

Commission Meeting

11:00 a.m.

September 17, 2025

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

2. City Share from County Tax

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

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
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.

Erren Harter

Erren Harter, Mayor

ATTEST:

Kerry Sull

Kerry Sull, City Clerk

