing the Mayor to sign.

Commissioner Curtis made a motion to approve the KDOT award of CCLIP-SP project and authorize the Mayor to sign KDOT Form 1302. 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 July 2025 for the community:

1. Monthly Local Retail Sales Tax Receipts Update

	2024	2025	
	\$ 556,223.25	\$ 618,246.09	Increase of \$62,022.84 for the month, and
YTD	\$ 3,715,822.34	\$3,856,565.69	Overall increase of 3.65% from year 2024.

2. City Share from County Tax

	2024	2025	
	\$ 283,605.37	\$ 318,422.85	Increase of \$34,817.48 for the month, and
YTD	\$1,896,393.17	\$2,013,393.98	Overall increase of 5.81% from year 2024.

Building Permits issued from 7/1/2025 to 7/31/2025 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	53
Total of valuations associated with those building permits:	\$ 976,344.63
Total number of dollars collected for Building Permit Fees:	\$ 7,281.00
Construct – Single-family dwellings	0
Demo – Single-family dwellings	1
Flint Hills Mall CID for July 2025	\$ 33,128.03
YTD	\$ 123,811.95
Pavilions CID for July 2025	\$ 14,931.94
CID #2	\$ 14,931.94
YTD	\$ 226,720.46
Fairview Hotel CID for July 2025	\$ 8,347.92
YTD	\$ 49,462.65
West Plaza CID for July 2025	\$ 8,224.34
YTD	\$ 56,558.08

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on August 6, 2025.

The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, 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 SEPTEMBER 3, 2025, MEETING.

- Proclamation Recognizing Naming Welcoming Week in Emporia.
 - Proclamation Recognizing National Adult Education and Family Literacy Week.
 - Proclamation Recognizing September as National Hispanic Heritage Month.
 - Proclamation Recognizing September as Library Card Sign-Up Month.
 - Award Overlander Road Improvements.
 - Municipal Court Judge Appointment.
 - Resolution for Hazardous Mitigation Plan.
 - Ordinance to Amend Joint Emporia/Lyon Co. Joint Traffic Safety Committee.
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- **Study Session:**
 - Final Budget Discussion.

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 Smith made a motion to recess into Executive Session for 30 minutes inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for the executive session is provided by 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 11:44 a.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 11:44 a.m., this same date, in the City Commission Meeting Room, Mayor Harter made a motion to continue the executive session discussion for the reason stated previously with all the same pertinent city staff and resuming the open meeting in the City Commission Meeting Room at approximately 11:56 a.m. Commissioner Curtis seconded the motion. The vote follows: Mayor Harter, aye; Commissioner Curtis, aye; and Commissioner Smith, aye. Commissioner Brinkman was not present at the time of the vote.

Upon reconvening the meeting in Regular Session, at 11:56 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.

Mayor Harter made a motion to recess the meeting until 12:09 p.m. to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Mayor Harter aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Commissioner Smith, aye.

The following items were discussed at the Study Session:

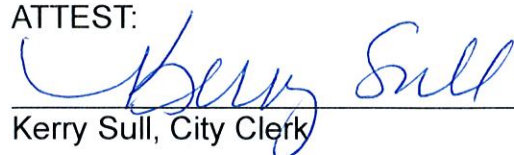
1. Budget Discussion.

Commissioner Smith then made a motion to adjourn to the Special Meeting of the Governing Body on August 27, 2025 beginning at 11:00 a.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.



Erren Harter, Mayor

ATTEST:


Kerry Sull, City Clerk

