

Commission Meeting**11:00 a.m.****September 3, 2025**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 3, 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.

Lelan Dains, Executive Director of Emporia Spanish Speakers of Emporia was in attendance to accept a proclamation declaring September 12 through 21, 2025, as "Welcoming Week" in Emporia for the 3rd year. There is also an official certification from Welcome America. This is validation of actual services that are being administered within our community consisting with a number of community partners. They are entrepreneurship classes, educational training, computer literacy classes, start a business, start a program and more. He stated the proclamation and the certification are validation for the work that is going on in the community. He stated Emporia is home to people of all backgrounds, including those who were not born here but now call it home. Emporia's success depends on making all Emporians feel welcome. New residents are a vital part of our community, along with long-time residents, bringing ideas, starting businesses, serving in civic roles, working in industries and contributing to the vibrant diversity we value. Our community must strive to create a culture and policies to ensure everyone can thrive. He stated it was time to come together and build communities where every resident has the opportunity to thrive and contribute. He called on our residents to reach across lines of difference. He also called on business leaders, civic groups, government agencies, and community institutions to undertake their own initiatives beyond Welcoming Week to make the region a more welcoming place for new and long-term residents alike.

Mayor Harter then presented the proclamation.

Mike Torres, President Hispanics of Today and Tomorrow, was in attendance to accept a proclamation declaring September 15 through October 15, 2025, as "Hispanic

Heritage Month" in Emporia. He stated Hispanic Heritage Month is a celebration that honors the large variety of cultures, languages, traditions and contributions of our Hispanic community from the United States, Spain, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, Ecuador, Peru, Bolivia, Paraguay, Chile, Argentina, Uruguay, Cuba, Puerto Rico, and the Dominican Republic; Equatorial Guinea. The Hispanic community has made a significant impact to help shape our nation's history, economy, culture and society. Contributions to the arts, sciences, education, business, media, defense, politics, and civil rights recognized in our shared history. Emporia's Hispanic community reflects a third of our total population. He stated the local Hispanic community has contributed to the growth and commitment to improving the community since as early as 1905. He encouraged all citizens to learn, celebrate and honor the history, achievements, and contributions of Hispanics throughout our shared history.

Mayor Harter then presented the proclamation.

Representatives from the Flint Hills Technical College Adult Education Center, were in attendance to accept a proclamation declaring the week of September 14 through 20, 2025 as "National Adult Education and Family Literacy Week" in Emporia. They stated education is essential for personal opportunity and community growth. Flint Hills Technical College provides learners with technical and general education skills for careers, lifelong learning, and enriched lives. Adult education students in Emporia show determination and resilience and the faculty and staff at Flint Hills Technical College make a lasting impact on our city. They encouraged all residents to recognize and support the vital role of Flint Hills Technical College and its Adult Education Center in building a stronger community.

Mayor Harter then presented the proclamation.

Pauline Stacchini, Director of the Emporia Public Library, was in attendance to accept a proclamation declaring the month of September 2025 as "Library Card Sign-up Month" in Emporia. She stated libraries are foundational to education, imagination, and opportunity, from early literacy programs to digital tools that support lifelong learning.

Libraries help individuals navigate life's challenges by providing trusted information, digital access, job search support and connections to essential services. She stated in times of both crisis and calm, libraries and their staff remain steadfast in supporting and strengthening their communities. A Library card opens doors to endless possibilities, from books and technology to lifelong learning and imagination. She encouraged all residents to sign up for a library card and explore the endless possibilities it offers.

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.

**ENGINEERING
(Overlander Road Paving Improvements)
(Project No. PV2304 – KDOT Project No. 56 KA-7312-01)
(Bids)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated Overlander Road paving improvements from W. 6th Avenue to US-50 Highway will convert the rural 2 lane road with open ditches to a 3 lane, with center turn lane, roadway with storm sewer and curb and gutter. The improvements will replace the 95-year-old road that was constructed in 1930's that has load limit issues for truck traffic. This proposed project will also replace the RCB bridge at W. 6th Avenue at Overlander Road and the 12" water main that serves Industrial Park II. The bids are as follows:

BID TABULATION FOR OVERLANDER ROAD PAVING IMPROVEMENTS

Bidder Name	Asphalt Bid	Concrete Bid
Killough Construction	\$4,185,565.95	\$4,324,364.47
Davis Construction	\$4,637,059.28	\$4,613,098.18
APAC-KS, Shear Division	\$5,384,645.34	No Bid
Engineer's Estimate	\$3,877,221.95	\$4,260,245.95

Bids were received for asphalt and concrete options while looking at a 25-year life expectancy for maintenance and repairs. An 11" commercial grade asphalt option would likely need a mill and overlay within the 25 years at a cost of \$217,115.58 based on 2025 unit bid prices. The concrete option would be for a 9" NRDJ pavement that would likely need to have the concrete panels re-sealed within the same time period at a cost of \$60,000 based on unit bid prices. He stated the project will be funded with \$2,500,000.00 from KDOT's Economic Development Program; up to \$1,000,000.00 from the City's Federal Fund Exchange; and the remainder from a City bond issue. Based on the bid options, staff recommend awarding the project to Killough Construction for the lower capital expense in the amount of \$4,185,565.95 for the asphalt pavement option, subject to KDOT's approval.

Following further discussion, Commissioner Brinkman made a motion to award the bid to Killough Construction for the lower capital expense in the amount of \$4,324,364.47 for the concrete bid option, subject to KDOT's approval. Commissioner Sauder seconded the bid. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**CITY COMMISSION
(Authorizing Financing for Overlander Road Project Improvements)
(Resolution Number 3771)**

Mark Detter, Deputy City Manager, was recognized and addressed the Governing Body. He stated the Overlander Road project serves several businesses on Overlander Road between W. 6th Avenue and US-50 Highway. The project includes road, sidewalk, storm sewer and water line improvements. The overall project is estimated to be completed with a cost of \$4,774,110.76. Funding for the project is provided by KDOT and FFE funds with the remaining cost of the project from City bond financing. Staff recommend approval of Resolution Number 3771 authorizing financing.

Commissioner Smith made a motion to approve Resolution Number 3771 authorizing the improvement or re-improvement of Overlander Road, a main trafficway within the City of Emporia, Kansas and providing for the payment of the costs thereof.

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
(Application for Moderate Income Housing Grant - \$650,000.00)
(Kansas Housing Resources Corporation)
(Resolution Number 3772)**

Tayler Wash, Assistant City Manager, was recognized and addressed the Governing Body. She stated this grant is offered by the Kansas Housing Resources Corporation for the development of housing for moderate-income occupants. The State defines moderate income as 60% to 150% of HUD's FY 2025 income ranges. The City has utilized this program in the past that produced the construction of six new homes and 24 new apartment units from 2017 through 2020. She stated the proposal for this application includes the redevelopment of an underutilized historic structure on Kansas Avenue. The former school will thoughtfully be designed into 10 residential units. The 14,000 square-foot, two story building will be rehabilitated with a focus on sustainability, high-performance insulation, energy-efficient windows and initiatives for reducing energy consumption and utility costs. She stated the City intends to collaborate with the developer to identify additional funding sources to support the success of the project, included but not limited to RHID and IRB, if the grant is awarded. The applicant does not request any funding directly from the City. Staff recommend approval of Resolution Number 3772 authorizing the City to apply for a \$650,000.00 Moderate Income Housing Grant.

Commissioner Brinkman made a motion to approve Resolution Number 3772 and authorize the Mayor to execute all related documents. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**MUNICIPAL COURT
(Reappointment of Municipal Court Judge)
(Judicial Service Agreement)
(Resolution Number 3770)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated Judge Ted Hollembeak's 4-year term expires on December 31, 2025. Charter Ordinance Number 32 authorizes the Governing Body to reappoint the incumbent Municipal Court Judge for successive four-year terms. Judge Hollembeak was first appointed in 2005 and has served as the City's Municipal Court Judge since that time. Resolution Number 3770 reappoints Judge Hollembeak to a four-year term beginning January 1, 2026, and ending December 31, 2029. The proposed Judicial Agreement states the City will provide furnished office space, annual updated legal materials, and pay for membership in the Kansas Municipal Judge's Association. Judge Hollembeak will maintain his license to practice law in good standing, keep himself duly and properly informed of all laws, statutes and regulations which are necessary for this proper competent, impartial manner, free of bias or prejudice. Annual compensation in 2026 will increase 1.5% to \$67,340 with a 1.5% annual increase each January through the end of the term. Staff recommend approval of Resolution Number 3770 reappointing Municipal Court Judge and Judicial Service Agreement.

Commissioner Curtis made a motion to approve Resolution Number 3770 reappointing Municipal Court Judge and authorize the Mayor to sign the Judicial Service 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.

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 August 20, 2025.
- b. Minutes of the Special Meeting held on August 27, 2025.
- c. Voluntary Community Investment Agreement.

The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, 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 SEPTEMBER 17, 2025, MEETING.

- Public Hearing and Resolution for Adoption of Revenue Neutral Rate.
- Public Hearing for 2026 Budget.
- Adopt the 2026 Budget.
- Ordinance for Annual Appropriations.
- Resolution for Hazardous Mitigation Plan.
- **Study Session:**
 - Discuss Increase in Building Permit Fees.
 - Discuss Adoption of 2021 IRC/IBC, IEBC and Uniform Swimming Pool.
 - Discuss Adoption of 2021 IPMC Codes.

CITY COMMISSION (Governing Body Comment)

This is the time for the Mayor and City Commissioners to make comments and reports to the public. No comments were made at this time.

EXECUTIVE SESSION

Commissioner Sauder a motion to recess into Executive Session for 20 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 this room at approximately 11:54 a.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 11:54 a.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.

Commissioner Smith a motion to recess the meeting at 12:10 p.m. at 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. Final Budget Overview Discussion.

OFF THE AGENDA ITEM:

**White Park Art Installation
Donation and Maintenance Agreement**

Tayler Wash, Assistant City Manager, stated as discussed in a previous study session, the Gazette Building Development has partnered with the Emporia Community Arts Alliance (ECAA) for enhancing White Memorial Park with a permanent public art exhibit. The project will consist of ten concrete pillars of varying heights with integrated up-lighting, designed by local artist Kate Pepper and installed by Mitchell-Markowitz Construction. The developers have received approval from the White Family to ensure the project honors the site's history and supports downtown revitalization efforts. She stated the Donation and Maintenance Agreement defines the following:

City of Emporia will take ownership of the artwork after installation, retain approval authority for placement and permitting, however, assumes no obligation for ongoing maintenance or repair. There are no direct costs to the City of Emporia for installation. The Agreement provides indemnification for the City of Emporia against claims associated with the artwork.

ECAA is responsible for funding, design, construction, and installation of the artwork.

Gazette Building Development LLC, together with ECAA, will be solely responsible for all routine and extraordinary maintenance, repairs, conservation, and liability coverage. Responsible for all expenses related to construction, installations, and insurance.

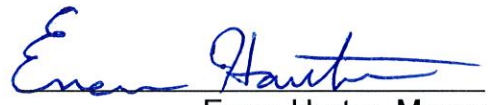
This ensures the City benefits from the addition of a public art asset without assuming long-term costs while strengthening public-private collaboration in downtown community space.

She recommends authorizing the Mayor to sign the White Park Installation Agreement with Emporia Community Arts Alliance and Gazette Building Development LLC for the donation, installation, and maintenance of the permanent public art exhibit in White Memorial Park.

Commissioner Brinkman made a motion to recess the meeting until 12:43 p.m. to review 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.

Following further discussion, Commissioner Smith made a motion to authorize the Mayor to sign the White Park Installation Agreement with Emporia Community Arts Alliance and Gazette Building Development LLC for the donation, installation, and maintenance of the permanent public art exhibit in White Memorial Park. Commissioner Sauder seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

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


Erren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk

