

Commission Meeting

11:00 a.m.

March 18, 2026

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, March 18, 2026, with Mayor Smith presiding and Commissioners Duncan, Harter, Ogle and Steinkuhler present. Also present were City Manager Cocking, Assistant City Manager Wash, City Clerk Sull and City Prosecutor Watson. Deputy City Manager Detter and City Attorney Montgomery were absent.

Dr. Gaelynn Wolf Bordonaro and other representatives of Emporia State University, ESU Art Therapy Program, were in attendance to accept a proclamation declaring the week of March 22 through 28, 2026 as "Arts in Medicine Week" in Emporia. The Emporia State University Art Therapy Program, established in 1973, is the oldest continually graduate degree-granted art therapy program in the world. Art therapists are trained masters' level mental health professionals who employ the constructs of art and psychology to promote mental and physical well-being. The Emporia State University/Kansas Arts Commission Arts in Medicine Partnership has been serving medical agencies across the continuum of medical care for six years. Partners from the University of Kansas Music Therapy Program, the Kansas State Drama Therapy Program, and the University of Kansas Medical Center have collaborated to expand the Arts in Medicine Partnership.

Mayor Smith 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
(CrossWinds at Flint Hills, LLC)
(Cedarbrook Meadows Development for RHID Project)
(Public Hearing)
(Ordinance Number 26-05)**

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS ESTABLISHING A REINVESTMENT HOUSING INCENTIVE DISTRICT WITHIN THE CITY AND ADOPTING A PLAN FOR THE DEVELOPMENT OF HOUSING AND PUBLIC FACILITIES IN SUCH DISTRICT, AND MAKING CERTAIN FINDINGS IN CONJUNCTION THEREWITH FOR THE CEDARBROOK MEADOWS DEVELOPMENT, to which the City Clerk assigned Ordinance Number 26-05, was presented to the Governing Body for their consideration.

Assistant City Manager Wash was recognized and addressed the Governing Body. She stated the City of Emporia has been working with representatives of CrossWinds at Flint Hills, LLC on the development of Cedarbrook Meadows, a new single-family residential subdivision located near W. 18th Avenue and Road G. The proposed development includes infrastructure improvements and construction of new single-family homes. The establishment of a Reinvestment Housing Incentive District (RHID) is the component of the financing for this project. The RHID will allow the developer to be reimbursed for eligible infrastructure and development costs through property taxes generated by the development over time. She stated there is no direct city funding required for the project. The proposed RHID will capture the incremental increase in property taxes created by this housing development over 25 years. The funds will be reimbursed to the developer for eligible infrastructure costs. The City will not be obligated to reimburse costs beyond the amount of the RHID revenue generated and received. The City will receive a 2% administrative fee for the RHID. Staff recommend conducting a public hearing for the Cedarbrook Meadows Development RHID and then approve Ordinance Number 26-05 establishing RHID for Cedarbrook Meadows Development.

Mayor Smith then declared the public hearing open.

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

Commissioner Harter made a motion to approve Ordinance Number 26-05 establishing RHID and approving the Development Plan for the Cedarbrook Meadows Development. Commissioner Steinkuhler seconded the motion. The vote follows:

Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 2-17-26)
(Application No. 2026-01 – Request of Merak Development, LLC)
(Rezone Property Located at 1028 Whittier Street)

The Planning Commission met in a regular session on Tuesday, February 17, 2026, with Commissioner Kenton Thomas presiding. Commissioners Lingenfelter, Fowler, Reed, Gilligan, Larson, and Johnson were present.

City staff: Justin Givens, Interim Director, Building & Neighborhood Development, was present.

Thomas called the meeting to order.

2. Planning Commission: Consider PC 2026—01, a Request for Rezoning of Property Located at 1028 Whittier St. from Commercial to Flex-Use Low.

Thomas asked if proper notice had been given. Givens confirmed that proper notice was provided.

Thomas asked if any Commissioners needed to recuse themselves or report any ex-parte communications. No ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2026-01

Applicants: Merak Development, LLC

Requested Action: Consider a request to rezone property from Commercial (C) to Flex-Use Low (FL)

Purpose: Applicant desires the rezoning to facilitate the construction of new multi-family units and food pantry.

Address: 1028 Whittier St., Emporia, KS

Legal Description: BEGINNING 664 FEET NORTH OF A STONE 656 FEET WEST OF THE SOUTHEAST CORNER OF THE NE1/4 OF THE SW1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS,

THENCE NORTH AD AT RIGHT ANGLES WITH THE SOUTH LINE OF THE N1/2 OF SAID SW1/4 OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 11, 325 FEET TO THE SOUTHWEST CORNER OF A TRACET OF LAND SOLD TO R.M. GAMMELL, THENCE EAST AND PARALLEL WITH TH ENROTH LINE OF SAID SW1/4 OF SECTION 11, AND UPON THE SOUTH LINE OF SAID GAMMELL'S TRACT 656 FEET TO THE EAST LINE OF SIAIDE SW1/4 OF SECTION 11, THENCE SOUTH ON SAID EAST LINE 325 FEET, THENCE AT RIGHT ANGLES WITH THE LAST DESCRIBED EAST LINE, 656 FEET TO PLACE OF BEGINNIG. LESS THE EAST 322 FEET OF THE DESCRIBED TRACT.

Lot Size: 2.3 acres (100,425)

Existing Zoning: Commercial

Future Zoning in ELC Comp. Plan: Commercial

Surrounding Zoning:

North – Commercial

East – Multi-Family

South – Multi-Family

West – Single-Family Detached

Surrounding Actual Uses:

North – Automotive Repair | Convenience Store | Fast Food Restaurant

East – Whittier Place Apartments

South – Whitter Place Apartments

West – Single-Family Detached Houses

Analysis: The applicant is proposing to extend the current Whittier Place Apartment Complex by adding two 24-unit apartment homes that would be located on what is currently Abundant Harvest property. The applicants have secured the property, and while the existing building will need to be razed for the proposed new addition, a separate food pantry building will be constructed on site. The additional 48 new units will compliment the existing and currently under construction 132 units.

Considerations: Factors to be Considered for a Rezoning (Section 9.8.3.a.8. of the Zoning Regulations)

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; **Extending the area that multi-family units could be built, would be consistent with the zoning regulations. The area has already been contemplated for multi-family and adding this area would not be inconsistent with the regulations. Flex-Use is being proposed for this particular portion as it would allow for the added element of the food pantry, which would be considered a commercial use.**
2. The character and condition of the neighborhood and its effect on the proposed change; **Extending the number of multi-family units in the area would not change or harm the character or condition of the neighborhood. The proposed development would be an extension of the current multi-family area.**
3. The zoning and uses of properties nearby; **Most of the adjacent property consists of the Whittier Place Apartments and other commercial uses. The single-family detached property to the west will be separated by a street, retention area and parking that will limit the intrusion of the project.**
4. The suitability of the subject property for the uses to which it has been restricted; **Staff would contend that the existing zoning of Commercial would have a greater impact on the existing neighborhood if the property was to fully develop under Commercial regulations. The Flex-Use zoning would limit the allowed commercial uses and regulate the built environment better so that the proposed future uses are more compatible with the general area.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Property values for the single-family detached homes that abut the existing multi-family units have steadily increased in a manner that is consistent with other properties in the city. Staff does not see that the additional units would bring a detrimental impact to the nearby properties.**
6. The length of time the subject property has remained vacant as zoned; **While the property has not been vacant, the property has been underutilized with the Abundant Harvest building actually only occupying a small portion of the property. The removal of the current building would allow for a better use of the entire property, while also maintaining the social service aspect of the former Abundant Harvest program.**
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; **Extending the multi-family units in this area is a logical progression for the area. Adequate public services exist in the area and the additional units would not create an undue hardship on those services. Phase III and this phase also have worked to reduce the impact of the development on the drainage concerns in the area. Stormwater retention/detention has been a priority for staff since issued arose with Phase I.**
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 promotes the adaptive use of infill lots such as this project, and additional units will help to meet the housing demand in the community.**
10. Such other factors as are deemed relevant by the Planning Commission or Governing Body.

Neighborhood Communications: Staff has received several phone and email inquiries about the proposed rezoning and has provided written correspondence as part of the agenda report.

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

The Public Hearing was opened.

Givens submitted a written statement from the applicant in support of the rezoning.

No Person Spoke Against the Rezoning.

The Public Hearing was closed.

After a brief discussion;

Commissioner Johnson made a motion to recommend approval of the rezoning to the Governing Body. Commissioner Gilligan seconded the motion. The motion carried 7-0.

Justin Givens, Interim Director, Building and Neighborhood Development, was recognized and addressed the Governing Body. He stated the owner of property located at 1028 Whittier Street has requested that the property be rezoned from Commercial (C) parcel type to Flex-Use Low (FL). The proposed rezoning would allow the owners of the property to build an additional 48 units in two apartment buildings and a third building that would house a community food pantry to complement the existing units within the Whittier Apartment complex. At their February 17, 2026, regular meeting, the Planning Commission voted unanimously to recommend approval of the rezoning request. He stated when considering a recommendation from the Planning Commission on a Rezoning Application may; 1) Adopt the ordinance as presented or with conditions that the Governing Body sees fit; 2) Override the Planning Commission's recommendation by a 2/3 majority vote of the entire City Commission; 3) Table the request for further study; 4) Return the application to the Planning Commission, giving reasons for doing so.

PLANNING AND DEVELOPMENT
(Application No. 2026-01 – Request of Merak Development, LLC)
(Rezone Property Located at 1028 Whittier Street)
(Ordinance Number 26-04)

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM COMMERCIAL (C) PARCEL TYPE TO FLEX-USE LOW (FL) PARCEL TYPE AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 26-04, was presented to the Governing Body for their consideration.

Commissioner Harter made a motion to approve Ordinance Number 26-04 rezoning property located at 1028 Whittier Street from Commercial (C) to Flex-Use Low (FL). Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

PLANNING AND DEVELOPMENT
(Annex Property Located at 600 Overlander Road into City Limits)
(Ordinance Number 26-03)

AN ORDINANCE ANNEXING LAND TO THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 26-03, was presented to the Governing Body for their consideration.

Justin Givens, Interim Director, Building and Neighborhood Development, was recognized and addressed the Governing Body. He stated the City of Emporia received consent to annexation from the owner of the property located at 600 Overlander Road. The property adjoins the city and is eligible for annexation under K.S.A. 12-520 which permits a city to annex land if the land adjoins the city, and the owner of the property has consented to the annexation. The property is within the natural growth area of the city and has public infrastructure readily available. The annexation request is in anticipation of a future request for services and development of the property. He stated the property is currently zoned Lyon County Light Industrial. The property retains its zoning designation upon annexation and will need to be rezoned to a City Zoning Parcel Type prior to any additional development of the property. Kansas Annexation Law specifically allows that when a property that adjoins the city, and the owner has consented to

annexation, no review from either the city or county Planning Commission or the Board of County Commissioners is required. Staff recommend approval of an ordinance annexing the property into city limits.

Commissioner Ogle made a motion to approve Ordinance Number 26-03 annexing land at 600 Overlander Road pursuant to K.S.A. 12-520. Commissioner Duncan seconded the motion. The vote follows: Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Harter, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

ENGINEERING
(KDOT CCLIP-SP FY2028 Mill and Overlay)
(US-50 Hwy 6th Ave. from Lincoln St. to Neosho St.)
(KDOT Agreement No. 1111-25)

Jon Proehl, Engineering Project Manager, was recognized and addressed the Governing Body. The City's application for the mill and overlay project on US-50 Highway was awarded to the City by KDOT. The mill and overlay project will provide needed maintenance and repair for the portions of US-50 Highway (6th Avenue) from Lincoln Street to Neosho Street. KDOT has allocated \$400,000 for construction and construction engineering. The City will be responsible for all preliminary Engineering, Right of Way, and Utility Costs, 10% of approved costs up to \$400,000 and all other costs over that amount. The City's share is estimated to be \$300,000 and will be paid from the City's portion of the county-wide sales tax. Staff recommend approval of the KDOT CCLIP-SP Agreement for the mill and overlay project on US-50 Highway.

Commissioner Duncan made a motion to approve the KDOT CCLIP-SP Agreement for mill and overlay project on US-50 Highway (6th Avenue) from Lincoln Street to Neosho Street and authorize the Mayor to sign KDOT Agreement 1111-25. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Duncan, aye; Commissioner Steinkuhler, aye; Commissioner Harter, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

**BUILDING AND NEIGHBORHOOD DEVELOPMENT
(Equipment Purchase – 2026 Ford Maverick XL AWD)
(Lease Purchase Agreement)**

City Manager Cocking stated the City continues to evaluate options for acquiring vehicles needed for City operations. Options include purchasing vehicles from local dealerships as well as utilizing fleet providers such as Enterprise. Staff have determined that purchasing through John North Ford was the most competitive option for this vehicle. The vehicle will be used for governmental transportation purposes and will become City property upon completion of the lease purchase agreement. The City is interested in entering into a lease purchase agreement with ESB Financial to finance a 2026 Ford Maverick XL AWD with the following key points:

- Acquisition of one 2026 Ford Maverick XL AWD for City Operations.
- Total capital cost of the vehicle: \$31,349.00.
- Financing through a tax-exempt equipment lease purchase agreement with ESB Financial.
- Lease term runs through 2030 with semiannual payments of \$3,599.02.
- Average effective taxable interest rate: 6.42 percent.
- Payments will be made from the General Fund.

The capital cost of the vehicle \$31,349.00; total interest cost of \$4,641.20; total payments over lease term \$35,990.20. This purchase includes a pilot maintenance program offered by John North Ford. The dealership will provide all scheduled maintenance for the vehicle, including a new set of tires, for a period of three years. This approach allows the City to test a maintenance model that may reduce downtime and simplify fleet maintenance. Staff recommend authorizing the City Manager to execute the Equipment Lease Purchase Agreement with ES Financial and related documents for one 2026 Ford Maverick XL AWD.

Following further discussion, Commissioner Harter made a motion authorizing the City Manager to execute the Equipment Lease Purchase Agreement with ESB Financial and related documents for the acquisition of one 2026 Ford Maverick XL AWD. Commissioner Ogle seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Steinkuhler, aye; and Mayor Smith, 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 February 2026 for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2025	2026	
	\$ 627,414.93	\$ 646,585.30	Increase of \$19,170.37 for the month, and
YTD	\$ 1,173,268.91	\$1,218,533.10	Overall increase of 3.86% from year 2025.

2. City Share from County Tax

	2025	2026	
	\$ 321,970.79	\$ 341,391.21	Increase of \$19,420.42 for the month, and
YTD	\$ 597,538.04	\$ 643,240.14	Overall increase of 8.71% from year 2025.

Building Permits issued from 2/1/2026 to 2/28/2026 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	46
Total valuations associated with those building permits:	\$ 1,497,369.01

Total number of dollars collected for Building Permit Fees:	\$ 10,306.00
---	--------------

Construct – Single-family dwellings	0
Demo – Single-family dwellings	0

Flint Hills Mall CID for February 2026	\$ 19,984.48
YTD	\$ 36,471.21

Pavilions CID for February 2026	\$ 32,521.82
CID #2	\$ 32,521.82
YTD	\$ 103,103.64

Fairview Hotel CID for February 2026	\$ 4,229.50
YTD	\$ 11,177.59

West Plaza CID for February 2026	\$ 11,809.98
YTD	\$ 18,319.71

Consent Agenda

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

- a. Commission Minutes of the Regular Meeting held on March 4, 2026.

The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, 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 WEDNESDAY APRIL 1, 2026, MEETING.

- Proclamation Naming April as Child Abuse Prevention Month.
- Proclamation Recognizing National Public Safety Telecommunicators Week.
- Proclamation Recognizing April 19-25 as National Library Week.
- GFOA Award to City of Emporia Finance Department.
- Adopt Bond Resolution and Ordinance for GO Bonds Series 2026.
- Annual Operation and Maintenance Assurance Agreement with Kansas Department of Wildlife Parks and Tourism.

- **Study Session:**
- Discuss Evergy Franchise Agreement.

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 Harter made a motion to recess into Executive Session for 25 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 a third party. The open meeting will resume in this room at approximately 11:55 a.m. Commissioner Ogle seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 11:55 a.m., this same date, in the City Commission Meeting Room, Commissioner Harter 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 12:10 p.m. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; and Commissioner Ogle, aye. Commissioner Duncan and Mayor Smith were not present at the time of the vote.

Upon reconvening the meeting in Regular Session at 12:10 p.m., this same date, in the City Conference Meeting Room, Mayor Smith stated they had discussed confidential data of a third party relating to economic development and no action was taken.

Commissioner Harter made a motion to recess the meeting until 12:25 p.m. at the Evora Wheeler Conference Room. Commissioner Ogle seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

The following items were discussed at the Study Session:

Emporia Public Library Financial Review.

Strategic Directions Session Two.

Becky Smith

Becky Smith, Mayor

ATTEST:

Kerry Sull

Kerry Sull, City Clerk

