

Commission Meeting

11:00 a.m.

November 25, 2025

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, November 25, 2025, with Mayor Harter presiding and Commissioners Brinkman, Curtis, Sauder and Smith present. Also, present were City Manager Cocking, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery. Deputy City Manager Detter was absent.

**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
(Board Appointments)**

Homelessness Advisory Board:

It was moved by Commissioner Brinkman seconded by Commissioner Sauder that Jami Kauffman and Matthew Lowery be appointed to the Homelessness Advisory Board to fill unexpired terms ending September 9, 2026. The vote follows: Commissioner Brinkman, aye; Commissioner Sauder, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Transient Guest Tax Advisory Board:

It was moved by Commissioner Sauder seconded by Commissioner Smith that Don Loux be appointed to the Transient Guest Tax Advisory Board for a term ending December 31, 2028. The vote follows: Commissioner Sauder, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; and Mayor Harter, aye.

**SANITARY SEWER MAINTENANCE
(Lift Station No. 15 Improvements)
(Bids)**

Scott Groggs, Underground Utility Manager, was recognized and addressed the Governing Body. He stated Lift Station No. 15 is located on the east side of Emporia High School and services the restaurants, hotels and businesses around Eagle Crest Dr., W. 18th Avenue and Industrial Road. With the addition of the new hotel/conference center in the potential growth area, the current lift station is undersized and is in need of an upgrade. The equipment was purchased this year, and this final step is to install the new wetwell, equipment and pipe. The budget amount for Lift Station No 15 Improvements is \$500,000.00 and funds were authorized in the 2023 bond issue; the total cost of this project is \$368,791.00. The bids follow:

BID TABULATION FOR LIFT STATION NO. 15 IMPROVEMENTS

Bidder	Total Base Bid
<i>Cardinal Sitework, LLC</i>	<i>\$227,291.00</i>
Carlson Utility LLC	\$292,975.00
Nowak Construction Co, Inc.	\$372,419.00
Engineer's Opinion of Probable Cost	\$239,975.00

Following review of the bids, Cardinal Sitework, LLC was the lowest responsive bidder. This company has experience of similar projects and provided references of completed jobs in the area. BG Consultants Inc. recommends awarding the bid for Lift Station No. 15 Improvements to Cardinal Sitework, LLC in the amount of \$227,291.00.

Commissioner Smith made a motion to award Lift Station No. 15 Improvements contact to Cardinal Sitework LLC in the amount of \$227,291.00. Commissioner Curtis seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 10-21-25)
(Rezone Property Located at 315 S. Market St.)**

The Planning Commission met in a regular session on Tuesday, October 21, 2025, with Chair Rogers presiding. Commissioners Lingenfelter, Ogle, Fowler, Thomas, and Reed were present.

City staff: Justin Givens, Planning & Zoning Administrator, was present.

Chair Rogers called the meeting to order.

Chair Rogers asked for a Moment of Silence in respect of the passing of Commissioner Larry Bucklinger.

2. Planning Commission: Consider PC 2025-11 – A Request for Rezoning of Property Located at 315 S Market.

Chair Rogers asked if proper notice had been given. Givens confirmed that proper notice was provided to the newspaper for the original public hearing date.

Chair Rogers asked if any Commissioners needed to recuse themselves or report any ex-parte communications. **Commissioner Lingenfelter** stated that as a member of the USD 253 School Board she would need to recuse herself from the discussions and left the bench.

No other ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2025-11

Applicants: Frontier Development Group

Owners: USD 253

Requested Action: Consider a request to rezone property from Civic Public to Multi-Family

Purpose: The applicants are proposing to convert the former school into 10 or 12 modern living units.

Address: 315 S Market

Legal description: The East 130 feet of Block 2, Potwins Subdivision, (platted in 1879) Emporia, Lyon County, Kansas.

Lot Size: 45,107 sq. ft.

Existing Zoning: Civic Public

Future Zoning in ELC Comp. Plan: Civic Public

Surrounding Zoning:

North Single-Family Detached
East Single-Family Detached
South Single-Family Detached
West Single-Family Detached

Surrounding Actual Uses:

North Single-Family Homes
East Single-Family Homes
South Single-Family Homes / Group Home
West Single-Family Homes

Analysis: The applicant has requested the rezoning to facilitate repurposing the building into multi-family residential units, applying multiple housing grant sources and private equity. The property has been vacant since 2024, when its previous occupants relocated operations. The primary use of the building has been educational or social services in nature.

The applicant has a history of converting shuttered schools into multi-family units and this project would help in creating moderate income housing within the community. It would allow for the adaptive reuse of the building as well as create additional property that could be developed with higher density housing.

Considerations: 9.8.3.a.8. Factors to be Considered for a Rezoning:

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based using the following guidelines: **Staff Commentary in Bold**

1. Whether the change or approval would be consistent with these regulations; **Allowing Multi-Family uses on the property would be consistent with the zoning regulations. There is an established pattern of traffic and more intensive uses within the single-family detached neighborhood as this property was previously a school and used by a social services organization. Allowing multi-family uses would be more in tune with the residential character of the neighborhood.**
2. The character and condition of the neighborhood and its effect on the proposed change; **Staff does not anticipate the allowance of multi-family uses having a negative effect on the character and condition of the neighborhood.**

3. The zoning and uses of properties nearby; **The existing uses are residential in nature, and the proposed rezoning would remove the more commercial type aspects of the civic public use.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property is suited for Civic/Public use, but higher value and more beneficial uses would be allowed if the property were to be rezoned.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Staff does not anticipate any detrimental effects on neighboring property. The allowance of multi-family uses would be in keeping with the residential character of the neighborhood. Staff does not foresee any additional traffic being generated by multi-family uses compared to that of when it was used as school or other civic/public use.**
6. The length of time the subject property has remained vacant as zoned; **The property has remained vacant since the last occupant moved out in 2024. At that time, it was listed by the school district to be sold. There were several inquiries about the property, most of which centered on converting the building to apartments.**
7. The relative gain to the public health, safety, and welfare by the destruction of the value of plaintiff's property as compared to the hardship imposed upon the individual landowner public services, including transportation, exist or can be provided to serve the uses that would be permitted on the property if it were reclassified or granted a conditional use; **Civic/Public parcel types have the most limited allowed and conditional uses, as these lands are designed for schools and other government buildings. Allowing the property to be rezoned to Multi-Family and not increase the impact of traffic or services within the area. Adaptive reuses such as this are encouraged within the comprehensive plan.**
8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the request.**
9. The conformance of the requested change to Plan ELC; **Plan ELC discusses the need for additional housing that is affordable, and supports the adaptive reuse of existing buildings within the central core of the city. The proposed rezoning would be in line with the comprehensive plan.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications:

Recommendation: Staff recommends the Planning Commission make a motion of approval for the Rezoning to the Governing Body based on the following;

- 1) The request is consistent with the Comprehensive Plan;
- 2) The request conforms to the intent of the Zoning Regulations
- 3) There would not be a negative impact on the existing neighborhood

Attachments: Aerial Map | Current Zoning Map

The Public Hearing was opened.

No Person Spoke in favor or against the rezoning.

The Public Hearing was closed.

Commissioner Reed asked about future development of the property if it was rezoned to Multi-Family and the building was razed. **Givens** stated that any use which is allowed on the parcel type would be permitted.

Commissioner Fowler made a motion to recommend the approval of the rezoning to the Governing Body based on the finding of fact that; the request is consistent with the Comprehensive Plan, the request conforms to the intent of the Zoning Regulations, and there would not be a negative impact on the existing neighborhood. Commissioner Reed seconded the motion. The motion carried 5-0-1 (Lingenfelter recused).

Commissioner Lingenfelter returned to the bench.

Justin Givens, Planning and Zoning Administrator, was recognized and addressed the Governing Body. He stated the owners of 315 S. Market Street have requested the property be rezoned to Multi-Family to facilitate the redevelopment of the old Kansas Avenue School to apartments. The property is currently zoned Civic/Public (C/P). The rezoning would allow for the redevelopment of the property into approximately 10 – 12 living units as proposed by Frontier Development. Frontier Development has a proven record of redeveloping schools, with a recently completed project in Chase County. At their October 21, 2025, regular meeting, the Planning Commission voted unanimously to recommend rezoning the property as the request is consistent with the Comprehensive Plan, the request conforms to the intent of the Zoning Regulations, and there would be no negative impact on the existing neighborhood.

**PLANNING AND DEVELOPMENT
 (MAPC Excerpts of Regular Meeting Held 10-21-25)
 (Rezone Property Located at 315 S. Market St.)
 (Ordinance Number 25-29)**

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM CIVIC/PUBLIC (CP) PARCEL TYPE TO THAT OF MULTI-FAMILY (MF) PARCEL TYPE AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 25-29, was presented to the Governing Body for their consideration.

Commissioner Curtis made a motion to approve Ordinance Number 25-29 amending the parcel type of 315 S. Market Street from Civic/Public (C/P) to Multi-Family (MF). Commissioner Smith seconded the motion. The vote follows: Commissioner Curtis, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

**CITY COMMISSION
 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 October 2025 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2024	2025	
	\$ 573,850.13	\$ 594,550.42	Increase of \$20,700.29 for the month, and
YTD	\$ 5,394,613.39	\$5,554.615.22	Overall increase of 2.88% from year 2024.

2. City Share from County Tax

	2024	2025	
	\$ 296,127.53	\$ 312,212.20	Increase of \$16,084.67 for the month, and
YTD	\$2,768,243.32	\$2,893,554.45	Overall increase of 4.33% from year 2024.

Building Permits issued from 10/1/2025 to 10/31/2025 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	51
Total valuations associated with those building permits:	\$ 761,075.28
Total number of dollars collected for Building Permit Fees:	\$ 4,721.00

Construct – Single-family dwellings	0
Demo – Single-family dwellings	0
Flint Hills Mall CID for October 2025	\$ 18,764.07
YTD	\$ 176,664.45
Pavilions CID for October 2025	\$ 17,679.72
CID #2	\$ 17,679.72
YTD	\$ 324,526.64
Fairview Hotel CID for October 2025	\$ 7,523.50
YTD	\$ 72,712.63
West Plaza CID for October 2025	\$ 6,643.55
YTD	\$ 89,121.95

Consent Agenda

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

- a. Commission Minutes of the Regular Meeting held on November 5, 2025.
- b. Purchase of One LifePak 15 Monitor/Defibrillator.
- c. Purchase of Two Mechanical CPR Devices.
- d. Purchase of Two PowerPro Cots.
- e. CCLIP Geometric Improvements K-99 Highway from Soden's Road to Kansas Avenue Sidewalk Easement Acceptance, Project No. PV2403 KDOT Project No. 56 KA-7274-01.
- f. Fourth Amendment to KDHE Agreement for KPWSLF Project No. 2968.
- g. Ordinance Number 25-28 for State Revolving Fund Loan Amendment.

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LOAN AGREEMENT BETWEEN EMPORIA, KANSAS AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR WATER SUPPLY LOAN FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT, to which the City Clerk assigned Ordinance Number 25-28, was presented to the Governing for their consideration.

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 DECEMBER 17, 2025, MEETING.

- Proclamation Recognizing Human Rights Day in Emporia.
- Public Hearing and Ordinance for Budget Amendments.
- Approve the Contract with Crossland Construction for Fire Station No.2
- Resolution for Remodel of Fire Station No. 2.
- Resolution to Approve Purchase Aerial Fire Truck.
- Resolution for Hazardous Mitigation Plan.
- Resolution to Increase Golf Course Rates.
- Resolution for Compensation Pay Plan for 2026.
- Award Bid for Emporia/Lyon County Transfer Station Tipping Floor.
- Award Bid for Lift Station No. 1
- Issue IRB's for Fairview Hotel & Convention Center.
- Water Treatment Plant Evaluation and Master Plan Amendment.
- Award Industrial Park II Drainage Engineering Services.

- **No Study Session:**

**CITY COMMISSION
(Governing Body Comment)**

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

EXECUTIVE SESSION

Commissioner Sauder made a motion to recess into Executive Session for 10 minutes, inviting pertinent city staff for the purpose of consultation with the City Attorney regarding a legal matter. The justification for executive session is provided in 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 11:20 a.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session at 11:20 a.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 at approximately 11:26 a.m. Commissioner Curtis seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Curtis, aye; and Mayor Harter, aye. Commissioner Brinkman and Commissioner Smith were not present at the time of the vote.

Upon reconvening the meeting in Regular Session at 11:26 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. He stated during executive session the Governing Body received information about the National PFAS Multidistrict Litigation and proposed retainer agreement with Perry and Trent, LLS and Stag Luizza. Participating in this process would allow the City to conduct no-cost eligibility testing and determine whether the City may qualify for potential settlement funds available to public water systems nationwide.

Commissioner Smith asked City Manager Cocking to explain what this is for the general public.

City Manager Cocking briefly explained the testing for contaminants to our water source, and how this national PFAS Settlement may offer settlement funds for our water source depending on flow rates and test results. Previous testing shows our water source to be below contaminated levels.

Commissioner Curtis made a motion to approve Resolution Number 3778 authorizing the Mayor to execute the retainer agreement with Perry and Trent, LLC and Stag Liuzza for representation related to PFAS testing and participation in the associated multidistrict litigation. Commissioner Smith seconded the motion. The vote follows:

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

Commissioner Sauder made a motion to recess into Executive Session for 30 minutes, inviting pertinent city staff to conduct an annual performance evaluation. The justification for executive session is provided by K.S.A. 75-4319(b)(1) to protect the privacy of the employee's personnel record. The open meeting will resume in this room at approximately 12:00 p.m. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Smith, aye; and Mayor Harter, aye.

Upon reconvening the meeting in Regular Session at 12:00 p.m., this same date, in the City Commission Meeting Room, Mayor Harter stated they had discussed an annual performance evaluation with the following action.

Commissioner Brinkman made a motion authorizing the Mayor to sign an updated employment agreement with the City Manager for 2026. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

Commissioner Sauder made a motion to recess the meeting until 12:15 p.m. to Conference Room 1AB. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Sauder, aye; Commissioner Brinkman, aye; and Commissioner Curtis, aye. Commissioner Smith and Mayor Harter, aye.

The following items were discussed at the Study Session:

1. Mobile Food Vendor Licensing.
2. Fats, Oils, and Grease (FOG) Program.
3. **2025 Emergency Shelter Grant Agreement.**

Jeff Lynch, Community Development Coordinator, stated the two local agencies, Bloom House Youth Services, Inc. and S.O.S., Inc., provide assistance to local people who are homeless or at risk of being homeless and have applied for funding. The City has administered this type of assistance for many years to our local agencies. The City fulfills the role of a pass-thru recipient. The funding source is HUD and funds are allocated statewide by the

Kansas Housing Resources Corporation. No city funds are required. The grant request was approved for \$24,734 in program funds, and an additional \$668 administrative funding for the City. Staff recommend approval and authorize the Mayor to execute all related documents.

Commissioner Smith made a motion to approve the 2025 Emergency Solutions Grant and authorize the Mayor to execute all related documents. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Curtis, aye; Commissioner Sauder, aye; and Mayor Harter, aye.

4. Arial Fire Truck.

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, Mayor

ATTEST:


Kerry Sull, City Clerk

