



**CITY COMMISSION
WEDNESDAY, OCTOBER 1, 2025 AT 11:00 AM
CITY COMMISSION CHAMBER**

ORDER OF BUSINESS

CALL MEETING TO ORDER Mayor Erren Harter

MEMBERS PRESENT

Vice-Mayor Becky Smith
Commissioner Susan Brinkman
Commissioner Tyler Curtis
Commissioner Jamie Sauder

PROCLAMATIONS

Proclamation Recognizing October 5-11 as Fire Prevention Week

Accepted by: Stephen Beemer, Fire Marshal, Emporia Fire Department

PUBLIC FORUM

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.

NEW BUSINESS

1) Appoint Member to the Natural Resources Advisory Board

Presented by: Becky Smith, Vice Mayor, and Jamie Sauder, Commissioner

Recommended Action: Approve the appointment of Joyce French to the Natural Resources Advisory Board

2) Ordinance No. 25-27 for Adoption of 2021 International Building Code, International Residential Code, International Existing Building Code, and Uniform Swimming Pool, Spa and Hot Tub Code

Presented by: Kory Krause, Director of Building & Neighborhood Development

Recommended Action: Approve Ordinance 25-27 adopting the 2021 International Building Code, International Residential Code, International Existing Building Code, and the Uniform Swimming Pool, Spa and Hot Tub Code through the Building and Construction Regulations

3) Ordinance 25-26 Amending the Joint Traffic Safety Committee

Presented by: Christina Montgomery, City Attorney

Recommended Action: Approve Ordinance 25-26 Amending the Joint Traffic Safety Committee

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Commission Meeting Minutes for September 17, 2025
- 2) 2025 Street Rehabilitation Change Order

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Informational Items

GOVERNING BODY COMMENTS

Mayor Erren Harter

Vice-Mayor Becky Smith

Commissioner Susan Brinkman

Commissioner Tyler Curtis

Commissioner Jamie Sauder

EXECUTIVE SESSION

- 1) 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 __:____ a.m./p.m.

RECESS

Recess to Conference Room 1AB for Study Session

STUDY SESSION AGENDA ITEMS

- 1) Carnegie Library
- 2) Mowing Orders and Procedure

ADJOURNMENT



PROCLAMATION

WHEREAS, the City of Emporia is committed to ensuring the safety and security of all those living in Emporia and visiting; and

WHEREAS, fire remains a serious public safety concern both locally and nationally, and the presence of lithium-ion batteries in many household devices introduces unique fire risks; and

WHEREAS, most of the electronics used in homes daily — including smartphones, tablets, laptops, power tools, e-bikes, e-scooters, and toys — are powered by lithium-ion batteries, which, if misused, damaged, or improperly charged, can overheat, start a fire, or explode; and

WHEREAS, the National Fire Protection Association® (NFPA®) reports an increase in battery-related fires, underscoring the need for public education on the safe use of lithium-ion batteries; and

WHEREAS, residents should follow three key calls to action: Buy only listed products, charge batteries safely, and recycle them responsibly to prevent battery-related fires; and

WHEREAS, lithium-ion batteries store a large amount of energy in a small space, and improper use, such as overcharging, using off-brand chargers without safety certification, or exposing batteries to damage, can result in fire or explosion; and

WHEREAS, the proper disposal and recycling of lithium-ion batteries help prevent environmental hazards and reduce fire risks in the home and community; and

WHEREAS, Emporia first responders are dedicated to reducing the occurrence of fires through prevention, safety education, and community outreach; and

WHEREAS, the 2025 Fire Prevention Week theme, “Charge into Fire Safety: Lithium-Ion Batteries in Your Home,” serves to remind us of the importance of using, charging, and recycling lithium-ion batteries safely to reduce the risk of fires in homes and communities.

NOW, THEREFORE, I, Erren Harter, Mayor for the City of Emporia, do hereby proclaim October 5–11, 2025, as

Fire Prevention Week

throughout Emporia, and urge all residents to take steps to use lithium batteries safely in their homes

On this 1st Day of October 2025

ATTEST:

Erren Harter, Mayor

Kerry Sull, City Clerk



Commission Action Report

Appoint Member to Natural Resources Advisory Board

Title: Appoint Member to the Natural Resources Advisory Board

Agenda Date: October 1, 2025

Presented By: Becky Smith, Vice-Mayor & Jamie Sauder, Commissioner

Background:

The Natural Resources Advisory Board requests that the City Commission fill board openings with qualified candidates.

Discussion:

Applications were received, and interviews were conducted by Vice-Mayor Becky Smith and Commissioner Jamie Sauder.

Interviewing Commissioners recommend the appointment of Joyce French to fill an unexpired term ending 12/31/2026.

Recommended action:

Approve the appointment of Joyce French to the Natural Resources Advisory Board.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Friday, August 22, 2025 5:21 PM
To: Sue Bryson <sbryson@emporiaks.gov>; Emporia Info <emporiainfo@emporiaks.gov>
Subject: Online Form Submittal: Board Application Form

Board Application Form

Select Board, Commission, or Committee to apply. Natural Resources Advisory Board

Personal Information

First Name	JOYCE
Last Name	FRENCH
Address1	1820 Canterbury Rd
Address2	Field not completed.
City	Emporia
State	KS
Zip	66801
Home Phone Number	620 343 6750
Business Address	702 INDUSTRIAL RD
Business Phone Number	620 208 7676
Occupation	vp
Email Address	JOYCEFRE@HOTMAIL.COM

Residency Information

Length of Residency in Emporia	50+
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Are you a registered voter	Yes
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Education and Hobbies

High School	EHS
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College	Stephens College College, and ESU
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Trade or Business School	<i>Field not completed.</i>
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Hobbies	reading, bridge, gardening, cooking,
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Organization Membership Information

Are you currently serving on other Boards, Commissions, or Committees?	No
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If yes, which	ESU Foundation Trustee, no City Boards, LWV, Committee at First United Methodist Church
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Have you served on a Board, Commission, or Committee before?	No
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If yes, which	never any City Commission or city of county offices
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Please, list organization memberships and positions held.	ESU Foundation Trustee, no City Boards, LWV, Committee at First United Methodist Church, Emporia Chamber of Commerce, Main Street, Ks LP Gas Association. Fuel True.
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Please, list areas of special interest.	Resources, promotion, and making Emporia be the best place it can be.
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Please, enter basic resume information below.	Business owner for decades, involved in the community, actively involved in civic and business organizations for many years.
---	--

Please, enter why you would like to be a member of this board or commission.	i feel that the resources of Emporia are basic to the town's future. Water, utilities and infrastructure are very important, and instrumental to our future
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Email not displaying correctly? [View it in your browser.](#)



Commission Action Report

Ordinance No. 25-27 for Adoption of 2021 International Building Code, International Residential Code, International Existing Building Code, and Uniform Swimming Pool, Spa, and Hot Tub Code

Title: Ordinance No. 25-27 for Adoption of 2021 International Building Code, International Residential Code, International Existing Building Code, and Uniform Swimming Pool, Spa and Hot Tub Code

Agenda Date: October 1, 2025

Presented By: Kory Krause/Director of Building and Neighborhood Development

Background:

As per our conversation at the September 17th study session, it was decided that we would bring forward the adoption of the 2021 International Building Code, International Residential Code, International Existing Building Code, and the Uniform Swimming Pool, Spa and Hot Tub Code.

Discussion:

Discussion 2021 International Building Code, International Residential Code, International Existing Building Code, and the Uniform Swimming Pool, Spa and Hot Tub Code for adoption.

During a 6-month period, the building department and several building contractors met every week and discussed significant changes that had occurred during code updates from 2015 through 2021. Changes in building and trades codes basically deal with changes in definitions, new products, technologies, and installation that will improve the safety and health of everybody. These code changes are for life and safety concerns, which the contractors are already aware of and are using at this current time.

The Building Trades Board voted unanimously to move forward and adopt the 2021 Uniform Swimming Pool, Spa and Hot Tub Code, due to never having a code to reference on swimming pools, and also to move forward and adopt the 2021 International Existing Building Code, as the current pieced-together existing building code does not effectively work as a stand-alone code. The commission should move forward in adopting all 2021 code adoption platforms as listed above to take effect February 1, 2026, and not affect current projects.

Financial considerations:

Publication in the Emporia Gazette.

Recommended action:

Approve Ordinance 25-27 adopting the 2021 International Building Code, International Residential Code, International Existing Building Code, and the Uniform Swimming Pool, Spa and Hot Tub Code through the Building and Construction Regulations.

Attachments:

Ordinance 25-27

ORDINANCE NO. 25-27

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE THE *BUILDING AND CONSTRUCTION REGULATIONS*, 2025 EDITION; THE *INTERNATIONAL RESIDENTIAL CODE*, 2021 EDITION; THE *INTERNATIONAL BUILDING CODE*, 2021 EDITION THE *NATIONAL ELECTRICAL CODE*, 2020 EDITION, THE *UNIFORM MECHANICAL CODE*, 2021 EDITION; THE *UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE*, 2021 EDITION; THE *INTERNATIONAL EXISTING BUILDING CODE*, 2021 EDITION; AND AMENDING SECTION 8-3 OF THE CODE OF THE CITY OF EMPORIA, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas, that the following be passed and adopted:

Section 1. That Section 8-3 of the Code of the City of Emporia, Kansas is hereby amended to read as follows:

“Sec. 8-3. Adoption of Building and Construction Regulations and Codes:

- (a) **Building and Construction Regulations.** There is hereby incorporated by reference, for the purpose of regulating construction activities within the city, that certain code entitled *Building and Construction Regulations*, 2025 edition, prepared and published in book form by the building inspection department of the building and neighborhood development department of the city of Emporia, Kansas.
- (b) **International Residential Code.** There is hereby incorporated by reference, for the purpose of regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Emporia; providing for the issuance of permits and collection of fees therefor, that certain code entitled *International Residential Code*, 2021 edition, sponsored and published by International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, IL 60478, save and except for such sections, parts or portions as are omitted, deleted, modified, or changed as specified in Article IV of the *Building and Construction Regulations*, 2025 edition.
- (c) **International Building Code.** There is hereby incorporated by reference, for the purpose of regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures in the City of Emporia; providing for the issuance of permits and collection of fees therefor, that certain code entitled *International Building Code*, 2021 edition, sponsored and published by International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, IL 60478, save and except for such sections, parts or portions as are omitted, deleted, modified, or changed as specified in Article V of the *Building and Construction Regulations*, 2025 edition.
- (d) **National Electrical Code.** There is hereby incorporated by reference, for the purpose of practical safeguarding of persons and property from hazards arising from the use of electricity,

provisions that are considered necessary for safety, compliance therewith and proper maintenance result in an installation that is essentially free from hazard but not necessarily efficient, convenient, or adequate for good service or future expansion of electrical use, that certain code entitled *National Electrical Code*, 2020 edition, sponsored and published by National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471, save and except for such sections, parts or portions as are omitted, deleted, modified, or changed as specified in Article VI of the *Building and Construction Regulations*, 2025 edition.

- (e) **Uniform Mechanical Code.** There is hereby incorporated by reference for the purpose of establishing technical standards and rules and regulations controlling the construction, alteration, removal, equipping, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the city, and included within the building and construction regulations, that certain code entitled *Uniform Mechanical Code*, 2021 edition, sponsored and published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2816, save and except for such sections, parts or portions as are omitted, deleted, modified or changed as specified in Article VII of the *Building and Construction Regulations*, 2025 edition.
- (f) **Uniform Plumbing Code.** There is hereby incorporated by reference for the purpose of establishing technical standards and rules and regulations controlling the construction, alteration, removal, equipping, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the city, and included within the building and construction regulations, that certain code entitled *Uniform Plumbing Code*, 2021 edition, sponsored and published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2816, save and except for such sections, parts or portions as are omitted, deleted, modified or changed as specified in Article VIII of the *Building and Construction Regulations*, 2025 edition.
- (g) **Uniform Swimming Pool, Spa and Hot Tub Code.** There is hereby incorporated by reference for the purpose of establishing technical standards and rules and regulations controlling the construction, alteration, removal, equipping, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the city, and included within the building and construction regulations, that certain code entitled *Uniform Swimming Pool, Spa and Hot Tub Code*, 2021 edition, sponsored and published by the International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street, Ontario, CA 91761-2816, save and except for such sections, parts or portions as are omitted, deleted, modified or changed as specified in Article XIII of the *Building and Construction Regulations*, 2025 edition.
- (h) **International Existing Building Code.** There is hereby incorporated by reference, for the purpose of regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Emporia; providing for the issuance of permits and collection of fees therefor, that certain code entitled *International Existing Building Code*, 2021 edition, sponsored and published by International Code Council, Inc., 4051 Flossmoor Road, Country Club Hills, IL 60478, save and except for such sections, parts or portions as are omitted, deleted, modified, or changed as specified in Article XVI of the *Building and Construction Regulations*, 2025 edition.
- (i) Not less than two (2) copies of said incorporated standard ordinances referenced in sections (a) through (f) shall be marked or stamped "Official Copy as incorporated by Section 8-3 of the

Code of the City of Emporia, Kansas”, and to which shall be attached a copy of this section and the same shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with the enforcement of any such ordinance shall be supplied, at the cost of the city, such number of official copies of such building and construction regulations similarly marked, as may be deemed expedient.

(j) It is unlawful for any person to violate any of the provisions of this ordinance.

(Ord. 89-9, § 1, 4-5-1989; Ord. 00-22, § 1, 4-20-2000; Ord. 01-09, § 1, 4-4-2001; Ord. 09-33, §§ 1, 3, 12-2-2009 1 ; Ord. 15-34, 12-16-2021; Ord. 18-06, § 1, 2-21-2018; Ord. 19-24, § 1, 10-16-2019; Ord. 23-34, § 1, 11-1-2023; Ord. 25-27, § 1, 10-1-25)”

Section 2. That Section 8-3 of the Code of the City of Emporia, Kansas, as it existed prior to the adoption of this ordinance, is hereby repealed.

Section 3. This ordinance shall take effect February 1, 2026.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Emporia, KS, as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 1st day of October 2025.

Erren Harter, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Ordinance 25-26 Amending the Joint Traffic Safety Committee

Title: Ordinance 25-26 Amending the Joint Traffic Safety Committee

Agenda Date: October 1, 2025

Presented By: Christina Montgomery, City Attorney

Background:

In 2017, the City and Lyon County jointly adopted City Ordinance No. 17-04 and County Resolution 9-17, which expanded the City Traffic Safety Committee into a Joint Traffic Safety Committee with representation from both the City and Lyon County.

The Joint Committee reviews traffic and parking matters and makes recommendations to the governing bodies of the City of Emporia and Lyon County. Committee membership currently includes professional staff and civilian representatives with technical expertise.

Discussion:

Ordinance 25-26 is a joint enactment of the City of Emporia and Lyon County adding new members and updating the operations of the Committee to reflect current practices. Changes include the following:

- Expands the membership of the Committee to include two resident representatives, one appointed by each governing body, to serve 3-year terms.
- Updates provisions related to meeting frequency, quorum requirements, and referral of items.
- Updates the procedure for review by the Committee and recommendation to the appropriate governing body for final decision.
- Revises outdated language to improve clarity and align with current organizational structure.

This joint enactment is scheduled to go before the Board of County Commissioners on October 2.

Financial Considerations:

The City will pay the cost of publication in the official city newspaper after approval by both governing bodies.

Attachments:

Ordinance 25-26 Amending the Joint Traffic Safety Committee

Ordinance 17-04 Establishing the Joint Traffic Safety Committee

JOINT ENACTMENT

CITY OF EMPORIA ORDINANCE NO. 25-26

LYON COUNTY COMMISSION RESOLUTION NO. _____

**A JOINT ENACTMENT OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, AND THE
BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS, AMENDING THE
EMPORIA/LYON COUNTY JOINT TRAFFIC SAFETY COMMITTEE.**

WHEREAS, the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas, previously adopted City Ordinance 17-04 and County Resolution 9-17, establishing the Joint Traffic Safety Committee by Joint Enactment; and

WHEREAS, the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas, find it beneficial to make certain updates to the Joint Traffic Safety Committee;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lyon County, Kansas, that Lyon County Resolution 9-17 is hereby repealed and replaced with the following.

Section 1 – Establishment, Membership, and Meetings. Joint Traffic Safety Committee; Membership and Operations.

- (a) There is hereby established the Emporia/Lyon County Joint Traffic Safety Committee for the purpose of reviewing and making recommendations on traffic and parking matters within the City of Emporia and Lyon County.
- (b) The Committee shall consist of eleven (11) members.

The City shall appoint six (6) members: the City Manager or designee (who shall serve as the Chair), the Fire Chief or designee, the Police Chief or designee, the Public Works Director or designee, the City Engineer or designee, and one (1) resident representative.

The County shall appoint five (5) members: one (1) from the Lyon County Highway Department, one (1) from the Lyon County Sheriff's Department, two (2) civilian members with technical experience, and one (1) resident representative.

- (c) Resident representatives shall be appointed to three-year terms and may be reappointed. Vacancies occurring before the expiration of a term shall be filled for the unexpired term.
- (d) The Committee shall meet as needed at the call of the Chair or upon request by the City or County.
- (e) A majority of members shall constitute a quorum. Any action of the Committee shall require a majority vote of the members present."

Section 2 – Submission and Referral Procedures. Submission and Referral of Traffic and Parking Matters.

- (a) Any person may submit a written request to the City of Emporia or Lyon County for consideration of a traffic or parking matter. Upon receipt, City or County staff shall review the request and determine whether the matter is appropriate for referral to the Joint Traffic

Safety Committee. If the matter is referred to the Committee, the requestor shall be notified of the date and time of the meeting at which the matter will be considered.

- (b) The City of Emporia or Lyon County may, on its own initiative, refer a traffic or parking matter to the Committee for consideration.
- (c) All referred or initiated items shall be forwarded to the Chair of the Committee. The Chair shall place the item on the agenda for a future meeting and provide notice of the meeting date and time to the applicant, if applicable.
- (d) After consideration of the item at a meeting, the Committee shall make a written recommendation to the appropriate governing body for final determination. The recommendation shall summarize the basis for the Committee's conclusion. Final action shall be taken only by the appropriate governing body."

Section 3 – Procedure and Optional Public Hearing. Procedure; Public Hearing Discretion.

- (a) The Committee shall consider traffic and parking matters at a scheduled meeting and may, at its discretion, hold a public hearing if it determines that public input would be beneficial due to the nature, scope, or potential impact of the proposal.
- (b) If a public hearing is scheduled, notice shall be provided by regular mail at least fifteen (15) days in advance to the applicant and all property owners within one (1) block of the subject location.
- (c) Following consideration at a regular meeting or after a public hearing the Committee shall forward its recommendation in writing to the appropriate governing body for final determination."

Section 4 – Effective Date. This Joint Enactment shall become effective upon its adoption by the Board of County Commissioners of Lyon County, Kansas, and upon the adoption and publication of the same by the Governing Body of the City of Emporia, Kansas.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Emporia, Kansas as follows:

Section 1 – Establishment, Membership, and Meetings. That City Code Section 25-95 is hereby amended, as follows:

"Joint Traffic Safety Committee; Membership and Operations.

- (a) There is hereby established the Emporia/Lyon County Joint Traffic Safety Committee for the purpose of reviewing and making recommendations on traffic and parking matters within the City of Emporia and Lyon County.
- (b) The Committee shall consist of eleven (11) members.
The City shall appoint six (6) members: the City Manager or designee (who shall serve as the Chair), the Fire Chief or designee, the Police Chief or designee, the Public Works Director or designee, the City Engineer or designee, and one (1) resident representative.

The County shall appoint five (5) members: one (1) from the Lyon County Highway Department, one (1) from the Lyon County Sheriff's Department, two (2) civilian members with technical experience, and one (1) resident representative.

- (c) Resident representatives shall be appointed to three-year terms and may be reappointed. Vacancies occurring before the expiration of a term shall be filled for the unexpired term.
- (d) The Committee shall meet as needed at the call of the Chair or upon request by the City or County.
- (e) A majority of members shall constitute a quorum. Any action of the Committee shall require a majority vote of the members present.

(Ord. 87-12, § 1, 5-20-1987; Ord. 10-03, § 1, 2-3-2010; Ord. 17-04, § 1, 2-1-2017; Ord. 25-26, §1, 10-1-25)"

Section 2 – Repeal of Prior Authority Provision. That City Code Section 25-96 is hereby repealed.

Section 3 – Submission and Referral Procedures. City Code Section 25-97 is hereby amended, as follows:

"Submission and Referral of Traffic and Parking Matters.

- (a) Any person may submit a written request to the City of Emporia or Lyon County for consideration of a traffic or parking matter. Upon receipt, City or County staff shall review the request and determine whether the matter is appropriate for referral to the Joint Traffic Safety Committee. If the matter is referred to the Committee, the requestor shall be notified of the date and time of the meeting at which the matter will be considered.
- (b) The City of Emporia or Lyon County may, on its own initiative, refer a traffic or parking matter to the Committee for consideration.
- (c) All referred or initiated items shall be forwarded to the Chair of the Committee. The Chair shall place the item on the agenda for a future meeting and provide notice of the meeting date and time to the applicant, if applicable.
- (d) After consideration of the item at a meeting, the Committee shall make a written recommendation to the appropriate governing body for final determination. The recommendation shall summarize the basis for the Committee's conclusion. Final action shall be taken only by the appropriate governing body.

(Ord. 87-12, § 1, 5-20-1987; Ord. 17-04, § 3, 2-1-2017; Ord. 25-26, §1, 10-1-25)"

Section 4 – Procedure and Optional Public Hearing. City Code Section 25-98 is hereby amended, as follows:

"Procedure; Public Hearing Discretion.

- (a) The Committee shall consider traffic and parking matters at a scheduled meeting and may, at its discretion, hold a public hearing if it determines that public input would be beneficial due to the nature, scope, or potential impact of the proposal.

- (b) If a public hearing is scheduled, notice shall be provided by regular mail at least fifteen (15) days in advance to the applicant and all property owners within one (1) block of the subject location.
- (c) Following consideration at a regular meeting or after a public hearing the Committee shall forward its recommendation in writing to the appropriate governing body for final determination.

(Ord. 87-12, § 1, 5-20-1987; Ord. 10-03, § 2, 2-3-2010; Ord. 17-04, § 4, 2-1-2017; Ord. 25-26, §1, 10-1-25)”

Section 5 – Repeal of Superseded Sections. City Code Sections 25-99 and 25-100 are hereby repealed.

Section 6 – Incorporation Into City Code. The provisions of this ordinance shall be included and incorporated into the Code of Ordinances of the City of Emporia, Kansas.

Section 7 – Effective Date. This Joint Enactment shall become effective upon its adoption by the Board of County Commissioners of Lyon County, Kansas, and upon the adoption and publication of the same by the Governing Body of the City of Emporia, Kansas.

APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, this 1st day of October 2025.

Erren Harter, Mayor
City of Emporia

Attest:

Kerry Sull, City Clerk

APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS, this ____ day of October 2025.

Ken Duft, Chair
Board of Lyon County Commissioners

Attest:

Amie Jackson Jones, County Clerk

JOINT ENACTMENT

CITY OF EMPORIA ORDINANCE NO. 17-04

LYON COUNTY COMMISSION RESOLUTION NO. 9-17

A JOINT ENACTMENT OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, AND THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS ESTABLISHING THE EMPORIA/LYON COUNTY JOINT TRAFFIC SAFETY COMMITTEE.

WHEREAS, the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas desire to promote and develop traffic safety within the City and the County; and

WHEREAS, the Governing Body of the City of Emporia previously adopted Ordinance No. 17-04, codified under Emporia City Code Chapter 25, Article V, establishing the City Traffic Safety Committee

WHEREAS, the Board of County Commissioners of Lyon County desires to collaborate with the City of Emporia in the promotion and development of traffic safety within the City and County; and

WHEREAS, the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas recognize the need for a Joint Traffic Safety Committee;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas as follows:

Section 1. THAT City Ordinance No. 25-95 is hereby amended, and such language is adopted as Lyon County Resolution 9-17 as follows:

THAT the City of Emporia and the County of Lyon do hereby create the Emporia/Lyon County Joint Traffic Safety Committee for the purpose of establishing and regulating placement, removal, or adjustments in routine traffic and parking matters. The committee shall also be available to provide review and recommendation to the governing bodies on traffic matters of a non-routine nature.

The Emporia/Lyon County Joint Traffic Safety Committee will consist of nine (9) members including members of both the City of Emporia and Lyon County and citizens with technical experience in civil engineering, community planning or traffic engineering. The City shall appoint five (5) members which shall consist of the City Manager, who shall serve as Chair, Fire Chief, Police Chief, Public Works Director and City Engineer, or their designees. The County shall appoint four (4) members which shall consist of one (1) from the Lyon County Highway Department or designee; one (1) from the Lyon County Sheriff's Department or designee; and two (2) civilian members with technical experience in civil engineering, community planning or traffic engineering.

The committee shall establish a regular meeting time at least monthly and a majority of the committee must be present to constitute an official meeting and to conduct business. Any action shall be by a majority vote of the entire committee.

There is currently in existence a Traffic Safety Committee with members serving on the present committee, and the members thereof shall continue in their position until they resign. The duties of this committee shall not be amended. They shall continue with their regular meetings and a majority of the committee must be present to constitute an official meeting and to conduct business. Any action shall be by a majority vote of the entire committee.

Section 2. THAT City Ordinance No. 25-96 is hereby amended, and such language is adopted as Lyon County Resolution 9-17 as follows:

(a) The Emporia/Lyon County Joint Traffic Safety Committee shall have authority to consider and establish routine traffic and parking regulations. Routine traffic and parking regulations shall be deemed to consist of:

1. The removal of placement of warning, informational and regulatory signs.
2. The designation of school crossing zones and crosswalks.
3. Signalization sequence of existing traffic control signs.
4. Designation, establishment of adjustment of speed limitations.
5. The designation of timed parking.
6. Designation of emergency traffic routes.

(b) Any item of a traffic or parking nature not meeting the definition of "routine" as established in this section shall be deemed a non-routine traffic or parking item and shall be considered in accordance with section 25-97 of this chapter.

Section 3. THAT City Ordinance No. 25-97 is hereby amended, and such language is adopted as Lyon County Resolution 7-17 as follows:

Traffic and parking matters of a non-routine nature shall be referred upon the discretion of the governing body of either Lyon County or the City of Emporia to the consideration of the Emporia/Lyon County Joint Traffic Safety Committee for consideration and recommendation to the respective governing body. All such recommendations to the governing body shall be in writing and shall contain the basis for the conclusions reached by the Emporia/Lyon County Joint Traffic Safety Committee. Final action on such matters shall be taken only by the governing body.

Section 4. THAT City Ordinance No. 25-98 is hereby amended, and such language is adopted as Lyon County Resolution 9-17 as follows:

The Emporia/Lyon County Joint Traffic Safety Committee shall consider any request for the placement, removal or adjustment of a routine traffic or parking matter made to the city or may institute consideration of such routine matters upon their own motion. All such requests shall be forwarded to the chair of the committee, who shall place consideration of the request on the agenda of the next scheduled meeting of the committee. Applicants shall be notified of the date of the committee meeting. If the committee determines an application has merit, it shall forward a recommendation to the governing body of either Lyon County or the City of Emporia.

The governing body shall consider the recommendation at a regularly scheduled study session. If the governing body determines that the application has merit, it shall return the application to the Emporia/Lyon County Joint Traffic Safety Committee for a public hearing.

The Emporia/Lyon County Joint Traffic Safety Committee shall hold the public hearing at their next regularly scheduled meeting more than thirty (30) days following the determination of the governing body that the application has merit. Notice of the date, time and location of the public hearing shall be published not less than fifteen (15) days nor more than thirty (30) days before the date of the public hearing in the official city newspaper.

The applicant shall be notified by regular mail not less than fifteen (15) days before the date of the hearing. All property owners within one block of the application site, or other distance as the chair considers appropriate, shall be notified by regular mail not less than fifteen (15) days before the date of the hearing. The applicant and all interested parties shall be permitted to testify at the public hearing, subject to the rules set forth by the chair.

Following the close of the public hearing, the committee shall make a final determination regarding routine applications as described in this article. The committee shall make a recommendation to the appropriate governing body for all non-routine applications as described in this article. The decision of the committee for routine applications and the governing body for non-routine applications shall be final.

Section 5. THAT City Ordinance No. 25-99 is hereby amended, and such language is adopted as Lyon County Resolution 9-17 as follows:

A decision of a routine application by the Emporia/Lyon County Joint Traffic Safety Committee may be appealed to the appropriate governing body of either Lyon County or the City of Emporia by a person making the request or anyone aggrieved by the determination. The appellant shall provide in writing to the chair of the committee the basis for their appeal. The appropriate governing body shall consider the appeal at a regularly scheduled meeting not more than sixty (60) days after the appeal has been filed with the chair of the committee. The governing body shall make a determination whether to approve or deny the appeal not more than thirty (30) days following the close of the appeal hearing. The governing body may also return the appeal to the committee for reconsideration at the committee's next regularly scheduled meeting. The committee shall forward a recommendation to the governing body. The decision of the governing body shall be final. The determination of the committee shall not be implemented pending any action of the governing body.

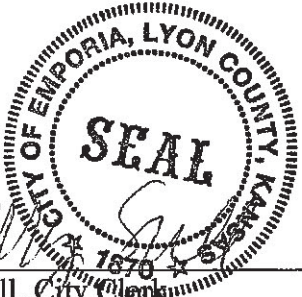
Section 6. THAT City Ordinance No. 25-100 is hereby amended, and such language is adopted as Lyon County Resolution 9-17 as follows:

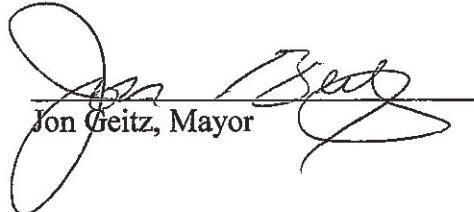
Emergency regulatory and warning signs may be installed as directed by the Emporia/Lyon County Joint Traffic Safety Committee as the committee determines is necessary to promote the public health, safety and welfare. Such signage shall be effective until such time as the committee and governing body has made a final determination on the emergency signage as set forth herein.

Section 7. THAT this Joint Enactment shall become effective upon its adoption by the Governing Body of the City of Emporia and the Board of County Commissioners of Lyon County, Kansas.

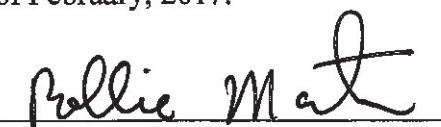
APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, this 23 day of February, 2017.

Attest:

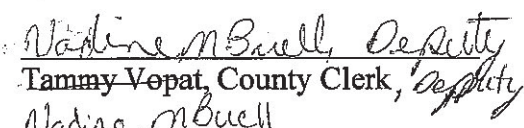

Kerry Sull, City Clerk


Jon Geitz, Mayor

APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS, this 23 day of February, 2017.


Rollie Martin, Chairman

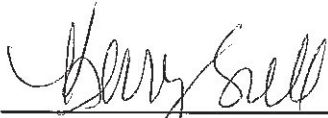
Attest:


Nadine MBuell, Deputy
Tammy Vopat, County Clerk, Deputy
Nadine MBuell



I, Kerry Sull, City Clerk of the City of Emporia, Lyon County, Kansas, do hereby certify that the foregoing is a true and correct copy of Ordinance Number 17-04 passed and approved by the Governing Body at their Regular Meeting held February 1, 2017 and published in the Emporia Gazette on March 15, 2017.

DONE this 31th day of March, 2017, in the City of Emporia, Lyon County, Kansas.



Kerry Sull, City Clerk

(SEAL)



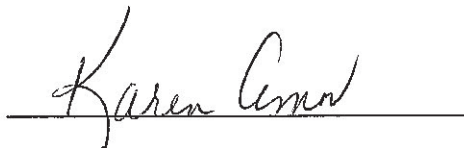
AFFIDAVIT OF PUBLICATION

STATE OF KANSAS, LYON COUNTY, ss:

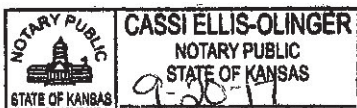
Karen Amos, being first duly sworn, deposes and says: That she is an employee of The Emporia Gazette, a daily newspaper printed in the State of Kansas, and published in and of general circulation in Lyon County, Kansas, with a general paid circulation on a daily basis in Lyon County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a daily published at least 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Emporia in said County as periodical matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for ONE DAY ONLY, the 15th day of March, 2017, with no subsequent publications being made.



Subscribed and sworn to by me this 23rd day of March, 2017.




Notary Public

Printer Fee: \$ 240.64

Date Paid:

Examined and approved this _____ day of _____ 20____

Signed by _____
District Judge

EXHIBIT A

(First published in The Emporia Gazette on March 15, 2017)
JOINT ENACTMENT
CITY OF EMPORIA
ORDINANCE NO. 17-04
LYON COUNTY COMMISSION
RESOLUTION NO. 9-17
A JOINT ENACTMENT OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS, AND THE BOARD OF COUNTY COMMISSIONERS OF LYON COUNTY, KANSAS ESTABLISHING THE EMPORIA/LYON COUNTY JOINT TRAFFIC SAFETY COMMITTEE.
WHEREAS, the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas desire to promote and develop traffic safety within the City and the County; and
WHEREAS, the Governing Body of the City of Emporia previously adopted Ordinance No. 17-04, codified under Emporia City Code Chapter 25, Article V, establishing the City Traffic Safety Committee.
WHEREAS, the Board of County Commissioners of Lyon County desires to collaborate with the City of Emporia in the promotion and development of traffic safety within the City and County; and
WHEREAS, the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas recognize the need for a Joint Traffic Safety Committee;
NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Emporia, Kansas, and the Board of County Commissioners of Lyon County, Kansas as follows:
Section 1. THAT City Ordinance No. 25-95 is hereby amended, and such language is adopted as Lyon County Resolution 9-17 as follows:
THAT the City of Emporia and the County of Lyon do hereby create the Emporia/Lyon County Joint Traffic Safety Committee for the purpose of establishing and regulating placement, removal, or adjustments in routine traffic and parking matters. The committee shall also be available to provide review and recommendation to the governing bodies on traffic matters of a non-routine nature.
The Emporia/Lyon County Joint Traffic Safety Committee will consist of nine (9) members including members of both the City of Emporia and Lyon County and citizens with technical experience in civil engineering, community planning or traffic engineering. The City shall appoint five (5) members which shall consist of the City Manager, who shall serve as Chair, Fire Chief, Police Chief, Public Works Director and City Engineer, or their designees. The County shall appoint four (4) members which shall consist of one (1) from the Lyon County Highway Department or designee; one (1) from the Lyon County Sheriff's Department or designee; and two (2) civilian members with technical experience in civil engineering, community planning or traffic engineering.
The committee shall establish a regular meeting time at least monthly and a majority of the committee must be present to constitute an official meeting and to conduct business. Any action shall be by a majority vote of the entire committee.
There is currently in existence a Traffic Safety Committee with members serving on the present committee, and the members thereof shall continue in their position until they resign. The duties of this committee shall not be amended. Page 2 of 4
with their regular meetings and a majority of the committee must be present to constitute an official meeting and to conduct business.

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 17, 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.

Mickey Edwards, SOS Executive Director and Mary Halleran, Crisis Services Director, were in attendance to accept a proclamation declaring the month of October 2025 as “Domestic Violence Awareness Month” in Emporia. They stated domestic violence is a serious crime that affects people of all races, ages, gender and income levels. Domestic violence is widespread and affects more than four million Americans each year. Domestic violence costs the nation billions of dollars annually in medical expenses, police and court costs, shelters, foster care, sick leave, absenteeism, and non-productivity. They stated Domestic Violence Awareness Month provides an opportunity for citizens to learn more about preventing domestic violence and to show support for the organizations and individuals who provide critical advocacy, services and assistance to victims. They urged the citizens of Emporia to work together to eliminate domestic violence from our community.

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.

**CITY COMMISSION
(2026 Budget Review)
(Exceeding the Revenue Neutral Rate)
(Public Hearing)
(Resolution Number 3773)**

Kansas law, Senate Bill 13 and House Bill 2104; requires every city, county, and school district to hold a public hearing before setting their annual property tax rate above the Revenue Neutral Rate (RNR). The RNR is the property tax rate that would raise the same number of dollars as the previous year, based only on existing properties. It prevents automatic tax increases that come from rising property values. If a governing body wants to collect more dollars than the previous year, by keeping the same mill levy, it must hold a public hearing and adopt a resolution approving the higher rates.

A hearing notice was published in the Emporia Gazette on September 2 and 5, 2025, and posted on the City's website. The current mill levy for the City of Emporia is 46.119. The calculated RNR for 2025 is 43.347. The notice allows the Commission to set the property tax levy at 46.007 mills or lower. If the Commission intends to exceed the RNR they must vote to approve the resolution before officially closing the public hearing. Adoption of the resolution does not finalize the exact mill levy but gives the Commission legal authority to set it above the RNR. If no action is taken before the hearing is closed, the City must remain at or below the RNR. State law ensures that residents can speak without unreasonable restrictions during public hearing.

City Manager Cocking then reviewed the proposed 2026 budget and explained how tax dollars are planned to be spent in the coming year, highlight major prospects and outline financial needs. Staff recommend conducting a public hearing and approve Resolution Number 3773 for the Revenue Neutral Rate.

Mayor Harter then declared the public hearing open.

Becky Morgan, 2500 Montezuma Court, spoke in opposition about property tax increases. She stated budget spending should be held within what is collected and not exceeding the RNR.

Following further discussion, Commissioner Smith made a motion to approve Resolution Number 3773 to levy a property tax rate exceeding the revenue neutral rate. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith,

aye; Commissioner Brinkman, Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

As no one in attendance wished to address the Governing Body, Mayor Harter then closed the public hearing.

**BUDGET
(Approve 2026 Budget)
(Public Hearing)**

Kansas law, K.S.A. 79-2925 through 79-2937, requires every city to adopt an annual budget and the City must hold a public hearing, each year between August 20 and September 20 before the budget can be approved. The City of Emporia published notice of the public hearing in the Emporia Gazette on September 2 and September 5, 2025, and posted on the City's website. State law requires at least 10 days' notice before the hearing. The budget outlines how the City plans to allocate revenues, pay for services, maintain infrastructure and invest in community priorities over the next year. The difference between the budget public hearing and the RNR public hearing is the RNR deals with how much revenue is raised from property taxes, while the budget public hearing deals with how those dollars are spent.

Mayor Harter then declared the public hearing open.

As no one in attendance wished to address the Governing Body, Mayor Harter then closed the public hearing.

**BUDGET
(Adopt 2026 Budget)**

The 2026 budget has been worked on by City staff and the Commission since June. Numerous discussions have been made to prepare the 2026 budget including public discussions, the development of five-year financial projections, and the publication of the proposed budget. By law; a city cannot levy property taxes or spend funds without adopting an annual budget. The adoption comes after the two required public hearings. The proposed budget includes estimated revenues based on a mill levy of 46.007. Adopting the budget does not set the final mill levy. Instead, the budget establishes the total amount of taxes needed to fund the City of Emporia. Adopting the budget ensures

the City has authority to fund core services, move forward with capital projects and remain in legal compliance. Staff recommend adopting the 2026 budget in order for the City to levy property taxes and make expenditures throughout the fiscal year.

Commissioner Smith made a motion to adopt the 2026 budget. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**CITY COMMISSION
(2026 Annual Appropriations)
(Ordinance Number 25-25)**

AN ORDINANCE APPROPRIATING THE AMOUNTS SET UP IN EACH FUND IN THE BUDGET FOR THE CALENDAR YEAR 2026, PROVIDING FOR THE PAYMENT OF ALL CLAIMS AND CHARGES AGAINST THE ACCOUNTS PROVIDED FOR THEREIN, to which the City Clerk assigned Ordinance Number 25-25, was presented to the Governing Body for their consideration.

City Manager Cocking stated the annual appropriation ordinance authorizes city expenditures for purposes approved in the annual budget. He stated the proposed ordinance authorizes the Finance Director, with the consent of the City Manager and City Clerk, to make payments for all claims and charges against the city in the calendar year 2026. City staff are required to follow Kansas State Law and City of Emporia Purchasing Policy requirements. Capital Improvement items over \$25,000 will be brought to the City Commission for approval. Staff recommend approval of Ordinance Number 25-25 annual appropriation.

Commissioner Sauder made a motion to approve Ordinance Number 25-25 Annual Appropriation. Commissioner Curtis seconded the motion.

The Commission thanked the City Manager and staff for one of the best presented, prepared and process-oriented budgets. There was a call for the vote as follows: Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Brinkman, 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 August 2025 for the community:

1. Monthly Local Retail Sales Tax Receipts Update

	2024	2025	Decrease of \$37,744.88 for the month, and Overall increase of 2.36% from year 2024.
	\$ 552,715.55	\$ 514,970.67	
YTD	\$ 4,268,537.89	\$4,371,536.36	

2. City Share from County Tax

	2024	2025	Decrease of \$27,691.93 for the month, and Overall increase of 3.92% from year 2024.
	\$ 292,776.21	\$ 265,084.28	
YTD	\$2,189,169.38	\$2,278,478.26	

Building Permits issued from 8/1/2025 to 8/31/2025 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	64
Total valuations associated with those building permits:	\$11,413,501.09

Total number of dollars collected for Building Permit Fees:	\$ 35,059.50
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Construct – Single-family dwellings	0
Demo – Single-family dwellings	1

Flint Hills Mall CID for July 2025	\$ 17,007.17
YTD	\$ 140,819.12

Pavilions CID for July 2025	\$ 13,802.87
CID #2	\$ 13,802.89
YTD	\$ 254,326.22

Fairview Hotel CID for July 2025	\$ 8,294.00
YTD	\$ 57,756.65

West Plaza CID for July 2025	\$ 12,168.14
YTD	\$ 68,726.19

Consent Agenda

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

- a. Approve minutes of the Regular Meeting held on September 3, 2025.
- b. Removal of NRAB Board Member.
- c. Award 5th Avenue & Mechanic Street Storm Sewer Improvements Project.

The vote follows: Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Brinkman, 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 OCTOBER 1, 2025, MEETING.

- Proclamation Recognizing October 5 – 11, 2025 as Fire Prevention Week.
- Resolution for Hazardous Mitigation Plan.
- Ordinance to Amend Joint Emporia/Lyon Co. Joint Traffic Safety Committee.

- **Study Session:**
 - Discuss Carnegie Building.
 - Discuss Weeds and Grass.

CITY COMMISSION (Governing Body Comment)

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

Commissioner Sauder encouraged the citizens of Emporia to reach out and ask about budgets; (City, County, School District) and learn how their tax dollars are being spent.

EXECUTIVE SESSION

Commissioner Brinkman made 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 trades secrets of third parties. The open meeting will resume in this room at approximately 12:13 p.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 12:13 p.m., this same date, in the City Commission Meeting Room, Commissioner Sauder 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 at approximately 12:19 p.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; and Mayor Harter, aye. Commissioner Curtis and Commissioner Smith were not present at the time of the vote.

Upon reconvening the meeting in Regular Session, at 12:19 p.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had discussed confidential data of a third party relating to economic development and no action was taken.

Commissioner Brinkman made a motion to recess the meeting until 12:33 p.m. to Conference Room 1AB. Mayor Harter seconded the motion. The vote follows: Commissioner Brinkman, aye; Mayor Harter, aye; and Commissioner Smith, aye. Commissioner Curtis and Commissioner Sauder were not present at the time of the vote.

The following items were discussed at the Study Session:

1. Discuss Adoption of 2021 IRB/IBC, IEBC and Uniform Swimming Pool.
2. Discuss Adoption of 2021 IPMC Codes.
3. Discuss Building Permit Fee Schedule Increase.

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; Commissioner Sauder, aye; and Mayor Harter, aye.

ATTEST:

Erren Harter, Mayor

Kerry Sull, City Clerk



Commission Action Report

Approve Change Order No. 1 - 2025 Street Rehabilitation Project

Title: Approve Change Order No. 1 - 2025 Street Rehabilitation (Various Streets), Project No. PV2501

Agenda Date: October 1, 2025

Presented By: James Ubert, City Engineer

Background:

The 2025 Street Rehabilitation consists of milling and asphalt overlay operations, replacement of select curb and gutter sections, and some sidewalk/ADA ramp improvements along various streets.

Discussion:

Due to adding the scope of crack seal and UBAS overlay on Weaver Street along with field changes and reconciling quantities that were actually constructed, the 2025 Street Rehab project **added +\$147,110.70** and **deducted -\$103,781.02** for a **net add of +\$43,329.68** of scope to the overall project. Change Order No. 1 of \$43,329.68 is 1.9% of the final contract amount of \$1,149,476.14.

Financial considerations:

This project will be funded out of the City's Multi Year Fund.

Recommended action:

Engineering staff recommends approving Change Order No. 1 in the amount of \$43,329.68.

Attachments:

Change Order No. 1 and Blurbs (explaining each line item).

2025 STREET REHABILITATION (Various Streets)

PROJECT NO. PV2501

EXPLANATION FOR CHANGE ORDER NO. 1

During construction of the 2025 STREET REHABILITATION; Project No. PV2501, changes and adjustment of quantities were made with additional changes to the project. These changes include additional quantities of asphalt patching, crack sealing, and pavement marking. This change order results in an increase of the contract in the amount of \$21,298.57. Below is a breakdown of the additional work and materials.

Quantities Added to the Contract:

1. Graphic Arts Rd – Asphalt Patching (6" Depth) –
This change represents an addition of 198.0 S.Y. This item was added to the base contract to repair several spots along Graphic Arts Rd. At \$68.55 per square yard, the amount added to the contract is \$13,572.90.
2. Graphic Arts Rd – HMA (Commercial Grade) (Class A) –
This change represents an addition of 25.0 TONS. This item was added to the base contract to repair several spots along Graphic Arts Rd. At \$98.37 per ton, the amount added to the contract is \$2,459.25.
3. Graphic Arts Rd – Mill and Repair Cracks –
This change represents an addition of 124.0 L.F. This item was added to the base contract to repair several spots along Graphic Arts Rd. At \$99.39 per linear foot, the amount added to the contract is \$12,324.36.
4. Graphic Arts Rd – Crack Seal Remaining Cracks –
This change represents an addition of 1860.0 LBS. This item was added to the base contract to repair several spots along Graphic Arts Rd. At \$3.04 per pound, the amount added to the contract is \$5,654.40.
5. Graphic Arts Rd – Traffic Control –
This change represents an addition of 1 L.S. This item was added to the base contract as part of the repair work along Graphic Arts Rd. The amount added to the contract is \$3,880.81.
6. Graphic Arts Rd – Mobilization –
This change represents an addition of 1 L.S. This item was added to the base contract as part of the repair work along Graphic Arts Rd. The amount added to the contract is \$1,817.76.
7. 18th Ave – Monolithic Standup Curb –
This change represents an addition of 27.0 L.F. This item was added due to existing conditions of the yard located at the South-east corner of Wheeler St & 18th Ave behind the new concrete sidewalk and ramp. A small retaining wall was installed in order to prevent erosion onto the new sidewalk ramp. At \$25.30 per linear foot, the amount added to the contract is \$683.10.
8. Walnut St – HMA (Leveling Course) (1" Avg. Depth) –
This change represents an addition of 137.0 TONS. This item was added to the base contract due to the existing street condition after milling work was complete. City Engineering Department staff determined a 1" average depth asphalt leveling course on top of exposed brick street would improve smoothness and ride-ability of the finished paved product. At \$121.10 per ton, the amount added to the contract is \$16,590.70.

9. Asphalt Milling (4" Avg. Depth) –

This change represents an addition of 3,220.0 S.Y. This item was added to the base contract to account for the asphalt milling work on E. Wilman Ct. At \$3.59 per square yard, the amount added to the contract is \$11,559.80.

10. HMA (Commercial Grade) (Class A) –

This change represents an overrun of 63.0 TONS. This item increased due to constructed quantities being greater than plan quantities for asphalt paving work on E. Wilman Ct. and Soden's Rd. At \$98.37 per ton, the amount added to the contract is \$6,197.31.

11. Concrete Sidewalk (4" Plain) (AE) (Remove & Replace) –

This change represents an overrun of 30.5 S.Y. This item increased due to measured constructed quantities being greater than plan quantities. Additional sidewalk was removed and replaced based on poor existing conditions and to allow a better transition from the old to the new pavement at various project locations. At \$100.00 per square yard, the amount added to the contract is \$3,050.00.

12. Pavement Marking (Thermoplastic) (4" Yellow) –

This change represents an overrun of 36.0 L.F. This item increased due to an update to the pavement marking plan after the contract was awarded. The updated pavement marking plan allowed for additional parking spots along Soden's Road. At \$2.72 per linear foot, the amount added to the contract is \$97.92.

13. Pavement Marking (Thermoplastic) (4" White) –

This change represents an overrun of 4.0 L.F. This item increased due to an update to the pavement marking plan after the contract was awarded. The updated pavement marking plan allowed for additional parking spots along Soden's Road. At \$2.72 per linear foot, the amount added to the contract is \$10.88.

14. Pavement Marking (Intersection Grade) (ADA Symbol) –

This change represents an overrun of 1 EA. This item increased due to an update to the pavement marking plan after the contract was awarded. The updated pavement marking plan allowed for additional parking spots along Soden's Road. The amount added to the contract is \$250.00.

Quantities Removed from the Contract:

1. Asphalt Milling (2" Avg. Depth) –

This change represents a decrease of 4,071.0 S.Y. This item decreased due to field measurements being less than plan quantity and represented asphalt milling work originally planned on Constitution St from South Ave to the railroad tracks. At \$2.93 per square yard, the amount deducted from the contract is \$11,928.03.

2. Asphalt Patching (6" Depth) –

This change represents an underrun of 39.0 S.Y. This item decreased due to stable street conditions not warranting patching at various locations. At \$68.55 per square yard, the amount deducted from the contract is \$2,673.45.

3. Concrete Pavement (8" Plain) (AE) (Remove & Replace) –
This change represents an underrun of 51.5 S.Y. This item decreased due to field measurements being less than plan quantity and represented concrete paving work originally planned on Constitution St from South Ave to the railroad tracks. At \$145.65 per square yard, the amount deducted from the contract is \$7,500.98.
4. Concrete Pavement (6" Plain) (AE) (Remove & Replace) –
This change represents an underrun of 90.0 S.Y. This item decreased due to field measurements being less than plan quantity. At \$130.43 per square yard, the amount deducted from the contract is \$11,738.70.
5. Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace) –
This change represents an underrun of 50.0 L.F. This item decreased due to field measurements being less than plan quantity at various project locations. At \$83.15 per linear foot, the amount deducted from the contract is \$4,157.50.
6. Sidewalk Ramp –
This change represents an underrun of 10.88 S.Y. This item decreased due to field measurements being less than plan quantity at various project locations. At \$331.52 per square yard, the amount deducted from the contract is \$3,606.94.
7. Utility Adjustment (Concrete) (Valve Box) (Water) –
This change represents an underrun of 5.0 EA. This item decreased due to adjustments made in the field which led to field measurements being less than plan quantity. At \$923.91 per item, the amount deducted from the contract is \$4,619.55.
8. Utility Adjustment (Concrete) (Manhole) (Sewer) –
This change represents an underrun of 1.0 EA. This item decreased due to adjustments made in the field which led to field measurements being less than plan quantity. The amount deducted from the contract is \$1,793.48.
9. Soden's Road - Asphalt Patching (6" Depth) –
This change represents an underrun of 128.0 S.Y. This item decreased due to stable street conditions not warranting patching on Soden's Road as part of the Add Alternate No. 2. At \$69.00 per square yard, the amount deducted from the contract is \$8,832.00.

U.B.A.S. SURFACING (Weaver Street from BNSF Railroad Crossing to 6th Avenue)
PROJECT NO. PV2506
EXPLANATION FOR CHANGE ORDER NO. 1.1

During construction of the U.B.A.S. SURFACING PROJECT; Project No. PV2506, changes and adjustment of quantities were made with additional changes to the project. This change order results in an increase of the contract in the amount of \$22,031.11. Below is a breakdown of the additional work and materials.

Quantities Added to the Contract:

1. Crack Sealing (= or > 0.75") –
This change represents an overrun of 450 LBS. This item increased due to additional material needed to fill the large and numerous cracks and separated joints in the existing concrete pavement. The plan quantity was derived by a standard calculated factor for the amount of square yardage of pavement being sealed. At \$4.04 per pound, the amount added to the contract is \$1,818.00.
2. Ultra-thin Bonded Asphalt Surfacing (Type B) (3/4") (REVISED) –
This change represents an addition of 285 TONS. Due to an error in the calculated theoretical tonnage using pounds per cubic foot to what is industry standard of pounds per square yard, the plan quantity was significantly lower than what was needed to correctly construct this overlay in the field. With an increase in quantity of +40%, an adjustment to the bid price was requested and granted by the contractor. At \$235.55 per ton, the amount added to the contract is \$67,131.75.
3. Pavement Marking (Thermoplastic) (Yellow) (4") –
This change represents an overrun of 8.0 L.F. This item increased due to field measurements being slightly greater than plan quantity. At \$1.47 per linear foot, the amount added to the contract is \$11.76.

Quantities Removed from the Contract:

1. Ultra-thin Bonded Asphalt Surfacing (Type B) (3/4") (ORIGINAL) –
This change represents a deletion of 180 TONS. Due to an error in the calculated theoretical tonnage using pounds per cubic foot to what is industry standard of pounds per square yard, the plan quantity was significantly lower than what was needed to correctly construct this overlay in the field. With an increase in quantity of +40%, an adjustment to the bid price was requested and granted by the contractor. The original proposal unit price and tonnage shall be deleted from the contract. At \$260.53 per ton, the amount deleted from the contract is \$46,895.40.
2. Flagger (Set Price) –
This change represents an underrun of 1 HR. This contract item was not required during the construction of this project. At \$35.00 per hour, the amount deducted from the contract is \$35.00.

CHANGE ORDER NO. 1
ON CONTRACT WITH APAC-Kansas Inc., Shears Division
FOR THE CONSTRUCTION OF 2025 Street Rehabilitation (Various Streets)
PROJECT NO. PV2501

9/16/2025

This change in plans, made in accordance with the provisions of Paragraph 9, GS-4, General Conditions under the above Contract, provides for a change in the contract total due to estimated quantities being different than the actual quantities used in the construction of the 2025 Street Rehab Project No. PV2501.

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
QUANTITIES ADDED:				
198.00	S.Y.	Graphic Arts Rd - Asphalt Patching (6" Depth) @ Sixty-eight Dollars and fifty-five cents (Unit Price in Words)	\$68.55	\$13,572.90
25.00	TONS	Graphic Arts Rd - HMA (Commercial Grade) (Class A) @ Ninety-eight Dollars and thirty-seven cents (Unit Price in Words)	\$98.37	\$2,459.25
124.00	L.F.	Graphic Arts Rd - Mill and Repair Cracks @ Ninety-nine Dollars and thirty-nine cents (Unit Price in Words)	\$99.39	\$12,324.36
1860.00	LBS	Graphic Arts Rd - Crack Seal Remaining Cracks @ Three Dollars and four cents (Unit Price in Words)	\$3.04	\$5,654.40
1.00	L.S.	Graphic Arts Rd - Traffic Control @ Three Thousand Eight Hundred Eighty Dollars and eighty-one cents (Unit Price in Words)	\$3,880.81	\$3,880.81
1.00	L.S.	Graphic Arts Rd - Mobilization @ One Thousand Eight Hundred Seventeen Dollars and seventy-six cents (Unit Price in Words)	\$1,817.76	\$1,817.76
27.00	L.F.	18th Ave - Monolithic Standup Curb @ Twenty-five Dollars and thirty cents (Unit Price in Words)	\$25.30	\$683.10
137.00	TONS	Walnut St - HMA (Leveling Course) (1" Avg. Depth) @ One Hundred Twenty-one Dollars and ten cents (Unit Price in Words)	\$121.10	\$16,590.70
Base Bid Quantities Added:				
3220.00	S.Y.	Asphalt Milling (4" Avg. Depth) @ Three Dollars and fifty-nine cents (Unit Price in Words)	\$3.59	\$11,559.80
63.00	TONS	HMA (Commercial Grade) (Class A) @ Ninety-eight Dollars and thirty-seven cents (Unit Price in Words)	\$98.37	\$6,197.31
30.50	S.Y.	Concrete Sidewalk (4" Plain) (AE) (Remove & Replace) @ One Hundred Dollars (Unit Price in Words)	\$100.00	\$3,050.00
36.00	L.F.	Pavement Marking (Thermoplastic) (4" Yellow) @ Two Dollars and seventy-two cents (Unit Price in Words)	\$2.72	\$97.92

4.00	L.F.	Pavement Marking (Thermoplastic) (4" White) @ Two Dollars and seventy-two cents (Unit Price in Words)	\$2.72	\$10.88
1.00	EA.	Pavement Marking (Intersection Grade) (ADA Symbol) @ Two Hundred Fifty Dollars (Unit Price in Words)	\$250.00	\$250.00

QUANTITIES OF CHANGE ORDER NO. 1 ADDED TO PROJECT:

\$78,149.19

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
QUANTITIES DELETED:				
Base Bid Quantities Deleted:				
4071.00	S.Y.	Asphalt Milling (2" Avg. Depth) Two Dollars and ninety-three cents (Unit Price in Words)	\$2.93	\$11,928.03
39.00	S.Y.	Asphalt Patching (6" Depth) @ Sixty-eight Dollars and fifty-five cents (Unit Price in Words)	\$68.55	\$2,673.45
51.50	S.Y.	Concrete Pavement (8" Plain) (AE) (Remove & Replace) @ One Hundred Forty-five Dollars and sixty-five cents (Unit Price in Words)	\$145.65	\$7,500.98
90.00	S.Y.	Concrete Pavement (6" Plain) (AE) (Remove & Replace) @ One Hundred Thirty Dollars and forty-three cents (Unit Price in Words)	\$130.43	\$11,738.70
50.00	L.F.	Curb & Gutter (2'-6" Combined) (AE) (Remove & Replace) @ Eighty-three Dollars and fifteen cents (Unit Price in Words)	\$83.15	\$4,157.50
10.88	S.Y.	Sidewalk Ramp @ Three Hundred Thirty-one Dollars and fifty-two cents (Unit Price in Words)	\$331.52	\$3,606.94
5.00	EA.	Utility Adjustment (Concrete) (Valve Box) (Water) @ Nine Hundred Twenty-three Dollars and ninety-one cents (Unit Price in Words)	\$923.91	\$4,619.55
1.00	EA.	Utility Adjustment (Concrete) (Manhole) (Sewer) @ One Thousand Seven Hundred Ninty-three Dollars and forty-eight cents (Unit Price in Words)	\$1,793.48	\$1,793.48
128.00	S.Y.	Soden's Road - Asphalt Patching (6" Depth) @ Sixty-nine Dollars (Unit Price in Words)	\$69.00	\$8,832.00

QUANTITIES OF CHANGE ORDER NO. 1 DELETED FROM PROJECT:

\$56,850.62

TOTAL CHANGE ORDER NO. 1 ADDED TO PROJECT:

\$21,298.57

CHANGE ORDER NO. 1 .1
ON CONTRACT WITH APAC-KANSAS, INC., SHEARS DIVISION FOR THE CONSTRUCTION OF
U.B.A.S. Surfacing (Weaver Street from BNSF Railroad Crossing to 6th Avenue)
PROJECT NO. PV2506

This change in plans, made in accordance with the provisions of paragraph 9, GC-4 Changes to the Contract under the above Contract, provides for a change in the contract total due to estimated quantities being different than the actual quantities used in the construction of the U.B.A.S. Surfacing, Project No. PV2506.

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
QUANTITIES ADDED:				
450.00	LBS.	Crack Sealing (= or > 0.75") @ Four Dollars and four cents (Unit Price in Words)	\$4.04	\$1,818.00
285.00	TON	Ultra-thin Bonded Asphalt Surfacing (Type B) (3/4") (REVISED) @ Two Hundred Thirty-five Dollars and fifty-five cents (Unit Price in Words)	\$235.55	\$67,131.75
8.00	L.F.	Pavement Marking (Thermoplastic) (Yellow) (4") @ One Dollar and forty-seven cents (Unit Price in Words)	\$1.47	\$11.76

QUANTITIES OF CHANGE ORDER NO. 1.1 ADDED TO PROJECT: \$68,961.51

QUANTITIES DELETED:

<u>QUANTITY</u>	<u>UNIT</u>	<u>ITEM & UNIT PRICE IN WORDS</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
180	TON	Ultra-thin Bonded Asphalt Surfacing (Type B) (3/4") (ORIGINAL) @ Two Hundred Sixty Dollars and fifty-three cents (Unit Price in Words)	\$260.53	\$46,895.40
1	HR.	Flagger (Set Price) @ Thirty Five Dollars and zero cents (Unit Price in Words)	\$35.00	\$35.00

QUANTITIES OF CHANGE ORDER NO. 1.1 DELETED FROM PROJECT: \$46,930.40

TOTAL CHANGE ORDER NO. 1.1 ADDED TO PROJECT: \$22,031.11

GRAND TOTAL ADDED TO PROJECT: \$43,329.68

CONTRACTOR: APAC-KANSAS, INC.

BY: _____
OWNER or AUTHORIZED REPRESENTATIVE

APPROVED BY: **THE CITY OF EMPORIA, KS**

BY: _____
TREY COCKING, CITY MANAGER

Date: _____

Attest: _____
CITY CLERK



Commission Action Report

Informational Items

Title: Informational Items

Agenda Date: October 1, 2025

Presented By: Trey Cocking, City Manager

Background:

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 the organization's accomplishments.

Discussion:

At the time this Agenda was prepared, the following items were in the works for the tentative Agendas of the upcoming meetings on Wednesday, October 15, 2025.

Commission Meeting :

- Proclamation Recognizing October 19-25 as Friends of the Library Week
- Voluntary Annexation of Property South of Landfill

Study Session :



Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: October 1, 2025

Recommended Action:

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 __:____ a.m./p.m.

Title: Carnegie Library
Agenda Date: October 1, 2025
Presented By: Kevin Hanlin, Director of Public Lands and Facilities

Background:

In 2016, the Carnegie Library became empty when the Lyon County Museum moved to its new location on Commercial Street. The building was utilized for storage by the Museum for several years until the final items were moved out in 2020. In July 2021, BG Consultants were hired to evaluate the structural conditions of the building. In the spring of 2022, their findings were shared with the commission. BG provided the following options:

- 1) The City may elect to not invest in capital improvements to the building and site environs
- 2) The City may elect to mothball the historic property if it is expected to stand vacant for more than 3 years.
- 3) The City may elect to invest in preserving the building through a comprehensive repair and remodeling effort to align the structure with contemporary building codes and continued use.
- 4) The City may elect to invest in preserving the building through a comprehensive repair and remodeling effort and expand its footprint to accommodate alternative uses.

One offer to sell the building led staff to hold several rounds of open house opportunities for other interested buyers. No additional offers have been submitted to date.

This past July, staff showed the building to an individual with an idea for a teen center. Nothing has developed from it.

Discussion:

Current use of the building is vacant, with some items being stored in the basement. Staff is in the process of removing the ADA ramp on the north side of the building and leaving just the steps with the landing and approach to the door. The landing will be made safe in the area where the ADA ramp attaches.

Water and electricity are still on.

Financial considerations:

Turning off all utilities to the building and removing the deteriorating handicap ramp (building remains, used for storage) = \$50,000

Razing the building and returning to greenspace = \$225,000

Razing the building and salvaging certain historic elements of the structure (wood casing, windows, water fountain, tile, stone, etc) = \$400,000

City of Emporia Engineering estimate of cost for amphitheater = \$ 35,000

David Foster Design estimate of cost for amphitheater = \$150,000

Audio/video equipment and infrastructure = \$75,000

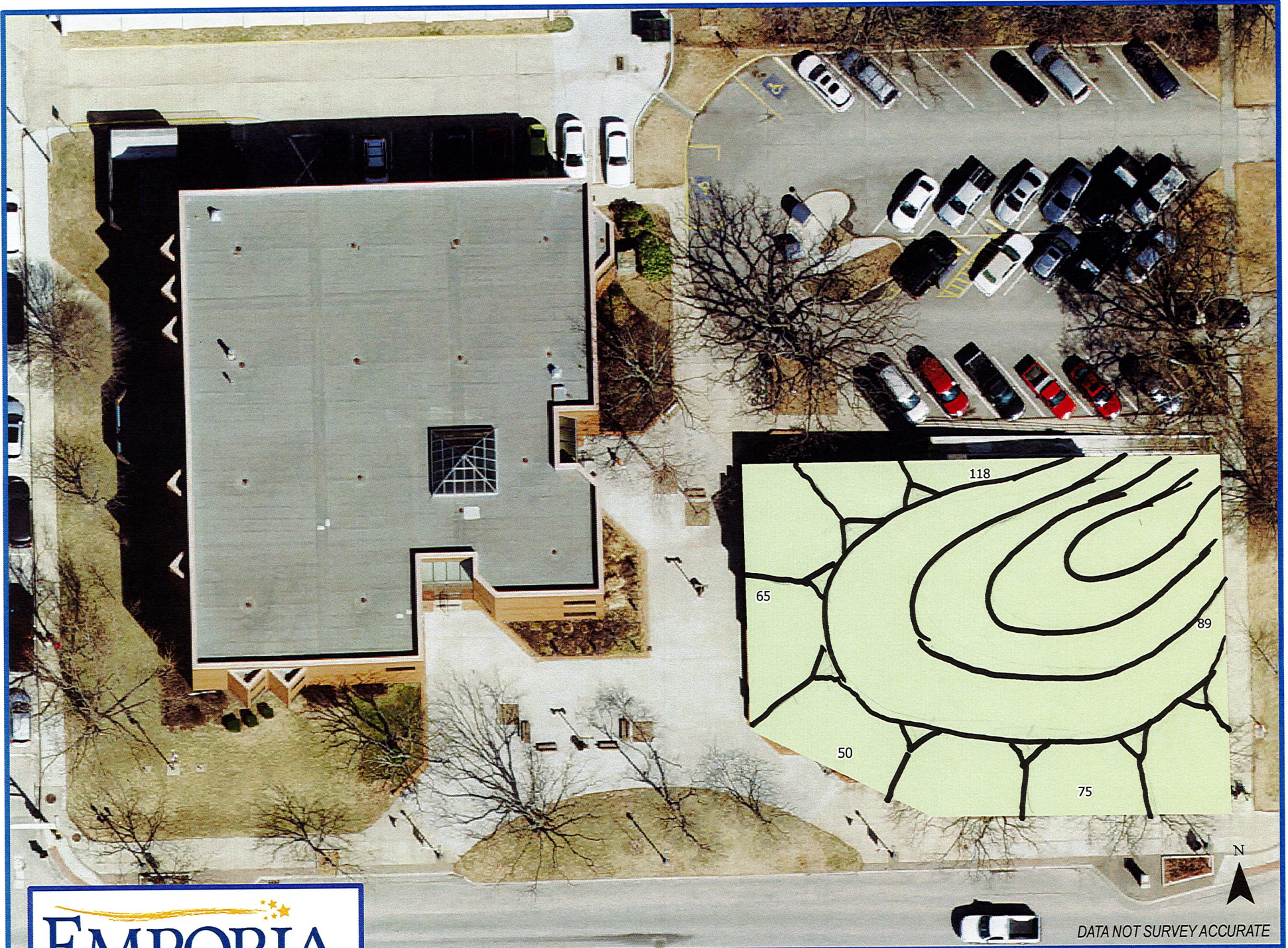
Amphitheater Structure, seating, and amenities = \$450,000

Staff estimate of cost for demo (with historic salvage of materials), a/v equipment and infrastructure, stage, seating, and structure, = \$1,075,000

Attachments:

City of Emporia Engineering Green Space Option

David Foster Design of Amphitheater Using Features from the Carnegie Library



Carnegie Library				
Demolition, Green Space & Terracing (3 ft to 4 ft high) Option				
Preliminary Concept Estimate				
November 21, 2022				
<u>Description</u>	<u>Quantity</u>	<u>UOM</u>	<u>Unit Price</u>	<u>Extend. Price</u>
Demolition of Building	1	LS	\$ 190,000.00	\$ 190,000.00
Earthwork Terracing	1	LS	\$ 10,000.00	\$ 10,000.00
Contingencies (15%)				\$ 25,000.00
TOTALS				\$ 225,000.00



111 SE 7th St

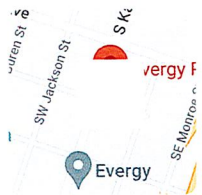
Topeka, Kansas

Google

Street View - Jul 2021



Image capture: Jul 2021 © 2022 Google



Andover, Kansas
Google
Street View - Aug 2019



Image capture: Aug 2019 © 2022 Google



Library
Entry

Ex. Hawthorn Tree

Retain "The Bell
from Stuart Hall" &
Veterans Memorial

Ex. Bench

New Bench

Ex. Flag

Ex. Cleanouts (2)

Tuckpoint Existing Wall

Up 2'

Up 1'-4"

Up 6 1/2"

Ex. Trees

Ex. Tree

Bed

4' Walk

7'-0"

3"

3"

Bed

Bed

Brick

Bed

Lawn

Historical Museum Sign
to be Retained (Remove
& Protect from Damage)

Entry Feature

(Salvage Stone Entry Arch &
Wall w/ Lamps, Ornament
Above, & Name)

Brick

Brick

Conc.

Remove
Ex. Oak

Conc.

Retain "We the People" Monument
Street Post Lamp

Brick Border

Ex. Oak

Downtown Entry Pillar

E 6TH AVE

4 Taylor Juniper (Buffer)

4' Walk

Ex. Conc. Drain Flume

Upright Tree

12'

Step

Stage
(20 x 14)

3'-10"

4'

Wall Screen

Lawn

Lawn

MARKET ST

Ex. Tree

MH

Bed Due
to Roots

6'

Ex. Tree

Bed

Ex. Tree

Ex. Tree

Ex. Tree

Ex. Tree

Ex. Tree

Ex. Tree

Ex. Tree

Ex. Tree

Concept Plan

Emporia Library Park

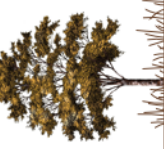
6th Street & Market, Emporia KS

sheet: 1 of 1 scale 1/16" = 1'-0"

date: 12/6/2023 project: #23058



FOSTER DESIGN
Associates LLC



landscape architecture & planning 1415 E. 2nd Street N. Wichita, KS — 316-262-4525 — www.fosterdesignassociates.com

Title: Mowing Orders and Procedure
Agenda Date: October 1, 2025
Presented By: Mark Detter, Deputy City Manager
 Christina Montgomery, City Attorney

Background:

K.S.A. 12-1617e authorizes cities to abate nuisances, including grass and weeds. Under City Code Sec. 17-11, it is unlawful for property owners to permit weeds or grass to exceed eight inches in height.

Enforcement Process:

1. **Complaint** – Staff documents complaint.
2. **Inspection** – Vegetation height is measured, photographed, and documented.
3. **Notice** – If a violation is found, notice is posted on site and sent by certified mail. The owner has 10 days to abate or appeal. Written notice is provided once per year.
4. **Appeals/Extensions** – Owners may file an appeal within 10 days; hearings are held by the Director of Building and Neighborhood Development. Reasonable time extensions may be granted.
5. **Follow-Up Inspection** – If a violation remains, staff schedules mowing by the City's contractor.
6. **Mowing** – The contractor mows, trims, removes debris, and photographs before/after.
7. **Costs** – The City bills the property owner. Payment plans may be arranged; unpaid costs after 30 days are added to property taxes as a special assessment.

Violations and Fees:

Year	Violations	Properties Mowed	Admin Fees	Certified Mail	Total Assessed	Avg./Property
2024	131	24	\$7,800	\$407.06	\$14,132.06	\$588.84
2025*	89	17	\$5,525	\$319.72	\$11,894.72	\$699.68

*2025 data through July 9

Administrative Fees:

Current administrative fees (in place since 2016): \$325 for first mowing; \$225 for subsequent mowings in the same year.

Staff Recommendation:

Inspection responsibilities shifted from the Fire Marshal to the Building and Neighborhood Development Department and efficiency has improved. Staff recommends considering a reduction in the administrative fee to more closely reflect actual current costs.

Administrative Penalties:

Several Kansas cities impose penalties for weed and grass violations to discourage repeat non-compliance and reliance on the City as a mowing service.

Staff Recommendation:

- Add a penalty if the violation remains at the second inspection, when no appeal or extension has been filed.
- The City Manager or designee may waive the penalty in cases of demonstrated financial hardship.
- This penalty would be in addition to actual mowing costs and administrative fees.

Fee Options (Illustrative Example, 1.5 hr. mow)

Model	Admin Fee	Penalty	Certified Mail	Mowing (per hr)	Total	If Penalty Waived
Current	\$325	—	\$18	\$100	\$493	—
Recommended	\$225	\$100	\$18	\$100	\$493	\$393

Conclusion:

Staff seeks Commission feedback on:

1. Whether to maintain current administrative fees or reduce them.
2. Whether to add an administrative penalty.
3. How waiver authority should be structured for cases of financial hardship.

No formal action is requested at this time.

City of Emporia
Attn: Trey Cocking, City Manager
521 Market Street
Emporia, KS 66801

RECEIVED
SEP 15 2025
BY:

City of Emporia
Attn: Corey Krause, Code Services
521 Market Street
Emporia, KS 66801

September 12, 2025

Re: Lack of Enforcement – Mowing & Property Maintenance Violations

To Whom It May Concern,

This letter is submitted anonymously as a matter of public concern regarding mowing and property maintenance violations within the City of Emporia. There are multiple properties that are in violation of city ordinances concerning tall grass, weeds, and general upkeep. These issues directly affect the quality of life for residents who comply with the law and maintain their properties at their own expense.

Under the Emporia City Code, Chapter 21, Article 2, Section 21-26, property owners are responsible for ensuring that weeds and grass do not exceed twelve (12) inches in height on their property, and this duty extends to public right-of-way areas abutting their property, including sidewalks. Despite this clear requirement, many properties remain out of compliance.

637 Woodland
703 Rural
910 Rural
919 Rural
1706 W Wilman
1601 Merchant
0000 Anderson
2608 W Hwy 50
2116 W Hwy 50
620 Anderson
2727 W Hwy 50
2183 W Hwy 50
2917 W Hwy 50
3021 W Hwy 50
3181 W Hwy 50
3600 W 6th
3402 W 6th
701 Latern Ln
515 Graham
2914 Melrose
2910 Melrose
2930 Prairie St.
1821 Prairie St.
1637 Prairie St.
1629 Prairie St.
1811 Prairie St.
2900 W 6th
811 Graham
831 Exchange

Approximately one month ago, a similar letter was submitted to Code Enforcement identifying properties in violation. No enforcement action has occurred since that time. For this reason, this matter is now being elevated directly to the City Manager's Office.

Please see the attached list of properties that are in violation as of September 12, 2025.

What is particularly troubling is the appearance of selective enforcement. Some of the properties in violation are owned or connected to city officials, yet no meaningful enforcement has occurred. This creates a perception of discrimination, where enforcement actions are directed at some residents but not others, based on position or association. The ordinances, however, apply equally to all, without exception.

Failure to enforce city code uniformly undermines public trust and raises serious questions about fairness and accountability in local government. All residents — whether private citizens or city officials — are subject to the same laws.

If this matter is not addressed fairly and without discrimination, the next step will be to contact local news outlets, including the Emporia Gazette, KVOE Radio, and WIBW (Topeka CBS News), to ensure the public is fully informed of these enforcement disparities.

Respectfully,

A Concerned Citizen

Attachment: List of Properties in Violation as of **September 12, 2025**

Weed and Tall Grass Statement

1st Mowing

Admin Time	75.00
FM/Code Service	125.00
Paper & Ink	25.00
Pictures	25.00
Gas Truck/Car	100.00

\$350.00

Mower \$????????

Mailing \$11.80

This is the New and Old together

2nd Mowing

Admin Time	25.00
FM/Code Service	50.00
Paper & Ink	25.00
Pictures	25.00
Gas Truck/Car	100.00

\$225.00

Mower \$????????

Mailing \$5.34

This is just the New