

**Commission Meeting****11:00 a.m.****November 5, 2025**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 5, 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.

Jessica Buchholz, Community Development Coordinator for Emporia Main Street, was in attendance to accept a proclamation declaring November 29, 2025, as "Small Business Saturday" in Emporia. She stated Emporia celebrates our local small businesses and contributions they make to our community and local economy. Emporia Main Street and other community partners work year-round to support entrepreneurship, encourage local shopping and help strengthen the success of small businesses. Small Business Saturday was created in 2010, and is a nationwide movement dedicated to supporting small, independently owned businesses on the Saturday after Thanksgiving. She encourages residents and visitors to support our small local businesses today and throughout the year.

Mayor Harter then presented the proclamation.

Vanessa Cowie, Director of Prairie Paws Animal Shelter, was in attendance to accept a proclamation declaring November 2 through 8, 2025, as "Animal Shelter Appreciation Week" in Emporia. They stated dogs and cats are an integral part of the quality of life of our community, with approximately 6,140 pet dogs and 4,570 pet cats living in the City of Emporia. Animal Shelters help both animals and people in many ways, by returning lost pets to the owners, educating the public, and matching homeless animals with new families. Animal Shelters receive important donations of money, goods and volunteer time to assist in their important missions. Prairie Paws Animal Shelter reflects best shelter practices, with veterinary care, enrichment, and socialization programs to provide the best possible outcome for each animal in its care. The City of Emporia is one of the kindest cities in America to homeless pets. They urged all citizens to recommit to

the animals in our community with responsible pet ownership and support of local efforts to help homeless animals.

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.*** John Alvarado, 875 Road 160, spoke about his concerns of property owned by A-1 Pump & Jet Services.

**CITY COMMISSION  
(Board Appointment)**

**Emporia/Lyon County Joint Traffic Safety Committee:**

It was moved by Commissioner Brinkman seconded by Commissioner Curtis that Eric Paul be appointed to the Emporia/Lyon County Joint Traffic Safety Committee as the city resident representative for a term ending November 5, 2028. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

**Community Housing Board/Land Bank:**

It was moved by Commissioner Brinkman seconded by Commissioner Curtis that Carlos Garate be reappointed to the Community Housing Board/Land Bank for a term ending May 31, 2028. The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; Commissioner Smith, aye, and Mayor Harter, aye.

**(Public Lands)  
(Kansas Forest Service Grant)  
(City Parks and Green Spaces Tree Removal)**

Tucker Eckols, Public Lands Assistant, was recognized and addressed the Governing Body. He stated the Kansas Forest Service notified the City about a grant

opportunity. The grant is offering ten awards with a maximum award amount of \$100,000.00 to be used in the management of trees in parks, green spaces and curb areas of tracts deemed overburdened and underserved by the Climate and Economic Justice Screening Tool CEJST. Any trees removed are required to be matched with twice as many tree plantings. The project time period is two years. He stated the City applied for the grant, requesting the removal of 34 dying/dead mature trees in city parks, the planting of 68 new trees, and trimming of trees located throughout the city right of ways in underserved CEJST tracts. Before the submission of the grant application, an RFP was posted on the City website for tree removals with the following responses:

|                             |             |
|-----------------------------|-------------|
| CTC Disaster Response, Inc. | \$67,975.00 |
| Leiser Excavating, LLC      | \$62,097.00 |
| Trustworthy Tree Services   | \$55,000.00 |
| American Tree Care, LLC     | \$49,920.00 |

The City was offered a grant award of the maximum amount of \$100,000.00. The tree plantings would be accomplished by city horticulture staff with half of the trees being planted in 2026 and the other half planted in 2027. American Tree Care, LLC was the low bid in the amount of \$49,920.00. The City is familiar with American Tree Care and their certification and recommends awarding the bid to American Tree Care, LLC. The removal of 34 park trees on condition that the work would only be completed if the city was awarded the grant. Estimated material costs for tree plantings are \$21,456.96 and the remaining \$28,623.04 would be used to contract labor for tree trimming. There is no match required to receive the grant funds. This is a reimbursement grant; initial payments would be funded from Public Lands budget. Reimbursements can be filed in stages rather than all at once at the end of the project. Staff is recommending acceptance of the grant in the amount of \$100,000.00 from Kansas Forest Service for city tree removals and award the bid to American Tree Care, LLC in the amount of \$49,920.00 for the removal of 34 park trees.

Following further discussion, Commissioner Smith made a motion to accept the grant from the Kansas Forest Service Grant for City Tree Removals. Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**CITY COMMISSION**  
**(Adopting Policy 2-25 Legal Review of Complex or Ambiguous Legal Matters)**  
**(Resolution Number 3777)**

City Attorney Montgomery was recognized and addressed the Governing Body. She stated staff drafted a policy for Legal Review of Complex or Ambiguous Matters. The proposed resolution adopts the policy establishing a consistent internal process for identifying, reviewing, and verifying the legal basis of proposed City actions when the City's authority under Kansas law may be complex, uncertain, or unsettled. The draft policy provides guidance for situations when additional legal verification may be warranted due to lack of precedent, conflicting legal interpretations, or specialized subject matter. The policy outlines procedures for consultation with the City Attorney, independent legal counsel, the League of Kansas Municipalities, or state and federal agencies as appropriate. The proposed policy is intended to promote sound decision-making, transparency, and compliance with Kansas law while the Governing Body acts within its lawful authority. Staff recommend approval of Resolution Number 3777 adopting Policy 2-25 Legal Review of Complex or Ambiguous Matters.

Commissioner Curtis made a motion to approve Resolution Number 3777 adopting Policy 2-25 Legal Review of Complex or Ambiguous Matters. Commissioner Smith seconded the motion.

Commissioner Curtis stated he fully supports this resolution and stated: *"In the future, if the City is asked to adopt a policy or do anything that our City Attorney believes to be unclear, ambiguous, or outright illegal, then before the matter goes before the Commission or another public body, that matter will be scrutinized by an outside legal expert who has knowledge and experience in the appropriate area of law. We do have an example of this scenario from the last two years. How many harsh conversations and divisive statements could have been avoided related to our local healthcare issue involving Newman Regional Health and Stormont Vail had we had more clarity on what was allowable under current Kansas law related to Certificates of Need? Staff has tried to obtain this clarity alongside Newman Regional Health but has been blocked by an unwilling partner that refuses to join the city in discovering these facts. For the good of our community as a whole, I support this policy. May it help us avoid what our own City*

*Manager has termed "by far the hardest issue of his 20-year career" for future city leaders, commissioners, and most especially the good people of Emporia can avoid unneeded conflict."*

The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

### **Consent Agenda**

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

- a. Minutes of the Regular Meeting held on October 15, 2025.
- b. Resolution Number 3776 Reimbursement from Emporia Community Foundation Kahola Fund for Fremont Park Bandstand.
- c. CDBG Grant Agreement with Kansas Department of Commerce for Soccer Complex.

The vote follows: Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; Commissioner Smith, aye; and Mayor Harter, aye.

### **City Commission (Reschedule City Commission Meetings)**

City Manager Cocking asked the Commission to cancel the Regular Commission Meetings of November 19, 2025, and December 3, 2025, and reschedule a Commission Meeting for Tuesday, November 25, 2025, at 11:00 a.m. There are multiple conflicts between both dates for those meetings.

Commissioner Sauder made a motion to cancel the Regular Commission Meetings of November 19, 2025, and December 3, 2025, and reschedule a Commission Meeting to Tuesday, November 25, 2025, at 11:00 a.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

## **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 NOVEMBER 19, 2025, MEETING.**

- Award Industrial Park II Drainage Engineering Services.
- Annexation of Property Located at 800 Road 160 into City Limits.
- Resolution for Hazardous Mitigation Plan.

## **CITY COMMISSION (Governing Body Comment)**

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

Commissioner Curtis congratulated the winners of the Commission race.

Commissioner Brinkman thanked all of the candidates who were brave and willing to put their names on the ballot and appreciated them. She stated: *"to our newly elected Commissioners you will now join my colleagues to move our community forward. When you sit in these seats it is an honor and you will be representing people who have no access to this table, none. You will be representing people in our community, in fact, who have no access to legal, no access to healthcare, and in most cases a working-class poor, you now represent them. We have a community of black people, brown people, LGBTQ people, you now represent them as well. You represent children and students in our community. You represent the homeless population; you are their voice at this table. We have community members that did not vote for you and you represent them as well. When you sit down in January your campaign is over. Your volunteers, your supporters, your donors are no more or less than any other member in our community. I wish you the greatest luck and good judgement and I pray for you the patience of Job you will need it."*

## EXECUTIVE SESSION

Commissioner Smith motion to recess into Executive Session for 20 minutes inviting pertinent city staff to for the purpose of consultation with the City Attorney regarding a legal matter. The justification for the executive session is provided by K.S.A. 75-4319(b)(2) to protect privileged communication in the attorney-client relationship. The open meeting will resume in this room at approximately 11:41 a.m. Commissioner Sauder seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session, at 11:41 a.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had consultation with the City Attorney regarding a legal matter and no action was taken.

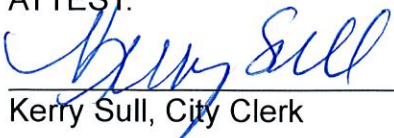
Commissioner Sauder a motion to recess the meeting at 11:55 a.m. at Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

### The following items were discussed at the Study Session:

1. Zoo Events Update.
2. Discuss Paving of Brick Streets.
3. Utility Bills.

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

ATTEST:

  
Kerry Sull, City Clerk



  
Erren Harter, Mayor