



Emporia
Kansas

CITY COMMISSION
WEDNESDAY, MAY 20, 2026 AT 11:00 AM
CITY COMMISSION CHAMBER

ORDER OF BUSINESS

CALL MEETING TO ORDER

Mayor Becky Smith

MEMBERS PRESENT

Vice-Mayor Tammi Ogle
Commissioner Monica Duncan
Commissioner Erren Harter
Commissioner Kurt Steinkuhler

PROCLAMATIONS

Proclamation Recognizing July 3rd-5th as "America 250 Weekend"

Accepted by: Ed Rathke, Clay Childs, and Richelle Birk

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) **Recognition of Emporia Police Department**

Presented by: Ed Owens, Chief of Police

2) **Ordinance No. 26-15 Authorizing Extended Sales of Alcoholic Liquor and Cereal Malt Beverages for the Duration of the FIFA 2026 World Cup**

Presented by: Trey Cocking, City Manager

Recommended Action: Take Appropriate Action on Ordinance No. 26-15 Authorizing Extended Sales of Alcoholic Liquor and Cereal Malt Beverages for the Duration of the FIFA 2026 World Cup

3) **Request to Planning Commission to Review Medical Facility Zoning Regulations**

Presented by: Christina Montgomery, City Attorney

Recommended Action: Approve Request to Planning Commission to Review Medical Facility Zoning Regulations

4) **Ordinance No. 26-13 Annexing Lands Located At 1771 Road "G" and 600 Road 175 Pursuant to K.S.A. 12-520**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Approve Ordinance No. 26-13 Annexing Lands Located At 1771 Road “G” and 600 Road 175 Pursuant to K.S.A. 12-520

5) **Voluntary Annexation and Limited Property Tax Rebate Agreement 1771 Road G and 600 Road 175**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Approve Voluntary Annexation and Limited Property Tax Rebate Agreement 1771 Road G and 600 Road 175

6) **Ordinance No. 26-14 Annexing Land Located at 4502 W 18th Avenue Pursuant to K.S.A. 12-520**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Adopt Ordinance No. 26-14 Annexing Land Located at 4502 W 18th Ave. Pursuant to K.S.A. 12-520

7) **Voluntary Annexation and Limited Property Tax Rebate Agreement 4502 W 18th Avenue**

Presented by: Justin Givens, Planning & Zoning Administrator

Recommended Action: Approve Voluntary Annexation and Limited Property Tax Rebate Agreement 4502 W 18th Avenue

8) **Resolution No. 3794-Health in All Policies Grant Authorization for CLI**

Presented by: Tayler Wash, Assistant City Manager

Recommended Action: Adopt Resolution No. 3794 authorizing participation in the Health in All Policies grant initiative for the Civic Leadership Institute

COMMUNICATIONS

Presented by Trey Cocking, City Manager.

- 1) Financials & Permits

CONSENT AGENDA

Presented by Trey Cocking, City Manager.

- 1) Commission Meeting Minutes for May 6, 2026
- 2) Request for Extension at 417 Commercial Street for CDBG Commercial Rehab Grant

INFORMATIONAL ITEMS

Presented by Trey Cocking, City Manager.

- 1) Informational Items

GOVERNING BODY COMMENTS

Mayor Becky Smith
Vice-Mayor Tammi Ogle
Commissioner Monica Duncan
Commissioner Erren Harter
Commissioner Kurt Steinkuhler

RECESS

Recess to Evora Wheeler Conference Room for Study Session

STUDY SESSION AGENDA ITEMS

- 1) 2025 Public Works Department Totals

- 2) Budget Overview
- 3) Solid Waste Master Plan

EXECUTIVE SESSION

- 1) Recess into executive session for 30 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 the City Commission Chamber at approximately ___:_____ a.m./p.m.

ADJOURNMENT



PROCLAMATION

WHEREAS, July 4, 2026 marks 250 years since the signing of the Declaration of Independence; and

WHEREAS, people across the country will gather to celebrate the semi-quincentennial with patriotic events; and

WHEREAS, Emporia is The Founding City of Veterans Day; and

WHEREAS, the leaders that brought “The Wall That Heals” to Emporia have joined to establish a fund under the Emporia Community Foundation called “Veterans Legacy Fund”; and

WHEREAS, the purpose of this fund is to promote veteran-inspired and themed events; and

WHEREAS, the Veterans Legacy Fund has received permission to host a patriotic “America 250” parade in Emporia, The Founding City of Veterans Day, on July 3rd, 2026, at 9:30 a.m.; and

WHEREAS, we would not be celebrating 250 years as a nation without the sacrifices of our veterans; and

WHEREAS, the Veterans Legacy Fund serves to recognize previous generations and inspire future ones.

NOW, THEREFORE, I, Becky Smith, Mayor of the City of Emporia, Kansas, do hereby proclaim Friday, July 3, 2026, through Sunday, July 5, 2026, as

“America 250 Weekend”

in the City of Emporia, Kansas, and recognize the contributions of the Veterans Legacy Fund in promoting tourism and patriotism in The Founding City of Veterans Day.

On this 20th Day of May 2026

ATTEST:

Becky Smith, Mayor

Kerry Sull, City Clerk



Commission Action Report

Ordinance No. 26-15 Authorizing Extended Sales of Alcoholic Liquor and Cereal Malt Beverages for the Duration of the FIFA 2026 World Cup

Title: Ordinance No. 26-15 Authorizing Extended Sales of Alcoholic Liquor and Cereal Malt Beverages for the Duration of the FIFA 2026 World Cup

Agenda Date: May 20, 2026

Presented By: Christina Montgomery, City Attorney

Background:

House Bill 2481 allows cities to opt in to temporary extended alcohol sales hours during the FIFA 2026 World Cup by adopting an ordinance.

Discussion:

The proposed ordinance would allow eligible licensees in Emporia to sell alcohol and cereal malt beverages between 6:00 a.m. and 5:00 a.m. from June 11, 2026, through July 19, 2026. The expanded hours apply both to retail sales in the original packaging or sale for on-premises consumption.

All other laws and regulations regarding the sale of alcoholic liquor and CMB will remain in full force and effect. Individual licensed businesses may still determine their own hours of operation within the expanded allowable hours.

Financial considerations:

The City will pay the cost of ordinance publication in the Official City Newspaper.

Recommended action:

Take Appropriate Action on Ordinance No. 26-15 Authorizing Extended Sales of Alcoholic Liquor and Cereal Malt Beverages for the Duration of the FIFA 2026 World Cup

Attachments:

Ordinance No. 26-15 Authorizing Extended Sales of Alcoholic Liquor and Cereal Malt Beverages for the Duration of the FIFA 2026 World Cup

ORDINANCE NO. 26-15

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS AUTHORIZING EXTENDED SALES OF ALCOHOLIC LIQUOR AND CEREAL MALT BEVERAGES FOR THE DURATION OF THE FIFA 2026 WORLD CUP

WHEREAS, House Bill 2481 Section 2(a) allows cities to opt in to allow extended hours for sales of alcoholic liquor and CMB for the duration of the FIFA world cup June 11, 2026 through July 19, 2026.

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

Section 1. For the duration of the FIFA World Cup commencing on June 11, 2026, and continuing through July 19, 2026, eligible licensees in the City of Emporia, Kansas may sell alcoholic liquor or cereal malt beverage in accordance with the applicable statutes and rules and regulations governing the sale of such alcoholic liquor or cereal malt beverage by such licensee between the hours of 6:00 a.m. and 5:00 a.m. on the immediately following day.

Section 2. Upon the adoption of this ordinance, the City Clerk shall submit a copy of the ordinance to the Director of Alcoholic Beverage Control.

Section 3. The provisions of this ordinance shall expire from and after July 20, 2026.

Section 4. This ordinance shall become effective upon publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas this 20th day of May 2026.

Becky Smith, Mayor

ATTEST:

Kerry, City Clerk



Commission Action Report

Request to Planning Commission to Review Medical Facility Zoning Regulations

Title: Request to Planning Commission to Review Medical Facility Zoning Regulations

Agenda Date: May 20, 2026

Presented By: Trey Cocking, City Manager

Background:

Community discussions regarding healthcare-related land uses have prompted consideration of portions of the City’s zoning regulations relating to medical facilities and healthcare uses.

The request would ask the Planning Commission to review the City’s zoning regulations relating to medical facilities and healthcare-related uses and provide recommendations to the Governing Body by December 31, 2026.

Discussion:

The proposed review is intended to support a transparent, informed, and community-focused evaluation of the City’s zoning regulations relating to medical facilities and healthcare-related uses. The review is anticipated to include research regarding planning practices and zoning approaches, stakeholder and community engagement, Planning Commission work sessions, and formal public hearings before recommendations are made to the Governing Body.

Staff anticipates engaging consultant or professional advisory support to assist with technical research, planning considerations, and development of potential zoning amendments.

Staff has also prepared a document titled “Proposed Process for Review of Medical Facility Zoning Regulations” outlining a potential framework for public engagement, Planning Commission review, and anticipated meeting dates. The document is intended to assist the Planning Commission during its initial discussion regarding the scope, structure, and timeline of the review process.

Information regarding the request and review process will be made available on the City website at emporiaks.gov/medicalzoning. The webpage will include information about current zoning regulations, frequently asked questions, meeting schedules, opportunities for public engagement, and related review materials. Meeting updates and materials will be posted throughout the review process.

Financial considerations:

Retaining a consultant or professional advisory services to assist with technical research, facilitation, and development of potential zoning amendments is anticipated.

Recommended action:

Approve Request to Planning Commission to Review Medical Facility Zoning Regulations

Attachments:

- Request to Planning Commission to Review Medical Facility Zoning Regulations
- Proposed Process for Review of Medical Facility Zoning Regulations



REQUEST TO THE EMPORIA PLANNING COMMISSION
Review of Medical Facility Zoning Regulations

The Governing Body of the City of Emporia, Kansas requests that the Emporia Planning Commission review the City's zoning regulations relating to medical facilities and healthcare-related uses and consider whether amendments are appropriate to clarify definitions, permitted uses, conditional use standards, operational characteristics, and compatibility with surrounding land uses.

The review should consider both current and long-term community needs.

The Governing Body further requests that the review process include opportunities for public input and stakeholder participation, including healthcare providers, affected property owners, community members, and relevant public agencies.

The Planning Commission is requested to provide recommendations to the Governing Body by December 31, 2026.

APPROVED by the Governing Body of the City of Emporia, Kansas, on this 20th day of May, 2026.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk



Proposed Process for Review of Medical Facility Zoning Regulations

The purpose of this review is to support a transparent, informed, and community-focused evaluation of the City’s zoning regulations related to medical facilities and healthcare uses. The process is intended to provide opportunities for public participation, stakeholder input, research, and Planning Commission deliberation before recommendations are made to the Governing Body.

The proposed review process provides structure while allowing meaningful opportunities for participation and deliberation. Meetings or hearings may be continued as needed to allow additional discussion, public input, or refinement of proposed amendments.

Review Phases

Phase 1: Initiation & Education

Phase 2: Research & Community Engagement

Phase 3: Planning Commission Review & Recommendation

Phase 4: City Commission Review & Action

Community Engagement

Informational Resources:

- Media news releases
- Public meetings
- Dedicated webpage
- Social media platforms

Engagement Opportunities

- Stakeholder outreach and input
- Q&A opportunities
- Written and in-person feedback options
- Formal public hearing before the Planning Commission

Anticipated Meeting Schedule

Date	Meeting	Topic
May 20, 2026	City Commission	Request to Planning Commission
June 9, 2026	Planning Commission	Establish Process Framework
July 14, 2026	Planning Commission	Initial Review of Research & Community Input
August 11, 2026	Planning Commission	Draft Amendment Review
September 8, 2026	Planning Commission	Public Hearing
October 13, 2026	Planning Commission	Recommendation to City Commission
November 4, 2026	City Commission	Consideration of Proposed Amendments



Commission Action Report

Ordinance No. 26-13 Annexing Lands Located At
1771 Road "G" and 600 Road 175 Pursuant to K.S.A. 12-520

Title: Ordinance No. 26-13 Annexing Lands Located At 1771 Road "G" and 600 Road 175 Pursuant to K.S.A. 12-520

Agenda Date: May 20, 2026

Presented By: Justin Givens, Interim Director, Building & Neighborhood Development

Background:

The City of Emporia has received a consent to annexation from the owner of two properties being located west of Road "G" and north and south of US HWY 50. The properties adjoin the city, and are eligible for annexation under K.S.A. 12-520.

The properties are currently zoned Lyon County Agriculture and Lyon County Commercial, upon annexation, the property retains its zoning designation. A separate zoning request will be necessary prior to any development of the property.

The subject property is within the natural growth area of the city, and has public infrastructure within a reasonable distance for the extension of services to the site. PLAN ELC, the city/county comprehensive plan, anticipates the property being developed as a mix of industrial flex and commercial uses.

Discussion:

K.S.A. 12-520, permits a city to annex land if the land adjoins the city, and the owner of the subject property has consented to the annexation.

Kansas Annexation Law specifically allows that when a property that adjoins the city, and the owner has consented to annexation, no review from either a city or county Planning Commission, or the Board of County Commissioners is required. The only required action is for the City Commission to adopt an ordinance annexing the property.

Financial considerations:

The cost of publication of the ordinance is borne by the City.

Recommended action:

Approve Ordinance No. 26-13 Annexing Lands Located At 1771 Road "G" and 600 Road 175 Pursuant to K.S.A. 12-520

Attachments:

Annexation Ordinance No. 26-13
Annexation Application & Exhibits
Aerial Location Maps
PLAN ELC Area Map

ORDINANCE NO. 26-13

AN ORDINANCE ANNEXING LANDS TO THE CITY OF EMPORIA, KANSAS.

WHEREAS, the following described lands adjoin the City of Emporia, Kansas and are located at 1771 Road "G" and 600 Road 175 in Lyon County; and

WHEREAS, a written consent for annexation of the following described lands, signed by all of the owners thereof, has been filed with the City of Emporia, Kansas pursuant to K.S.A. 12-520, as amended; and

WHEREAS, the governing body of the City of Emporia, Kansas, finds it advisable to annex such lands.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

SECTION 1. That the following described lands are hereby annexed and made part of the City of Emporia, Kansas:

TRACT 1: 1771 ROAD "G"

THE NE1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., EXCEPT THE FOLLOWING DESCRIBED TRACTS:

1. BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88.8 FEET TO THE NORTH RIGHT OF WAY LINE OF HIGHWAY 50 FOR A PLACE OF BEGINNING, THENCE NORTH 960.2 FEET, THENCE WEST 678 FEET, THENCE SOUTH 969.3 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY 50, THENCE EAST ALONG SAID RIGHT OF WAY LINE 678 FEET TO THE PLACE OF BEGINNING.;
2. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1746.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NE1/4; THENCE NORTH ON SAID EAST LINE FOR A DISTANCE OF 445.5 FEET; THENCE N89°39'57"W FOR A DISTANCE OF 678 FEET; THENCE SOUTH FOR A DISTANCE OF 445.5 FEET; THENCE S89°39'57"E FOR A DISTANCE OF 678 FEET TO THE POINT OF BEGINNING.;
3. BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER, THENCE NORTH 1397 FEET FOR PLACE OF BEGINNING, THENCE NORTH 349 FEET, THENCE WEST 678 FEET, THENCE SOUTH 349 FEET, THENCE EAST 678 FEET TO THE POINT OF BEGINNING.;
4. BEGINNING ON THE NORTH LINE OF THE SAID NORTHEAST QUARTER AT A POINT 315.00 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4, THENCE S89°12'32"E FOR A DISTANCE OF 510.00 FEET, THENCE S00°47'28"W AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET, THENCE N89°12'32"W AT RIGHT ANGLES FOR A DISTANCE OF 510.00 FEET, THENCE N00°47'28"E AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET TO THE POINT OF BEGINNING.;

5. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE S89°39'57"E FOR A DISTANCE OF 400 FEET TO THE PLACE OF BEGINNING.;
6. THE SOUTH 945.70 FEET OF THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SE CORNER OF THE NE1/4 OF SAID SECTION 12; THENCE N.00°32'25"E (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 1199.00 FEET; THENCE N.89°05'08"W. A DISTANCE OF 50.00 FEET TO A 1/2" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N.89°06'08"W. A DISTANCE OF 390.00 FEET TO A 1/2" IRON PIN; THENCE S.00°30'14"W. A DISTANCE OF 160.00 FEET TO A 1/2" IRON PIN; THENCE N.89°05'08"W. A DISTANCE OF 238.09 FEET TO A 1/2" IRON PIN; THENCE S.00°32'25"W. A DISTANCE OF 929.77 FEET TO A 1/2" IRON PIN ON THE NORTHERLY RIGHT OF WAY LINE OF US 50 HIGHWAY; THENCE S.88°05'36"W, ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 239.51 FEET TO A 1/2" IRON PIN; THENCE N.89°47'27"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 336.42 FEET; THENCE N.00°32'25"E. A DISTANCE OF 1293.70 FEET TO A 1/2" IRON PIN; THENCE S.89°05'08"E. A DISTANCE OF 1203.71 FEET TO A 1/2" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G: THENCE S.00°32'25"W. ON SAID WEST RIGHT OF WAY FOR A DISTANCE OF 198.00 FEET TO THE TRUE POINT OF BEGINNING.;
7. A TRACT IN THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP19, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4: THENCE S 89°24'27" W (ASSUMED) ON THE NORTH LINE OF SAID NE1/4 FOR A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 89°24'27" ON SAID NORTH LINE FOR A DISTANCE OF 802.99 FEET: THENCE S 00°50'50" E PARALLEL WITH THE EAST LINE OF SAID NE1/4 FOR A DISTANCE OF 1246.32 FEET; THENCE N 89°31'38" E FOR A DISTANCE OF 500.00 FEET: THENCE N 00°60'50" W PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 794.50 FEET; THENCE 89°31'38" E FOR A DISTANCE OF 613.00 FEET TO THE WEST RIGHT OF WAY LINE OF AMERICUS ROAD (ROAD G); THENCE N 00°50'50" W ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 406.15 FEET: THENCE S 89°24'27" W FOR A DISTANCE OF 310.00 FEET: THENCE N.00°50'50" W FOR A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING. ALSO ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT THAT LIES NORTH AND EAST AND ADJACENT TO THE ABOVE DESCRIBED TRACT: BEGINNING AT A POINT 1089 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 50 FEET: THENCE NORTH 511 FEET: THENCE IN A WEST NORTHWESTERLY DIRECTION 150 FEET TO A POINT 80 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER:

THENCE NORTH 150 FEET; THENCE IN AN EAST NORTHEASTERLY DIRECTION 200 FEET TO A POINT 65 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER: THENCE NORTH PARALLEL WITH SAID EAST LINE 500 FEET: THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 310 FEET: THENCE NORTH 40 FEET TO SAID NORTH LINE; THENCE EAST 375 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 1556.55 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN A PERMANENT EASEMENT TO THE CITY.;

8. A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 S. 89°05'28" E. 1367.36 FEET: THENCE PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER N. 00°54'32" E. 103.42 FEET TO THE POINT OF BEGINNING, ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 50; THENCE ALONG THE WEST LINE OF A CITY OF EMPORIA TRACT N. 00°32'25"E. 945.70 FEET: THENCE N. 89°05'08" W. 263.30 FEET: THENCE S. 00°32'25" W. 948.94 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50; THENCE ALONG THE NORTH RIGHT OF WAY LINE S. 89°47'27" E. 263.30 FEET TO THE POINT OF BEGINNING, CONTAINING 6.73 ACRES.;
9. A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 12., TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION: THENCE N01°06'46"W, 85.74 FEET ALONG THE WEST LINE TO THE NORTH RIGHT OF WAY LINE OF THE EXISTING HIGHWAY AND THE POINT OF BEGINNING; THENCE CONTINUING N01°06'46"W, 27.00 FEET ALONG THE WEST LINE: THENCE N88°47'42"E, 55.11 FEET; THENCE S80°17'20"E, 142.58 FEET TO THE NORTHERLY RIGHT OF WAY LINE; THENCE S88°47'42"W, 195.15 FEET ALONG THE SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.;
10. AN APPROXIMATE 10.25 ACRE TRACT RESERVED BY SELLERS (TO BE SURVEYED AND DESCRIBED PRIOR TO CLOSING): BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET FOR THE POINT OF BEGINNING, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE WEST TO THE NORTHWEST CORNER OF THE WEST TRACT OWNED BY S & S QUALITY MEATS, LLC, THENCE NORTH TO A POINT APPROXIMATELY 1246.32 FEET SOUTH OF THE NORTH LINE OF SAID QUARTER, THENCE EAST APPROXIMATELY 1178 FEET TO THE WEST LINE OF THE ROAD G RIGHT OF WAY: THENCE SOUTH TO THE POINT OF BEGINNING. SELLERS WILL GRANT BUYER A RIGHT OF WAY EASEMENT 100 FEET IN WIDTH ACROSS THE ABOVE-DESCRIBED TRACT.;

TRACT 2: 600 ROAD 175

11. THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M. EXCEPT THAT PORTION TAKEN FOR HIGHWAY: BEGINNING AT THE NORTHWEST CORNER OF SAID SE1/4; THENCE SOUTH 83.3 FEET; THENCE IN AN EASTERLY DIRECTION TO A POINT 45 FEET WEST AND 51.2 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SE1/4; THENCE SOUTHERLY TO A POINT 206.2 FEET SOUTH AND 20 FEET WEST OF SAID NORTHEAST CORNER; THENCE EAST 20 FEET TO THE EAST LINE; THENCE NORTH 206.2 FEET TO THE NORTH LINE; THENCE WEST ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. ALSO EXCEPT A TRACT FOR TURNPIKE: BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4; THENCE WEST ALONG THE SOUTH LINE 421.95 FEET; THENCE DEFLECTION 118°30' TO THE RIGHT 690 FEET; THENCE DEFLECTION 16°37' TO THE LEFT 269.10 FEET; THENCE DEFLECTION 77°38' TO THE RIGHT 30 FEET TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE SE1/4; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 870 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. EXCEPT A 5 ACRE TRACT RESERVED BY SELLERS AROUND THE EXISTING BUILDING (TO BE SURVEYED AND DESCRIBED PRIOR TO CLOSING), ALL IN LYON COUNTY, KANSAS.

SECTION 2. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Emporia, Kansas, this 20th day of May, 2026.

ATTEST:

Becky Smith, Mayor

Kerry Sull, City Clerk



PLANNING AND ZONING DEPARTMENT
522 Mechanic Street | Emporia, KS 66801 | (620) 343-4268

ANNEXATION APPLICATION

**Attach a site plan map (2), drawn to scale, showing property lines, roads, driveways, existing and proposed structures, parking stalls, landscaping, fences, and other topographical features.*

(NOTE) AN INCOMPLETE APPLICATION CANNOT BE PROCESSED

Date Submitted: May 4, 2026

	Name	Address	Phone
Applicant	Daniel J. Smoots Revocable Trust / Janeice E. Smoots Revocable Trust	711 Road 200, Emporia, Kansas 66801	<u>620-344-1730</u> -
Owner	Daniel J. Smoots Revocable Trust / Janeice E. Smoots Revocable Trust	711 Road 200, Emporia, Kansas 66801	<u>620-344-1588</u> -

Other Owners and Officers (corporate applications only): N/A

Describe the Location: 1771 Road G & 600 Road 175, Emporia, Kansas

Current Zoning District: Agricultural (Lyon County AG)

Legal Description of Property: See attached Exhibit A

Current Use of Property: Agricultural / farming

Proposed Use of Property: Industrial use

Reason for Annexation Request: Voluntary annexation pursuant to City of Emporia Policy on Voluntary Annexation and Limited Property Tax Rebate (adopted May 6, 2026), to facilitate planned industrial development in accordance with K.S.A. 12-520a.

The following non-conformities exist on this property: None known

The following non-conformities exist on this property: None known

By signing this application, I certify that all of the information I have provided is true and correct. I understand that additional information may be needed, or additional fees may be incurred during the rezoning application process. I understand and agree that it will be my responsibility to provide any additional information requested and to pay any additional fees incurred.

Applicant's Signature

Date

Paul J. Smoots *Jamie E. Smoots*

5/6/26

Owner's Signature

Date

Paul J. Smoots *Jamie E. Smoots*

5/6/26

FOR OFFICE USE ONLY

Fee
\$0

Date Paid

Receipt No.

Application No.: _____

Hearing Date: _____

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Owner: Daniel J. Smoots Revocable Trust / Janelce E. Smoots Revocable Trust

Property Address: 1771 Road G & 600 Road 175, Emporia, Kansas

1771 Road G:

THE NE1/4 OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 8TH P.M., EXCEPT THE FOLLOWING DESCRIBED TRACTS:

1. BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE NORTH 88.8 FEET TO THE NORTH RIGHT OF WAY LINE OF HIGHWAY 50 FOR A PLACE OF BEGINNING, THENCE NORTH 960.2 FEET, THENCE WEST 678 FEET, THENCE SOUTH 969.3 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID HIGHWAY 50, THENCE EAST ALONG SAID RIGHT OF WAY LINE 678 FEET TO THE PLACE OF BEGINNING. (WAECHTER)
2. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1746.0 FEET NORTH OF THE SOUTHEAST CORNER OF SAID NE1/4; THENCE NORTH ON SAID EAST LINE FOR A DISTANCE OF 445.5 FEET; THENCE N89°39'57"W FOR A DISTANCE OF 678 FEET; THENCE SOUTH FOR A DISTANCE OF 445.5 FEET; THENCE S89°39'57"E FOR A DISTANCE OF 678 FEET TO THE POINT OF BEGINNING. (SCHAEFER)
3. BEGINNING AT THE SOUTHEAST CORNER OF THE SAID NORTHEAST QUARTER, THENCE NORTH 1397 FEET FOR PLACE OF BEGINNING, THENCE NORTH 349 FEET, THENCE WEST 678 FEET, THENCE SOUTH 349 FEET, THENCE EAST 678 FEET TO THE POINT OF BEGINNING. (MFA)
4. BEGINNING ON THE NORTH LINE OF THE SAID NORTHEAST QUARTER AT A POINT 315.00 FEET EAST OF THE NORTHWEST CORNER OF SAID NE1/4, THENCE S89°12'32"E FOR A DISTANCE OF 510.00 FEET, THENCE S00°47'28"W AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET, THENCE N89°12'32"W AT RIGHT ANGLES FOR A DISTANCE OF 510.00 FEET, THENCE N00°47'28"E AT RIGHT ANGLES FOR A DISTANCE OF 855.00 FEET TO THE POINT OF BEGINNING. (KOSTNER)
5. BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE S89°39'57"E FOR A DISTANCE OF 400 FEET TO THE PLACE OF BEGINNING. (SMOOTS 1769)
6. THE SOUTH 945.70 FEET OF THE FOLLOWING DESCRIBED TRACT: COMMENCING AT THE SE CORNER OF THE NE1/4 OF SAID SECTION 12; THENCE N.00°32'25"E (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SECTION 12 A DISTANCE OF 1199.00 FEET; THENCE N.89°05'08"W. A DISTANCE OF 50.00 FEET TO A 1/2" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING N.89°05'08"W. A DISTANCE OF 390.00 FEET TO A 1/2" IRON PIN; THENCE S.00°30'14"W. A DISTANCE OF 160.00 FEET TO A 1/2" IRON PIN; THENCE N.89°05'08"W. A DISTANCE OF 238.09 FEET TO A 1/2" IRON PIN; THENCE S.00°32'25"W. A DISTANCE OF 929.77 FEET TO A 1/2" IRON PIN ON THE NORTHERLY RIGHT OF WAY LINE OF US 50 HIGHWAY; THENCE S.88°05'36"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR A DISTANCE OF 239.51 FEET TO A 1/2" IRON PIN; THENCE N.89°47'27"W. ALONG SAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 336.42 FEET; THENCE N.00°32'25"E. A DISTANCE OF 1293.70 FEET TO A 1/2" IRON PIN; THENCE S.89°05'08"E. A DISTANCE OF 1203.71 FEET TO A 1/2" IRON PIN AT THE WEST RIGHT OF WAY OF COUNTY ROAD G; THENCE S.00°32'25"W. ON SAID WEST RIGHT OF WAY FOR A DISTANCE OF 198.00 FEET TO THE TRUE POINT OF

BEGINNING. (S & S 4700)

7. A TRACT IN THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS: COMMENCING AT THE NORTHEAST CORNER OF SAID NE1/4; THENCE S 89°24'27" W (ASSUMED) ON THE NORTH LINE OF SAID NE1/4 FOR A DISTANCE OF 375.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 89°24'27" W ON SAID NORTH LINE FOR A DISTANCE OF 802.99 FEET; THENCE S 00°50'50" E PARALLEL WITH THE EAST LINE OF SAID NE1/4 FOR A DISTANCE OF 1246.32 FEET; THENCE N 89°31'38" E FOR A DISTANCE OF 500.00 FEET; THENCE N 00°50'50" W PARALLEL WITH SAID EAST LINE FOR A DISTANCE OF 794.50 FEET; THENCE 89°31'38" E FOR A DISTANCE OF 613.00 FEET TO THE WEST RIGHT OF WAY LINE OF AMERICUS ROAD (ROAD G); THENCE N 00°50'50" W ON SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 406.15 FEET; THENCE S 89°24'27" W FOR A DISTANCE OF 310.00 FEET; THENCE N 00°50'50" W FOR A DISTANCE OF 48.00 FEET TO THE POINT OF BEGINNING. ALSO ALL THAT PART OF THE FOLLOWING DESCRIBED TRACT THAT LIES NORTH AND EAST AND ADJACENT TO THE ABOVE DESCRIBED TRACT: BEGINNING AT A POINT 1089 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M.; THENCE WEST 50 FEET; THENCE NORTH 511 FEET; THENCE IN A WEST NORTHWESTERLY DIRECTION 150 FEET TO A POINT 80 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 150 FEET; THENCE IN AN EAST NORTHEASTERLY DIRECTION 200 FEET TO A POINT 65 FEET WEST OF THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH PARALLEL WITH SAID EAST LINE 500 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 310 FEET; THENCE NORTH 40 FEET TO SAID NORTH LINE; THENCE EAST 375 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 1555.55 FEET TO THE POINT OF BEGINNING, AS DESCRIBED IN A PERMANENT EASEMENT TO THE CITY. (EVERGY)

8. A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS: COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 12; THENCE ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 12 S. 89°05'28" E. 1367.36 FEET; THENCE PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER N. 00°54'32" E. 103.42 FEET TO THE POINT OF BEGINNING, ON THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY 50; THENCE ALONG THE WEST LINE OF A CITY OF EMPORIA TRACT N. 00°32'25" E. 945.70 FEET; THENCE N. 89°05'08" W. 263.30 FEET; THENCE S. 00°32'25" W. 948.94 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID U.S. HIGHWAY 50; THENCE ALONG THE NORTH RIGHT OF WAY LINE S. 89°47'27" E. 263.30 FEET TO THE POINT OF BEGINNING, CONTAINING 5.73 ACRES. (S & S WEST TRACT)

9. A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE N01°06'46"W, 85.74 FEET ALONG THE WEST LINE TO THE NORTH RIGHT OF WAY LINE OF THE EXISTING HIGHWAY AND THE POINT OF BEGINNING; THENCE CONTINUING N01°06'46"W, 27.00 FEET ALONG THE WEST LINE; THENCE N88°47'42"E, 55.11 FEET; THENCE S80°17'20"E, 142.58 FEET TO THE NORTHERLY RIGHT OF WAY LINE; THENCE S88°47'42"W, 195.15 FEET ALONG THE SAID NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING. (KDOT)

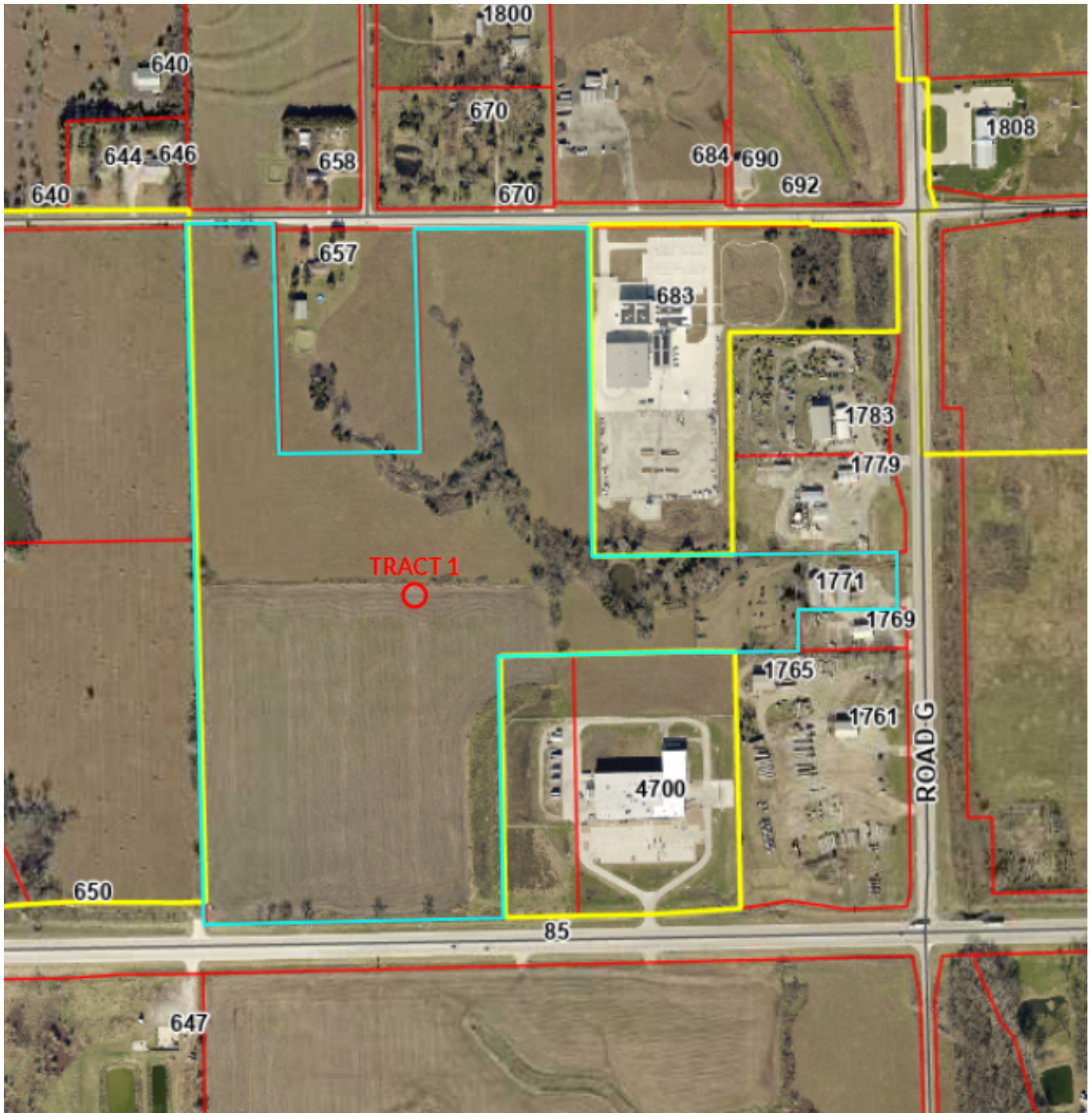
10. AN APPROXIMATE 10.25 ACRE TRACT RESERVED BY SELLERS (TO BE SURVEYED AND DESCRIBED PRIOR TO CLOSING): BEGINNING ON THE EAST LINE OF SAID NE1/4 AT A POINT 1049 FEET NORTH OF THE SOUTHEAST QUARTER OF SAID NE1/4, THENCE NORTH ON SAID EAST LINE 150 FEET FOR THE POINT OF BEGINNING, THENCE N89°39'57"W FOR A DISTANCE OF 440 FEET, THENCE SOUTH 150 FEET, THENCE WEST TO THE NORTHWEST CORNER OF THE WEST TRACT OWNED BY S & S QUALITY MEATS, LLC, THENCE NORTH TO A POINT APPROXIMATELY 1246.32 FEET SOUTH OF THE NORTH LINE OF SAID

QUARTER, THENCE EAST APPROXIMATELY 1178 FEET TO THE WEST LINE OF THE ROAD G RIGHT OF WAY; THENCE SOUTH TO THE POINT OF BEGINNING. SELLERS WILL GRANT BUYER A RIGHT OF WAY EASEMENT 100 FEET IN WIDTH ACROSS THE ABOVE DESCRIBED TRACT.

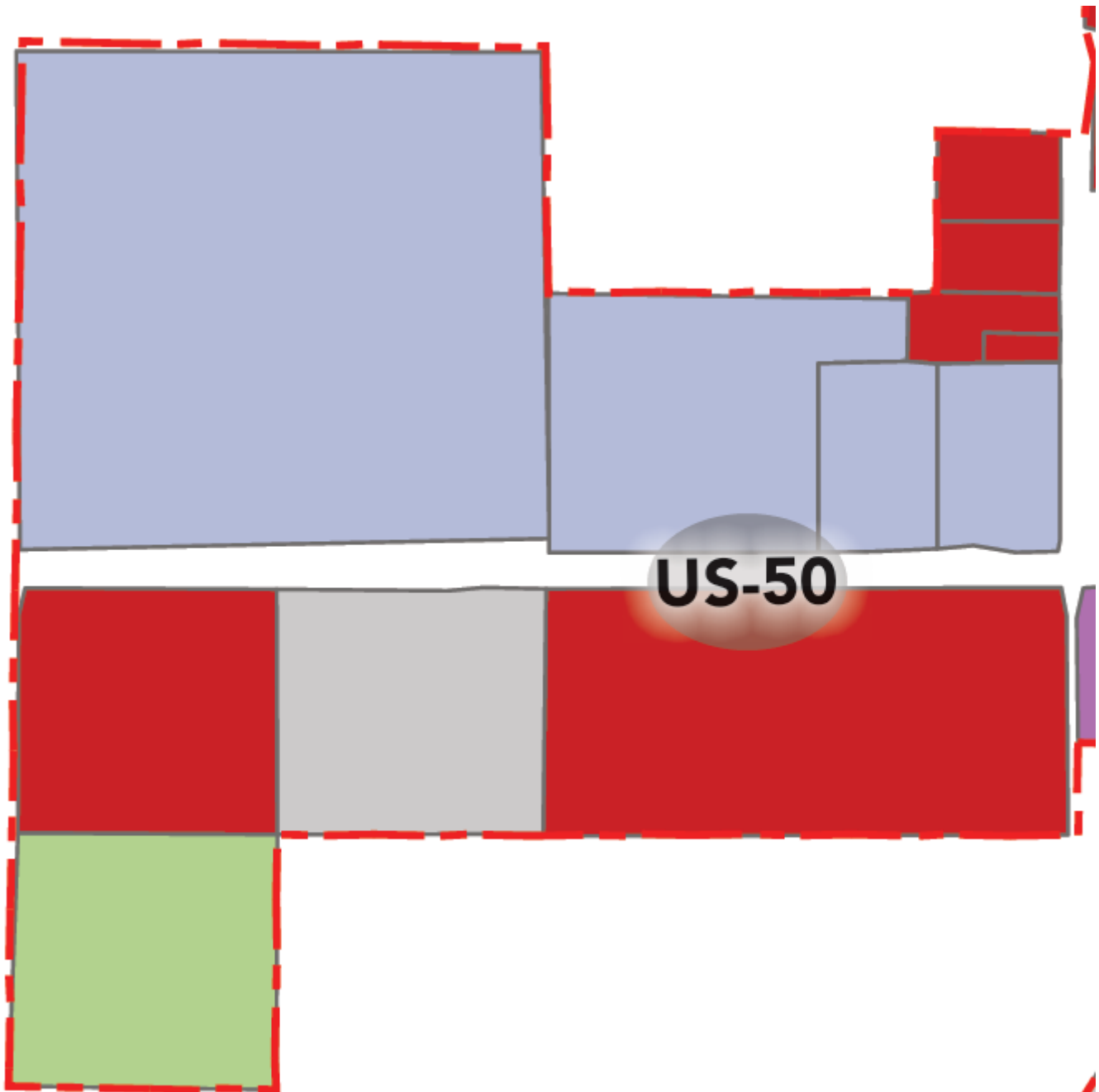
600 Road 175:

THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 10 EAST OF THE 6TH P.M. EXCEPT THAT PORTION TAKEN FOR HIGHWAY: BEGINNING AT THE NORTHWEST CORNER OF SAID SE1/4; THENCE SOUTH 83.3 FEET; THENCE IN AN EASTERLY DIRECTION TO A POINT 45 FEET WEST AND 51.2 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SE1/4; THENCE SOUTHERLY TO A POINT 206.2 FEET SOUTH AND 20 FEET WEST OF SAID NORTHEAST CORNER; THENCE EAST 20 FEET TO THE EAST LINE; THENCE NORTH 206.2 FEET TO THE NORTH LINE; THENCE WEST ALONG SAID NORTH LINE TO THE PLACE OF BEGINNING. ALSO EXCEPT A TRACT FOR TURNPIKE: BEGINNING AT THE SOUTHEAST CORNER OF THE SE1/4 OF THE SE1/4; THENCE WEST ALONG THE SOUTH LINE 421.95 FEET; THENCE DEFLECTION 118°30' TO THE RIGHT 690 FEET; THENCE DEFLECTION 16°37' TO THE LEFT 269.10 FEET; THENCE DEFLECTION 77°38' TO THE RIGHT 30 FEET TO A POINT ON THE EAST LINE OF SAID SE1/4 OF THE SE1/4; THENCE SOUTH ALONG SAID EAST LINE A DISTANCE OF 870 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. EXCEPT A 5 ACRE TRACT RESERVED BY SELLERS AROUND THE EXISTING BUILDING (TO BE SURVEYED AND DESCRIBED PRIOR TO CLOSING), ALL IN LYON COUNTY, KANSAS.








Road G & US HWY 50
Annexation
Aerial Map
Tract #1



Road G & US HWY 50
Annexation
PLAN ELC Map



Legend

- | | |
|--|---|
|  Country Home |  Industrial-Flex |
|  SF Detached |  Light Industrial |
|  SF Attached |  Heavy Industrial |
|  Multi-Family |  Civic/Public |
|  Commercial |  Greenspace/Parks/
Recreation |
|  Flex-Use |  City Limits |
|  Mixed-Use | |



Commission Action Report

Voluntary Annexation and Limited Property Tax Rebate Agreement 1771 Road G and 600 Road 175

Title: Voluntary Annexation and Limited Property Tax Rebate Agreement 1771 Road G and 600 Road 175

Agenda Date: May 20, 2026

Presented By: Christina Montgomery, City Attorney

Background:

Resolution 3793 established a Policy on Voluntary Annexation and Limited Property Tax Rebate to encourage annexation in advance of anticipated development and support long-term economic growth and coordinated provision of municipal services.

The owner of 1771 Road G and 600 Road 175 has requested voluntary annexation. The property is associated with anticipated future development and is eligible for consideration under the policy.

Discussion:

The proposed agreement authorizes and temporary rebate of the City's portion of property taxes following annexation for a period of up to three years. The rebate will terminate upon development, transfer of ownership, extension of infrastructure to support development, or expiration of the agreement term.

The rebate is a municipal expenditure and does not alter the tax levy, assessment, or collection process.

Financial considerations:

The City's portion of property taxes will be rebated for a period of up to three years following annexation.

Recommended action:

Approve Voluntary Annexation and Limited Property Tax Rebate Agreement 1771 Road G and 600 Road 175

Attachments:

Voluntary Annexation and Limited Property Tax Rebate Agreement 1771 Road G and 600 Road 175

CITY OF EMPORIA, KANSAS

Voluntary Annexation and Limited Property Tax Rebate Agreement

THIS AGREEMENT is made and entered into this 20th day of May, 2026 by and between the City of Emporia, Kansas (“City”) and Daniel J. Smoots Revocable Trust / Janeice E. Smoots Revocable Trust (“Owner”). “Owner” includes the property owner and any duly authorized representative acting on behalf of the owner.

WHEREAS, Owner owns real property located in Lyon County, Kansas, more particularly described herein (the “Property”);

WHEREAS, Owner has submitted or intends to submit a petition for voluntary annexation of the Property into the City;

WHEREAS, the Property is associated with proposed annexation and anticipated development; and

WHEREAS, the parties desire to establish the terms under which the Owner may be eligible for a limited, temporary rebate of certain City property taxes if the Property is annexed, consistent with the City’s Policy on Voluntary Annexation and Limited Property Tax Rebate (the “Policy”).

NOW, THEREFORE, the parties agree as follows:

SECTION 1. PURPOSE

This Agreement establishes the terms under which the Owner may be eligible for a limited, temporary rebate of certain City property taxes, if the Property is annexed.

SECTION 2. PROPERTY

The “Property” subject to this Agreement shall mean the real property annexed into the City pursuant to Ordinance No. 26-13, which ordinance is incorporated herein by reference.

SECTION 3. ANNEXATION

Annexation of the Property is a legislative decision of the Governing Body. Nothing in this Agreement obligates the City to approve annexation.

This Agreement is effective only upon annexation of the Property. If annexation does not occur, this Agreement is void.

SECTION 4. TERM

The term of this Agreement shall be three (3) years from the effective date of annexation.

SECTION 5. ANTICIPATED DEVELOPMENT

The Property is associated with anticipated future development that supports the City's economic development interests.

SECTION 6. PROPERTY TAX REBATE

A. Eligibility

Upon annexation, the Owner will be eligible for a rebate of the City's portion of property taxes, subject to this Agreement and the Policy.

B. Rebate

The rebate shall be equal to one hundred percent (100%) of the City of Emporia's portion of ad valorem property taxes levied on the Property and paid by the Owner for a period of three (3) years.

C. Exclusion

The rebate applies solely to the City of Emporia's portion of ad valorem property taxes and does not apply to taxes levied by any other taxing jurisdiction.

D. Nature of Rebate

The rebate is a discretionary economic development incentive and shall not be construed as a waiver, abatement, or modification of any tax.

E. Payment

Rebates shall be paid only after taxes are collected, processed, and distributed to the City. No rebate shall be paid if taxes are delinquent.

Rebates are subject to annual appropriation by the Governing Body.

SECTION 7. TERMINATION

This Agreement and any rebate eligibility shall terminate upon:

- Transfer of ownership;
- Commencement of development, including permit issuance, grading, or construction;
- Extension of infrastructure or utilities to serve the anticipated development;
- Expiration of the term;
- De-annexation; or
- Noncompliance with this Agreement.

SECTION 8. DEANNEXATION

If anticipated development does not occur, the Owner may request that the City consider deannexation of the Property prior to expiration or termination of this Agreement.

Deannexation is subject to Governing Body approval and applicable law. If deannexation is approved, the property will no longer be subject to City of Emporia property taxes and will be taxed in the same manner as property located outside the City limits. Deannexed property shall be ineligible for future participation in the Rebate Program.

SECTION 9. GENERAL PROVISIONS

A. Compliance

Owner shall comply with applicable laws. Noncompliance may result in termination.

B. No Vested Rights

This Agreement creates no vested rights to annexation, rebate, or de-annexation.

C. Non-Assignment

This Agreement may not be assigned without City approval. Transfer of ownership terminates this Agreement.

D. Entire Agreement

This Agreement constitutes the entire agreement between the parties.

E. Amendment

This Agreement may be amended only by written approval of the Governing Body.

F. Severability

Invalid provisions do not affect the remainder.

G. Governing Law

Kansas law governs this Agreement.

EXECUTION

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

CITY OF EMPORIA, KANSAS

OWNER

By: _____

Becky Smith, Mayor

Name: _____

Title: _____

Attest:

Kerry Sull, City Clerk



Commission Action Report

Ordinance No. 26-14 Annexing Land Located at
4502 W 18th Ave. Pursuant to K.S.A. 12-520

Title: Ordinance No. 26-14 Annexing Land Located at 4502 W 18th Ave.
Pursuant to K.S.A. 12-520

Agenda Date: May 20, 2026

Presented By: Justin Givens, Interim Director, Building & Neighborhood Development

Background:

The City of Emporia has received a consent to annexation from the owner of property being located 4502 W 18th Ave. The property adjoins the city and is eligible for annexation under K.S.A. 12-520.

The property is currently zoned Lyon County Agriculture, upon annexation, the property retains its zoning designation. A separate zoning request will be necessary prior to any development of the property.

The subject property is within the natural growth area of the city, and has public infrastructure within a reasonable distance for the extension of services to the site. PLAN ELC, the city/county comprehensive plan, anticipates the property being developed as a mix of commercial and residential uses.

Discussion:

K.S.A. 12-520, permits a city to annex land if the land adjoins the city, and the owner of the subject property has consented to the annexation.

Kansas Annexation Law specifically allows that when a property that adjoins the city, and the owner has consented to annexation, no review from either a city or county Planning Commission, or the Board of County Commissioners is required. The only required action is for the City Commission to adopt an ordinance annexing the property.

Financial considerations:

The cost of publication of the ordinance is borne by the City.

Recommended action:

Adopt Ordinance No. 26-14 Annexing Land Located at 4502 W 18th Ave. Pursuant to K.S.A. 12-520

Attachments:

Annexation Ordinance 20-14
Annexation Application & Exhibits
Aerial Location Map
PLAN ELC Area Map

ORDINANCE NO. 26-14

AN ORDINANCE ANNEXING LANDS TO THE CITY OF EMPORIA, KANSAS.

WHEREAS, the following described land adjoins the City of Emporia, Kansas and is generally located 4502 W 18th AVE. in Lyon County; and

WHEREAS, a written consent for annexation of the following described land, signed by all of the owners thereof, has been filed with the City of Emporia, Kansas pursuant to K.S.A. 12-520, as amended; and

WHEREAS, the governing body of the City of Emporia, Kansas, finds it advisable to annex such land.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, KANSAS:

SECTION 1. That the following described land is hereby annexed and made part of the City of Emporia, Kansas:

ALL THAT PART OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS LYING WEST OF THE KANSAS TURNPIKE AND NORTH OF THE FOLLOWING DESCRIBED 2 TRACTS:

1. A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024, BY ERNEST CANTU, JR., P.S. #1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S. #65), A PROFESSIONAL ASSOCIATION LICENSED TO PRACTICE SURVEYING IN THE STATE OF KANSAS, SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00'02" WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, USING ZONE 9 OF THE KANSAS REGIONAL COORDINATE SYSTEM (EMPORIA ZONE), WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO, WITH DISTANCES HEREIN MEASURED HORIZONTALLY ON THE GROUND, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED "KVE CLS20", HELD FOR THE POSITION OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS; THENCE BEARING SOUTH 89°00'02" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST

QUARTER OF SECTION 6 A DISTANCE OF 1067.84 FEET TO THE POINT OF BEGINNING, SAID POINT BEING COINCIDENT WITH THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903, RECORDED ON SEPTEMBER 9, 1998, WITH THE OFFICE OF THE REGISTER OF DEEDS, LYON COUNTY, KANSAS; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN JOINT TENANCY WARRANTY DEED, IN BOOK 444 OF DEEDS, PAGE 495, RECORDED ON MAY 12, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS, FROM WHICH A 5/8-INCH REBAR WITH LYON COUNTY I.D. CAP IN A CIRCULAR SURVEY MONUMENT BOX, HELD FOR THE POSITION OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS SAME SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6 AT DISTANCE OF 1150.75 FEET; THENCE BEARING NORTH 0°59'58" WEST, PERPENDICULAR FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 444, PAGE 495, AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED, IN BOOK 448 OF DEEDS, PAGE 607, RECORDED ON JUNE 15, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS, A DISTANCE OF 473.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607; THENCE BEARING SOUTH 89°00'02" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 AND ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, A DISTANCE OF 400.14 FEET TO THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607, ALSO BEING COINCIDENT WITH THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INDIVIDUAL TRUSTEE'S DEED, IN DOCUMENT NUMBER 2015-04746, RECORDED ON DECEMBER 30, 2015, SAID POINT ALSO BEING PERPENDICULARLY NORTH FROM SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, NORTH OF A POINT 750.61 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 AS DESCRIBED IN SAID BOOK 448, PAGE 607, AND AS DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST, ALONG THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, BEING COINCIDENT WITH THE NORTHWEST CORNER OF SAID TRACT OF LAND DESCRIBED IN SAID DOCUMENT NUMBER 2015-04746, FROM WHICH THE SOUTHWEST CORNER OF SAID

SOUTHWEST QUARTER OF SECTION 6 BEARS SOUTH 0°06'04" WEST ALONG SAID WEST LINE AT A DISTANCE OF 473.09 FEET; THENCE BEARING NORTH 0°06'04" EAST ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1139.80 FEET, FROM WHICH A 5/8-INCH REBAR WITH ILLEGIBLE CAP (POSSIBLY RESET BY STEVEN S. BROSEMER, PS#752, ON OCTOBER 15, 2001), HELD FOR THE POSITION OF THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6, BEARS NORTH 0°06'04" EAST ALONG SAID WEST LINE AT A DISTANCE OF 1027.56 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF 910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF SAID TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED, IN VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE OF SAID TRACT OF LAND DESCRIBED IN VOLUME 436, PAGE 903, A DISTANCE OF 1635.42 FEET TO THE POINT OF BEGINNING; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR WEST 18TH AVENUE ON THE SOUTH 45 FEET THEREOF, AS DESCRIBED IN RIGHT OF WAY TRACT NO. 1, IN VOLUME 531, PAGE 271, RECORDED ON MARCH 30, 2000, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO LYON COUNTY ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 55 FEET THEREOF, AS DESCRIBED IN EASEMENT TRACT NO. 5-A, IN VOLUME 296, PAGE 509, RECORDED ON OCTOBER 14, 1966, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND BEING SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 100 FEET, MEASURED ALONG THE SOUTH 260.42 FEET OF THE MOST WESTERLY LINE OF SAID TRACT OF LAND, AS DESCRIBED IN RIGHT OF WAY, IN VOLUME 541, PAGE 603, RECORDED ON AUGUST 10, 2001, WITH SAID OFFICE OF THE REGISTER OF DEEDS; SAID TRACT OF LAND THEREOF CONTAINING 41.839 GROSS ACRES, MORE OR LESS, AND CONTAINING 40.000 NET ACRES, MORE OR LESS, EXCLUSIVE OF SAID ROAD RIGHTS OF WAY; END OF DESCRIPTION.

2. A TRACT OF LAND IN THE FRACTIONAL SOUTH HALF OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF SAID SECTION 6, THENCE ON AN ASSUMED BEARING OF S90°00'00"W ALONG THE SOUTH LINE OF SAID FRACTIONAL SW1/4 FOR A DISTANCE OF 386.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING

ALONG SAID SOUTH LINE S90°00'00"W FOR A DISTANCE OF 681.83 FEET;
THENCE N01°57'57"E FOR A DISTANCE OF 1989.04 FEET; THENCE
S89°12'24"E FOR A DISTANCE OF 1033.00 FEET TO THE EAST LINE OF THE
FRACTIONAL SW1/4 OF SAID SECTION; THENCE CONTINUING S89°12'24"E
FOR A DISTANCE OF 1242.79 FEET TO THE WESTERLY RIGHT OF WAY
LINE OF THE KANSAS TURNPIKE, SAID POINT BEING 150.00 FEET
NORTHWESTERLY AT RIGHT ANGLES TO CENTERLINE
STATION9310+83.40 OF SAID TURNPIKE; THENCE S30°06'36"W ALONG
THE WESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE FOR A
DISTANCE OF 2178.65 FEET TO THE NORTHEAST CORNER OF TRACT 20-
1D AS ACQUIRED BY THE KANSAS TURNPIKE THROUGH DISTRICT
COURT CASES 23521 AND 23563; THENCE S85°48'36"W ALONG THE
NORTHERLY LINE OF TRACT 20-1D FOR A DISTANCE OF 570.56 FEET TO
A POINT WHICH IS 30 FEET NORTH OF THE SOUTH LINE OF THE
FRACTIONAL SW1/4 OF SAID SECTION 6; THENCE S00°00'00"E FOR A
DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING

SECTION 2. This ordinance shall take effect and be in force from and
after its publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Emporia,
Kansas, this 20th day of May 2026.

ATTEST:

Becky Smith, Mayor

Kerry Sull, City Clerk



PLANNING AND ZONING DEPARTMENT
522 Mechanic Street | Emporia, KS 66801 | (620) 343-4268

ANNEXATION APPLICATION

**Attach a site plan map (2), drawn to scale, showing property lines, roads, driveways, existing and proposed structures, parking stalls, landscaping, fences, and other topographical features.*

(NOTE) AN INCOMPLETE APPLICATION CANNOT BE PROCESSED

Date Submitted: May 4, 2026

	Name	Address	Phone
Applicant	Peak, Arby Scott	4700 W. Thirtieth, Emporia, Kansas 66801	(620) 340- 3400
Owner	Peak, Jana D.	4700 W. Thirtieth, Emporia, Kansas 66801	(620) 341- 0140

Other Owners and Officers (corporate applications only): N/A

Describe the Location: 4502 W. 18th Ave., Emporia, Kansas 66801

Current Zoning District: Agricultural (Lyon County AG)

Legal Description of Property: See attached Exhibit A

Current Use of Property: Agricultural / rural

Proposed Use of Property: Industrial use

Reason for Annexation Request: Voluntary annexation pursuant to City of Emporia Policy on Voluntary Annexation and Limited Property Tax Rebate (adopted May 6, 2026), to facilitate planned industrial development in accordance with K.S.A. 12-520a.

The following non-conformities exist on this property: None known

By signing this application, I certify that all of the information I have provided is true and correct. I understand that additional information may be needed, or additional fees may be incurred during the rezoning application process. I understand and agree that it will be my responsibility to provide any additional information requested and to pay any additional fees incurred.

Applicant's Signature

Date

Jana D. Peak

5/12/26

Owner's Signature

Date

Jana D. Peak

5/12/26

FOR OFFICE USE ONLY

Fee	Date Paid	Receipt No.
\$0		

Application No.: _____

Hearing Date: _____

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

Owner: Peak, Amby Scott & Jana D.

Property Address: 4502 W. 18th Ave., Emporia, Kansas 66801

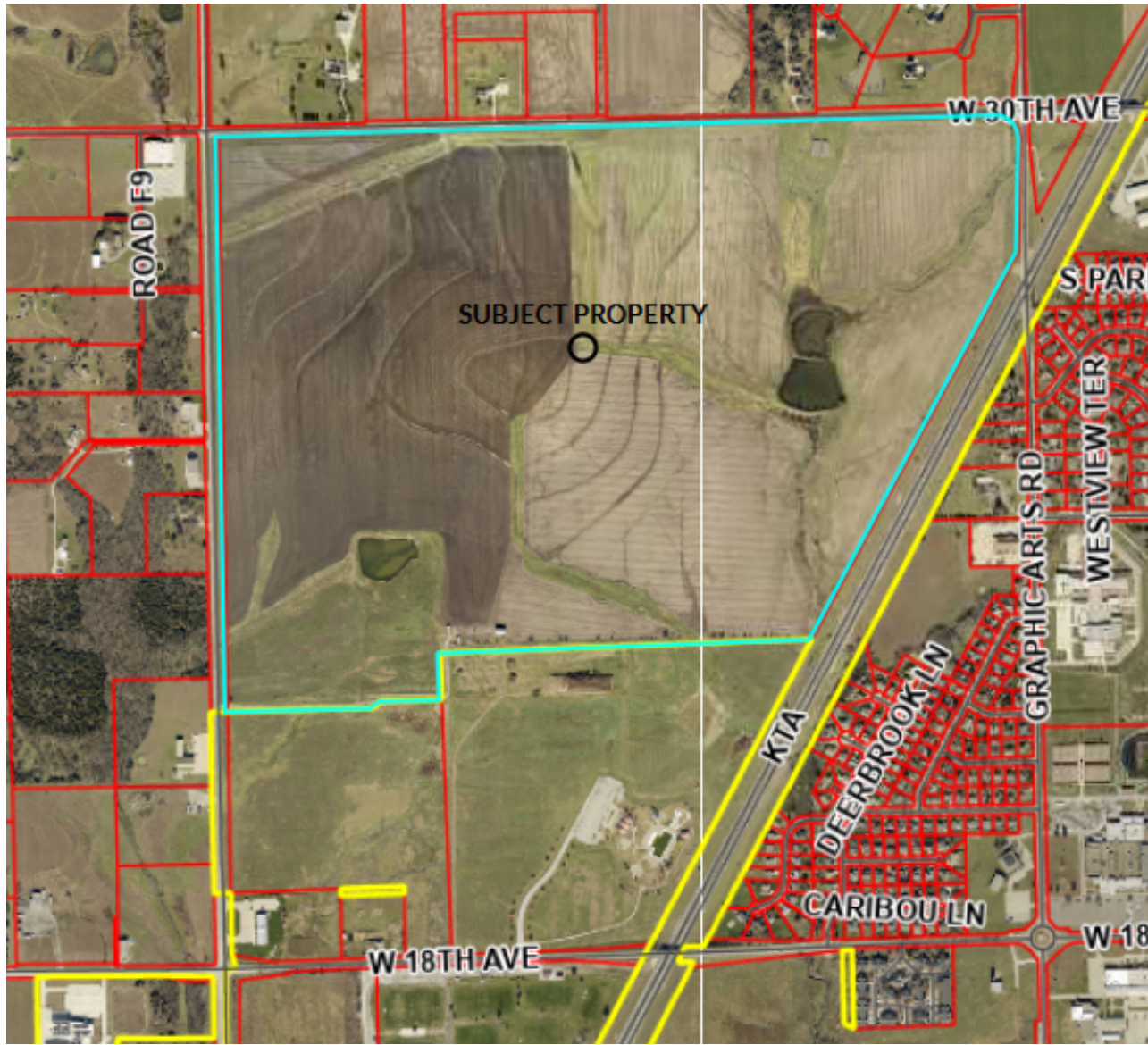
ALL THAT PART OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS LYING WEST OF THE KANSAS TURNPIKE AND NORTH OF THE FOLLOWING DESCRIBED 2 TRACTS:

TRACT 1: A CONTIGUOUS TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS, AS ORIGINALLY DESCRIBED AND PREPARED ON SEPTEMBER 26, 2024 BY ERNEST CANTU, JR., P.S. #1407, AND PROFESSIONAL ENGINEERING CONSULTANTS, P.A. (C.L.S. #65). SAID TRACT OF LAND DESCRIBED BASED ON A BEARING OF SOUTH 89°00'02" WEST, MEASURED FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6 TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 6. COMMENCING AT A 1/2-INCH REBAR WITH YELLOW I.D. CAP STAMPED "KVE CLS20", HELD FOR THE POSITION OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LYON COUNTY, KANSAS; THENCE BEARING SOUTH 89°00'02" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 1067.84 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST ALONG SAID SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6 A DISTANCE OF 300.00 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN JOINT TENANCY WARRANTY DEED, IN BOOK 444 OF DEEDS, PAGE 495, RECORDED ON MAY 12, 2000; THENCE BEARING NORTH 0°59'58" WEST, PERPENDICULAR FROM SAID SOUTH LINE, ALONG THE EAST LINE OF SAID TRACT OF LAND DESCRIBED IN BOOK 444, PAGE 495, AND ALONG THE EAST LINE OF A TRACT OF LAND DESCRIBED IN WARRANTY DEED, IN BOOK 448 OF DEEDS, PAGE 607, RECORDED ON JUNE 15, 2001, A DISTANCE OF 473.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN BOOK 448, PAGE 607; THENCE BEARING SOUTH 89°00'02" WEST, PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 6, A DISTANCE OF 400.14 FEET; THENCE CONTINUING WITHOUT DEFLECTION, BEARING SOUTH 89°00'02" WEST, ALONG THE NORTH LINE OF A TRACT IN DOCUMENT NUMBER 2015-04746, A DISTANCE OF 741.52 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 6; THENCE BEARING NORTH 0°06'04" EAST ALONG SAID WEST LINE A DISTANCE OF 1139.80 FEET; THENCE BEARING NORTH 89°45'42" EAST A DISTANCE OF 910.45 FEET; THENCE BEARING SOUTH 89°47'19" EAST A DISTANCE OF 50.91 FEET; THENCE BEARING NORTH 56°32'40" EAST A DISTANCE OF 76.62 FEET; THENCE BEARING NORTH 89°46'33" EAST A DISTANCE OF 450.00 FEET TO THE WEST LINE OF A TRACT DESCRIBED IN GENERAL WARRANTY DEED, VOLUME 436, PAGE 903; THENCE BEARING SOUTH 0°57'59" WEST ALONG SAID WEST LINE A DISTANCE OF 1635.42 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 41.839 GROSS ACRES, MORE OR LESS, AND 40.000 NET ACRES, MORE OR LESS, EXCLUSIVE OF ROAD RIGHTS OF WAY. SUBJECT TO CITY OF EMPORIA ROAD RIGHT OF WAY FOR WEST 18TH AVENUE ON THE SOUTH 45 FEET THEREOF (VOLUME 531, PAGE 271), LYON COUNTY ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 55 FEET THEREOF (VOLUME 296, PAGE 509), AND CITY OF EMPORIA ROAD RIGHT OF WAY FOR ROAD G ON THE WEST 100 FEET ALONG THE SOUTH 260.42 FEET OF THE MOST WESTERLY LINE (VOLUME 541, PAGE 603).

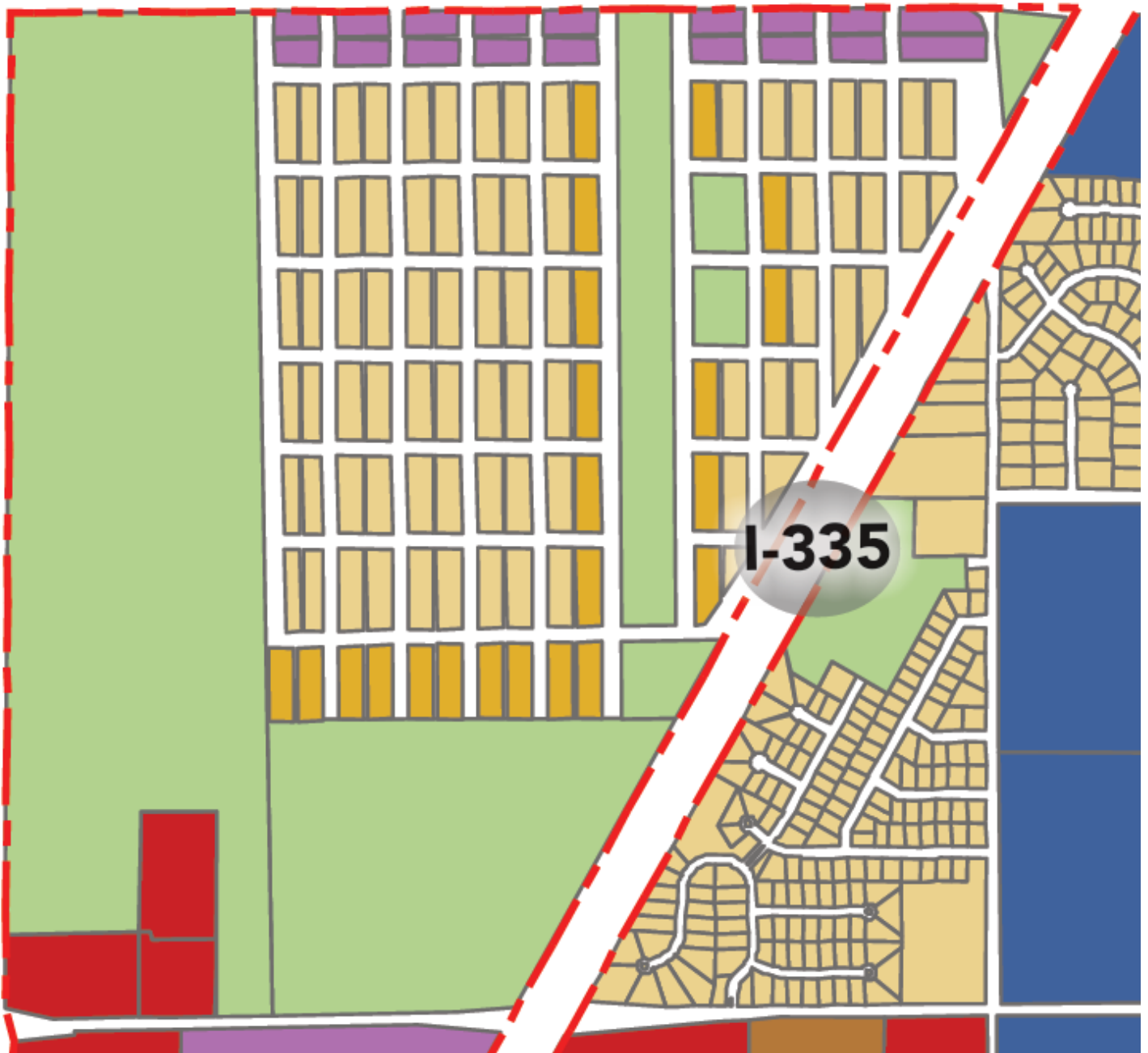
TRACT 2: A TRACT OF LAND IN THE FRACTIONAL SOUTH HALF OF SECTION 6, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS

FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE FRACTIONAL SW1/4 OF SAID SECTION 6, THENCE ON AN ASSUMED BEARING OF S90°00'00"W ALONG THE SOUTH LINE OF SAID FRACTIONAL SW1/4 FOR A DISTANCE OF 386.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE S90°00'00"W FOR A DISTANCE OF 681.83 FEET; THENCE N01°57'57"E FOR A DISTANCE OF 1989.04 FEET; THENCE S89°12'24"E FOR A DISTANCE OF 1033.00 FEET TO THE EAST LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION; THENCE CONTINUING S89°12'24"E FOR A DISTANCE OF 1242.79 FEET TO THE WESTERLY RIGHT OF WAY LINE OF THE KANSAS TURNPIKE, SAID POINT BEING 150.00 FEET NORTHWESTERLY AT RIGHT ANGLES TO CENTERLINE STATION 93+10+83.40 OF SAID TURNPIKE; THENCE S30°06'36"W ALONG THE WESTERLY RIGHT OF WAY OF THE KANSAS TURNPIKE FOR A DISTANCE OF 2178.65 FEET TO THE NORTHEAST CORNER OF TRACT 20-1D; THENCE S85°48'36"W ALONG THE NORTHERLY LINE OF TRACT 20-1D FOR A DISTANCE OF 570.56 FEET TO A POINT WHICH IS 30 FEET NORTH OF THE SOUTH LINE OF THE FRACTIONAL SW1/4 OF SAID SECTION 6; THENCE S00°00'00"E FOR A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.













Road G & W 30th Ave Annexation
Aerial Map



W 30th Ave & Road G
Annexation
PLAN ELC Map



Legend

- | | | | |
|---|--------------|---|---------------------------------|
|  | Country Home |  | Industrial-Flex |
|  | SF Detached |  | Light Industrial |
|  | SF Attached |  | Heavy Industrial |
|  | Multi-Family |  | Civic/Public |
|  | Commercial |  | Greenspace/Parks/
Recreation |
|  | Flex-Use |  | City Limits |
|  | Mixed-Use | | |



Commission Action Report

Voluntary Annexation and Limited Property Tax Rebate Agreement 4502 W 18th Avenue

Title: Voluntary Annexation and Limited Property Tax Rebate Agreement 4502 W 18th Avenue

Agenda Date: May 20, 2026

Presented By: Christina Montgomery, City Attorney

Background:

Resolution 3793 established a Policy on Voluntary Annexation and Limited Property Tax Rebate to encourage annexation in advance of anticipated development and support long-term economic growth and coordinated provision of municipal services.

The owner of 4502 W 18th Avenue has requested voluntary annexation. The property is associated with anticipated future development and is eligible for consideration under the policy.

Discussion:

The proposed agreement authorizes and temporary rebate of the City's portion of property taxes following annexation for a period of up to three years. The rebate will terminate upon development, transfer of ownership, extension of infrastructure to support development, or expiration of the agreement term.

The rebate is a municipal expenditure and does not alter the tax levy, assessment, or collection process.

Financial considerations:

The City's portion of property taxes will be rebated for a period of up to three years following annexation.

Recommended action:

Approve Voluntary Annexation and Limited Property Tax Rebate Agreement 4502 W 18th Avenue

Attachments:

Voluntary Annexation and Limited Property Tax Rebate Agreement 4502 W 18th Avenue

CITY OF EMPORIA, KANSAS

Voluntary Annexation and Limited Property Tax Rebate Agreement

THIS AGREEMENT is made and entered into this 20th day of May 2026, by and between the City of Emporia, Kansas (“City”) and Amby Scott Peak & Jana D Peak (“Owner”). “Owner” includes the property owner and any duly authorized representative acting on behalf of the owner.

WHEREAS, Owner owns real property located in Lyon County, Kansas, more particularly described herein (the “Property”);

WHEREAS, Owner has submitted or intends to submit a petition for voluntary annexation of the Property into the City;

WHEREAS, the Property is associated with proposed annexation and anticipated development; and

WHEREAS, the parties desire to establish the terms under which the Owner may be eligible for a limited, temporary rebate of certain City property taxes if the Property is annexed, consistent with the City’s Policy on Voluntary Annexation and Limited Property Tax Rebate (the “Policy”).

NOW, THEREFORE, the parties agree as follows:

SECTION 1. PURPOSE

This Agreement establishes the terms under which the Owner may be eligible for a limited, temporary rebate of certain City property taxes, if the Property is annexed.

SECTION 2. PROPERTY

The “Property” subject to this Agreement shall mean the real property annexed into the City pursuant to Ordinance No. 26-14, which ordinance is incorporated herein by reference.

SECTION 3. ANNEXATION

Annexation of the Property is a legislative decision of the Governing Body. Nothing in this Agreement obligates the City to approve annexation.

This Agreement is effective only upon annexation of the Property. If annexation does not occur, this Agreement is void.

SECTION 4. TERM

The term of this Agreement shall be three (3) years from the effective date of annexation.

SECTION 5. ANTICIPATED DEVELOPMENT

The Property is associated with anticipated future development that supports the City's economic development interests.

SECTION 6. PROPERTY TAX REBATE

A. Eligibility

Upon annexation, the Owner will be eligible for a rebate of the City's portion of property taxes, subject to this Agreement and the Policy.

B. Rebate

The rebate shall be equal to one hundred percent (100%) of the City of Emporia's portion of ad valorem property taxes levied on the Property and paid by the Owner for a period of three (3) years.

C. Exclusion

The rebate applies solely to the City of Emporia's portion of ad valorem property taxes and does not apply to taxes levied by any other taxing jurisdiction.

D. Nature of Rebate

The rebate is a discretionary economic development incentive and shall not be construed as a waiver, abatement, or modification of any tax.

E. Payment

Rebates shall be paid only after taxes are collected, processed, and distributed to the City. No rebate shall be paid if taxes are delinquent.

Rebates are subject to annual appropriation by the Governing Body.

SECTION 7. TERMINATION

This Agreement and any rebate eligibility shall terminate upon:

- Transfer of ownership;
- Commencement of development, including permit issuance, grading, or construction;
- Extension of infrastructure or utilities to serve the anticipated development;
- Expiration of the term;
- De-annexation; or
- Noncompliance with this Agreement.

SECTION 8. DEANNEXATION

If anticipated development does not occur, the Owner may request that the City consider deannexation of the Property prior to expiration or termination of this Agreement.

Deannexation is subject to Governing Body approval and applicable law. If deannexation is approved, the property will no longer be subject to City of Emporia property taxes and will be taxed in the same manner as property located outside the City limits. Deannexed property shall be ineligible for future participation in the Rebate Program.

SECTION 9. GENERAL PROVISIONS

A. Compliance

Owner shall comply with applicable laws. Noncompliance may result in termination.

B. No Vested Rights

This Agreement creates no vested rights to annexation, rebate, or de-annexation.

C. Non-Assignment

This Agreement may not be assigned without City approval. Transfer of ownership terminates this Agreement.

D. Entire Agreement

This Agreement constitutes the entire agreement between the parties.

E. Amendment

This Agreement may be amended only by written approval of the Governing Body.

F. Severability

Invalid provisions do not affect the remainder.

G. Governing Law

Kansas law governs this Agreement.

EXECUTION

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

CITY OF EMPORIA, KANSAS

OWNER

By: _____

Becky Smith, Mayor

Name: _____

Title: _____

Attest:

Kerry Sull, City Clerk



Commission Action Report

Resolution No. 3794- Health in All Policies Grant Authorization for Civic Leadership Institute

Reso

Title: Resolution No. 3794- Health in All Policies Grant Authorization for Civic Leadership Institute

Agenda Date: May 20, 2026

Presented By: Tayler Wash, Assistant City Manager

Background:

On February 16, 2026, the City of Emporia signed a Health in All Policies (HiAP) Package Pledge through the Pathways to a Healthy Kansas initiative in partnership with Healthier Lyon County. The initiative encourages local governments to incorporate health considerations into policies, programs, and community education efforts.

The City currently operates the Civic Leadership Institute (CLI), which provides residents with education and engagement opportunities related to local government and community leadership. Staff has identified an opportunity to enhance the program through the addition of a Municipal Codes and Policy module and integration of health-focused concepts throughout the existing curriculum to demonstrate how local government operations and policies enhance community health and well-being.

Discussion:

Approval of the resolution authorizes the City Manager, or designee, to work with Healthier Lyon County and Pathways representatives to fulfill the minimum requirements of the HiAP Educational Curriculum Package and apply for an implementation grant. If awarded, grant funding would support development and implementation of the Civic Leadership Institute curriculum.

Financial Considerations:

The City is eligible to apply for a noncompetitive implementation grant in an amount not to exceed \$15,000. No local match or any city funding is required. Grant funds would support curriculum development, educational materials, and implementation activities associated with the program. Grant funds will be distributed over a five-year period and will require continued implementation and maintenance of the program throughout the grant term.

Recommended Action:

Adopt Resolution No. 3794 authorizing participation in the Health in All Policies grant initiative for the Civic Leadership Institute.

Attachments:

Resolution No. 3794

RESOLUTION NO. 3794

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE MINIMUM REQUIREMENTS MAKING THE CITY OF EMPORIA ELIGIBLE TO RECEIVE A NONCOMPETITIVE IMPLEMENTATION GRANT FOR THE PATHWAYS TO A HEALTHY KANSAS HEALTH IN ALL POLICIES PACKAGE:

WHEREAS, the City of Emporia signed a Health in All Policies Package Pledge on February 16, 2026 to explore a partnership with Healthier Lyon County and the Pathways to a Healthy Kansas Blue Cross Blue Shield of Kansas initiative (Pathways) to incorporate Health in All Policies (HiAP) into class curriculum or develop an HiAP course;

WHEREAS, the City of Emporia currently provides a Civic Leadership Institute to provide Emporia residents with the tools, resources, and information to become knowledgeable community members and effective community leaders (<https://www.emporiaks.gov/1513/Civic-Leadership-Institute>);

WHEREAS, the City of Emporia’s Civic Leadership Institute would benefit from adding a Municipal Codes and Policy module to help the public gain a better understanding of how the operations of the City of Emporia impact the health and well-being of the community; and

WHEREAS, the City of Emporia is eligible for a noncompetitive implementation grant of up to \$15,000 through Pathways to develop and implement a Municipal Codes and Policy module as part of its Civic Leadership Institute once the City of Emporia meets minimum requirements as outlined in the Pathways Pledge.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EMPORIA, AS FOLLOWS:

SECTION 1: The Governing Body of the City of Emporia adopts the above recitals as their findings.

SECTION 2: The City Manager is further authorized to apply for and accept a noncompetitive Pathways Implementation Grant in an amount not to exceed \$15,000, and to carry out the project as described in the attached HiAP curriculum.

SECTION 3: The Governing Body of the City of Emporia directs and authorizes the City Manager, or any of that person’s designees to act on behalf of the City of Emporia and work with City of Emporia officials, Healthier Lyon County, and representatives from Pathways to execute any agreements, contracts, or other policies needed to fulfill the minimum requirements of the Health in All Policies: HiAP Educational Curriculum package and apply for an implementation grant.

SECTION 4: This resolution shall be in full force and effect from its adoption.

PASSED AND ADOPTED by the Governing body of the City of Emporia, this 20th day of May 2026.

CITY OF EMPORIA

ATTEST:

Becky Smith, Mayor

(SEAL)

Kerry Sull, City Clerk
City of Emporia, Kansas



Commission Action Report

Financials and Permits

Title: Financials and Permits
Agenda Date: May 20, 2026
Presented By: Trey Cocking, City Manager

Background:

This is a time for the City Manager to make comments and reports to the Public.

The following is general information for the month of April 2026 for the community:

Monthly Local Retail Sales Tax Receipts Update

	2025	2026	Increase of \$12,376.61 for the month, and Overall increase of 2.36% from year 2025.
	\$ 500,397.02	\$ 512,773.63	
YTD	\$ 2,148,522.40	\$ 2,199,147.23	

City Share from County Tax

	2024	2026	Decrease of \$1,077.00 for the month, and Overall increase of 4.13% from year 2025.
	\$ 264,261.39	\$ 263,184.39	
YTD	\$ 1,107,078.41	\$ 1,154,724.10	

Building Permits issued from 4/1/2026 to 4/30/2026 for new construction, remodeling/repairs and demolition.

Total number of building permits issued through Code Services:	67
Total valuations associated with those building permits:	\$ 8,750,589.29
Large valuations: Walmart \$5,000,000.	
Southwick \$2,634,476.	

Total number of dollars collected for Building Permit Fees: \$ 28,671.00

Construct – Single-family dwellings	0
Demo – Single-family dwellings	2

Flint Hills Mall CID for April 2026 \$ 13,293.93
YTD \$ **59,924.64**

Pavilions CID for April 2026 \$ 10,216.58
CID #2 \$ 10,216.58
YTD \$ **149,488.04**

Fairview Hotel CID for April 2026 \$ 5,774.81
YTD \$ **22,368.76**

West Plaza CID for April 2026 \$ 5,558.42
YTD \$ **30,087.91**

Commission Meeting**11:00 a.m.****May 6, 2026**

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, May 6, 2026, with Mayor Smith presiding and Commissioners Duncan, Harter, Ogle and Steinkuhler present. Also present were City Manager Cocking, Deputy City Manager Detter, Assistant City Manager Wash, City Clerk Sull and City Attorney Montgomery.

Colleen Smith, Lyon/Morris County Human Resources Coordinator for ECKAN, was in attendance to accept a proclamation declaring the month of May as “Community Action Month” in Emporia. She stated Community Action has made essential contributions to individuals and families across this Nation by creating economic opportunities and strengthening communities. Community Action promotes community-wide solutions to challenges throughout our cities, suburbs, and rural areas. Community Action builds and promotes economic stability as an essential aspect of enabling and enhancing stronger communities and stable homes. ECKAN is celebrating 60 years in Community Action with innovation, impact and providing proven results in our communities. She stated May 2026 is in recognition of the hard work and dedication of ECKAN and all Community Action Agencies.

Mayor Smith then presented the proclamation.

Representatives of the MUPP Board were in attendance to accept a proclamation declaring May 28, 2026, through June 4, 2026, as “Walk, Run & Bike Days” in Emporia. They stated from May 28 through June 4, 2026, Emporia will be focused on two major bicycling and running events. From May 28 to May 31, Emporia will once again be the host to the Garmin UNBOUND Gravel bike race which is one of North America’s premier, annual, ultra-endurance cycling challenges with this year’s event to include the rides of 25, 50, 100, 200 and 350 miles and the High School Junior ride as well as the open air, market style “All Things Gravel” expo. The UNBOUND Gravel rides will bring in over 4,000 participants from all 50 states, Puerto Rico, and 66 foreign countries. More than 10,000 friends, family, fans and supporters will visit our community. On June 3 and June

4, the 45th Annual Law Enforcement Torch Run will enter Lyon County at the Coffey County line and local law enforcement officers will carry the Torch to El Dorado with the eventual destination at the summer games of the Special Olympics in Wichita. The Multi-Use Path Planning Board encourages everyone to walk, run or ride a bicycle to work during the week of these events. They encourage the residents of Emporia to follow the example of our running and bicycling visitors and get up, get out and walk, run or bicycle. Exercise leads to a healthy lifestyle and reduces illnesses to a sedentary life.

Mayor Smith then presented the proclamation.

Captain Scott Stormont, Emporia Police Department, was in attendance to accept a proclamation declaring the week of May 11 through 16, 2026, as “National Police Week” in Emporia. He stated every day, our Nation’s dedicated law enforcement officers put themselves at risk to keep their fellow Americans safe. Law enforcement officers deserve our appreciation for the work they do, and citizens fulfill an important civic responsibility by supporting their efforts to protect our communities. On Peace Officers Memorial Day during Police Week, we honor the heroism of all law enforcement officers, especially those who have given their lives so that others might live. By joint resolution of the U.S. Congress in 1962, the President of the United States was authorized to designate May 15 of each year as “Peace Officers Memorial Day” and the week in which it falls as “Police Week”, and to direct the flag be flown at half-staff on May 15th of each year. He called upon all citizens to remember those throughout our nation who have lost their lives while protecting others.

Mayor Smith then presented the proclamation.

Brian Silcott, Interim Public Works Director, was in attendance to accept a proclamation declaring the week of May 17 through 23, 2026, as “National Public Works Week” in Emporia. He stated public work professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities, as well as to public health, high quality of life, and the well-being of the people of Emporia.

Infrastructure, facilities, and services could not be provided without the dedicated efforts of public work professionals, engineers, managers, and employees at all levels of government and private sector who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment, solid waste systems, public buildings, and other essential structures and facilities. It is in the public interest for the citizens, civic leaders, and children of Emporia to gain knowledge of and maintain an ongoing interest in and understanding of the importance of public works and public work programs in their communities. He urged all citizens to join with representatives of the American Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees, and to recognized the substantial contributions the make to protecting our national health, safety, and advancing the quality of life for all.

**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. Jarom Smith, 3625 Caribou Lane, shared concerns he had about Commissioner ethics.

**CITY COMMISSION
(Board Appointments)**

RDA of East Central Kansas Board:

It was moved by Commissioner Steinkuhler, seconded by Commissioner Ogle that Jeff Longbine be appointed to the Regional Development Association of East Central Kansas Board to fill an unexpired term ending December 31, 2026. The vote follows: Commissioner Steinkuhler, aye; Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Harter, aye; and Mayor Smith, nay.

William Allen White Community Partnership:

It was moved by Commissioner Ogle, seconded by Commissioner Duncan that Ann Burnett be appointed to the William Allen White Community Partnership for a term ending December 31, 2028. The vote follows: Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Harter, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

Emporia Public Library Board:

It was moved by Commissioner Harter, seconded by Commissioner Ogle that Caron Daugherty and Jessica Wagoner be appointed to the Emporia Public Library Board for terms ending June 30, 2030. The vote follows: Commissioner Harter, aye; Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

Golf Advisory Board:

It was moved by Commissioner Harter, seconded by Commissioner Ogle that Brad Stewart, Brian Lawson, Rick Clark and Carmen Leeds be appointed to the Golf Advisory Board for terms ending December 31, 2028. The vote follows: Commissioner Harter, aye; Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

**ENGINEERING
(Kansas Department of Transportation)
(SS4A Safety Improvement Project)
(Consultant Engineering Services)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated the Safe Streets for All (SS4A) Grant is a Kansas Department of Transportation (KDOT) and Federal Highway Administration funding opportunity to help identify safety improvements in communities for pedestrians and vehicles. The Engineering Department requested qualifications from KDOT approved consultants to help identify safety improvements within city limits. The City received RFQ's from both HDR, Inc. and Garver, LLC and using KDOT's consultant selection process, agreed upon contacting HDR, Inc.

The grant will fund up to \$240,000 from the U.S. Department of Transportation for planning for the SS4A. KDOT will pay \$45,000 and the City's portion will be \$15,000. Staff recommend authorizing the City Manager to award up to \$300,000 in grant funding to HDR, Inc.

Following further discussion, Commissioner Harter made a motion authorizing the City Manager to award up to \$300,000 in grant funding to HDR, Inc. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

ENGINEERING
(Kansas Department of Transportation)
(Support for 2026 KDOT TA Safe Routes to School)
(Resolution Number 3792)

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated that the Kansas Department of Transportation and the City of Emporia contracted with Toole Design in 2023 to analyze Emporia area school and recommend safety improvements at the USD 253 schools for pedestrians and bicyclists. The City submitted a preliminary grant application for 2026 KDOT TA program and Emporia was chosen to move to the next route of grant application that requires a Resolution of Support. He stated if chosen the grant will fund sidewalk, ADA ramp, crosswalk, signage and RRFB improvements at five area schools, increasing safety. The grant application will focus on Emporia High School, Emporia Middle School, Riverside Elementary School, Timmerman Elementary and Village Elementary School. The Engineer's estimate for this project is \$1,250,000 with KDOT paying \$1,000,000 and the City's share being \$250,000. Staff recommends approval of Resolution Number 3792 of Support for KDOT TA SRTS.

Commissioner Steinkuhler made a motion to approve Resolution Number 3792 of Support for 2026 KDOT Transportation Alternatives Safe Routes to School Grant. Commissioner Harter seconded the motion. The vote follows: Commissioner Steinkuhler, aye; Commissioner Harter, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

**PAVING
 (2026 Pavement Preservation Project No. PV2602)
 (Various Locations Within the City Limits)
 (Bids)**

Jim Ubert, City Engineer, was recognized and addressed the Governing Body. He stated bids were received for the 2026 Pavement Preservation Project No. PV2602 for various locations around the city that consists of chip seal and fog seal on the following streets.

Base Bid: Aspen Drive (Cul de Sac to S. Congress Street) Copley Avenue (S. Exchange Street to S. Commercial Street, S. Congress Street to S. Neosho Street, and S. West Street to S. Walnut Street) Kansas Avenue (S. Mechanic Street to S. Commercial Street) Market Street (South Avenue to 2nd Avenue) Randolph Avenue (S. Mechanic Street to S. Commercial Street) Rindom Road (S. Walnut Street to S. Lawrence Street) South Congress Street (Logan Avenue to Kansas Avenue) South Lawrence Street (Rindom Road to Copley Avenue and Copley Avenue to South Avenue) South Pine Street (Dead End to South Avenue) Kansas Avenue (S. Union Street to S. Mechanic Street) South Walnut Street (Rindom Road to South Avenue)

Add Alternate No. 1: Cypress Drive (Merchant Street to Cul de Sac) South Merchant Street (Cypress Drive to Kansas Avenue)

Add Alternate No. 2: Market Street (Railroad Tracks to 5th Avenue)

Add Alternate No. 3: Emporia Recreation Center Parking Lot (313 W. 4th Avenue)

He stated two (2) bids were received:

BID TABULATION FOR 2026 PAVEMENT PRESERVATION PROJECT NO. PV2602

Contractor	Base Bid	Add Alt. No. 1	Add Alt. No. 2	Add Alt. No.3
Engineer's Est.	\$190,398.25	\$ 8,295.00	\$14,799.75	\$8,868.25
APAC-Ks Inc. Shears Div.	\$141,250.65	\$10,222.60	\$13,531.20	\$5,787.70
Vance Brothers, LLC	\$164,315.80	\$ 8,563.60	\$15,278.98	\$7,934.75

The project will be funded from the Multi-Year Fund and the City's portion of County wide one cent sales tax. Staff recommend awarding the 2026 Pavement Preservation Project No. PV2602 to APAC-Kansas, Inc. Shears Division for the base bid and all three (3) add alternates in the amount of \$170,792.15.

Following further discussion, Commissioner Duncan made a motion to award 2026 Pavement Preservation Project No. PV2602 to APAC-Kansas, Inc. Shears Division for the base bid and all three a(3) add alternates in the amount of \$170,792.15.

Commissioner Ogle seconded the motion. The vote follows: Commissioner Duncan, aye; Commissioner Ogle, aye; Commissioner Harter, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 4-14-26)
(Application No. 2026-03 – Request of Flint Hills Technical College)
(Rezone Property Located at 615 Overlander Road)

The Planning Commission met in a regular session on Tuesday, April 14, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, and Johnson were present. Commissioner Lingenfelter was absent.

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

Thomas called the meeting to order.

2. Planning Commission: Consider PC 2026-03, a Request for Rezoning of Property Located at 615 Overlander Road from Lyon County Light Industrial to City of Emporia Light Industrial (LI).

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. Commissioner Gilligan recused herself as the applicant is her employer. No other ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2026-03

Applicants: Flint Hills Technical College

Owners: Flint Hills Technical College

Requested Action: Consider a request to rezone property from Lyon County Light Industrial Parcel Type to City of Emporia Light Industrial (LI) Parcel Type.

Purpose: The applicant has requested the zoning change to allow future development under the City of Emporia Zoning Regulations.

Address: 615 Overlander Rd.

Legal description: BEGINNING 30 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION SEVEN (7), TOWNSHIP NINETEEN (19) SOUTH, RANGE ELEVEN (11) EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, THENCE WEST 660 FEET; THENCE NORTH 660 FEET; THENCE EAST 660 FEET; THENCE SOUTH 660 FEET TO THE PLACE OF BEGINNING.

LESS THE FOLLOWING DESCRIBED TRACT:

A TRACT IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND DESCRIBED BY AARON C. DAVIS, PS 1368, ON JULY 8, 2025, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE N.00°41'24"W. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SE1/4 FOR 660.00 FEET; THENCE S87°53'50"W. FOR 30.00 FEET A POINT ON THE WEST RIGHT OF WAY LINE OF OVERLANDER ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1 IN OVERLANDER ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, AND THE POINT OF BEGINNING; THENCE CONTINUING S87°53'50"W. ON THE SOUTH LINE OF SAID LOT 1 FOR 330.00 FEET; THENCE S.00°41'24"E. PARALLEL WITH SAID EAST LINE FOR 170.00 FEET; THENCE N.87°53'50"E. FOR 330 FEET TO THE WEST RIGHT OF WAY LINE OF OVERLANDER ROAD; THENCE N.00°41'24"W. ON SAID WEST RIGHT OF WAY LINE FOR 170.00 FEET TO THE POINT OF BEGINNING.

Lot Size: 8.00 acres

Existing Zoning: Lyon County Light Industrial

Future Zoning in ELC Comp. Plan: Light Industrial

Surrounding Zoning:

North: City Light Industrial / Commercial
East: City Light Industrial
South: County Heavy Industrial
West: City & County Light Industrial

Surrounding Actual Uses:

North: Oil and Gas Drilling Operator
East: Bradford Seed and Feed / Truck & Trailer Storage
South: Vacant Farm Ground / Eagle Creek Cement Plant
West: Vacant Farm Ground / Cellular Communications Tower

Analysis: The applicant has requested that this property be rezoned to a city zoning designation to facilitate future development. They are also concurrently seeking a Conditional Use Permit under City of Emporia Zoning Regulations. The property, while annexed into the city, retains its Lyon County zoning designation until such time as it is rezoned.

The absence of extraterritorial zoning, has created additional steps such as rezoning from a county designation to a city designation. The rezoning to a city designation, allows the property owners to have a clearer understanding of allowed uses with the particular Parcel Type that is assigned and design parameters for future development.

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; **Removing the County designation and assigning a city zoning designation is consistent with the zoning regulations and required for properties to be developed within the City.**
2. The character and condition of the neighborhood and its effect on the proposed change; **Rezoning this property to a City Light Industrial Parcel Type would have no negative effect on the neighboring properties. Properties in the adjacent area are either zoned City of Emporia Light Industrial or Lyon County Light Industrial.**
3. The zoning and uses of properties nearby; **Transitioning from County to City Light Industrial would not restrict, and would be in conformance with neighboring properties. The majority of properties and uses within this area are zone Light Industrial and have uses which are allowed within Light Industrial Parcel Types.**
4. The suitability of the subject property for the uses to which it has been restricted; **The property is currently being used by an oil and gas operator. It has not been vacant.**
5. The extent to which removal of the restrictions will detrimentally affect nearby property; **Removing the County Parcel Type and reclassifying it as a City Commercial Parcel Type will have no detrimental impact on nearby properties. The property has been used as industrial in nature for some time, and is listed as such in the comprehensive plan.**
6. The length of time the subject property has remained vacant as zoned; **The property is within the natural growth area of the City and has been zoned and used as an industrial type property for some time. The change in zoning is from a County zoning designation to a City zoning designation and therefore the length of time the subject property has remained vacant should be of minimal influence in the decision making process.**
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; **This property is well suited for the**

agricultural technical programs that Flint Hills intends on using the property for. There would be no harm to the general public welfare or safety in granting the rezoning. All infrastructure is in place, and there is a current road improvement project occurring on Overlander that would help to accommodate any additional traffic that the new educational programs would bring.

8. The recommendations of a permanent or professional planning staff; **Staff is supportive of the rezoning.**
9. The conformance of the requested change to Plan ELC; **Plan ELC's Regulating Plan identifies this tract of land as a Light Industrial Parcel Type, and the area is within the natural growth area of the city. Existing infrastructure is in place, as encouraged by Plan ELC. The subject property is within the natural growth area of the city.**
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 | Plan ELC Regulating Plan Map

The Public Hearing was opened.

Dr. Caron Daugherty, President, Flint Hills Technical College, spoke on behalf of the project. **Dr. Daugherty** stated that FHTC has recently started a CDL training program and would be using the property to house and expand that program as well as the Precision Agriculture program currently provided at FHTC. She further stated that each program would help to provide training and education to the local workforce and saw the programs as a benefit to the community as a whole.

Commissioner Fowler asked about additional paving on the lot in the future. **Dr. Daugherty** stated that there would be millings brought in from the Overlander Road project and future development would include hard surfacing.

No Person Spoke Against the Rezoning.

The Public Hearing was closed.

After a brief discussion among the Planning Commissioners;

Commissioner Reed made a motion to recommend approval of the rezoning to the Governing Body based on a finding that 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. Commissioner Johnson seconded the motion. The motion carried 5-0 (Gilligan abstained).

Justin Givens, Interim Director, Building & Neighborhood Development, was recognized and addressed the Governing Body. He stated the owner of the property located at 615 Overlander Road has requested that the property be rezoned from Lyon County Light Industrial to City of Emporia Light Industrial (LI). The request comes as Flint Hills Technical College intends to use the property for CDL Training and Precision Agriculture classes. The applicant has previously been annexed into the city, and prior to any development, a rezoning to a City of Emporia parcel type is required. The Light Industrial (LI) parcel type is consistent with adjacent properties, and the proposed use is allowed via a Conditional Use Permit. The applicant has also submitted a CUP request. Flint Hills Technical College intends to use the property for newly started CDL Training and expand the Precision Agricultural program. At their April 14, 2026, regular meeting, the Planning Commission conducted the required public hearing and voted unanimously recommending for approval for the property at 615 Overlander to be rezoned for the Flint Hills Technical College.

**PLANNING AND DEVELOPMENT
(Application No. 2026-03 – Request of Flint Hills Technical College)
(Rezone Property Located at 615 Overlander Road)
(Ordinance Number 26-10)**

AN ORDINANCE REZONING LAND IN THE CITY OF EMPORIA, KANSAS FROM LYON COUNTY LIGHT INDUSTRIAL PARCEL TYPE TO CITY OF EMPORIA LIGHTS INDUSTRIAL (LI) PARCEL TYPE AND AMENDING THE OFFICIAL ZONING MAP TO CONFORM WITH SAID ZONING, to which the City Clerk assigned Ordinance Number 26-10, was presented to the Governing Body for their consideration.

Commissioner Harter made a motion to approve Ordinance Number 26-10 and ordinance rezoning property located at 615 Overlander Road from Lyon County Light Industrial to City of Emporia Light Industrial (LI). Commissioner Ogle seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

**PLANNING AND DEVELOPMENT
(MAPC Excerpts of Regular Meeting Held 4-14-26)
(Application No. 2026-04 – Request of Flint Hills Technical College)
(Conditional Use Permit Located at 615 Overlander Road)**

The Planning Commission met in a regular session on Tuesday, April 14, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, and Johnson were present. Commissioner Lingenfelter was absent.

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

Thomas called the meeting to order.

3. Planning Commission: Consider PC 2026-04, a Request for a Conditional Use Permit for a Technical College located at 615 Overlander Road.

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. Commissioner Gilligan recused herself as the applicant is her employer. No other ex-parte communications or conflict of interests were reported.

Givens provided the Staff Report.

STAFF REPORT

Application #: PC 2026-04

Applicants: Flint Hills Technical College

Requested Action: Approval of a Conditional Use Permit for a Technical School

Purpose: The applicant is requesting the Conditional Use Permit to create expanded Agricultural Technical offerings.

Address: 615 Overlander Rd.

Legal description: BEGINNING 30 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION SEVEN (7), TOWNSHIP NINETEEN (19) SOUTH, RANGE ELEVEN (11) EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, THENCE WEST 660 FEET; THENCE NORTH 660 FEET; THENCE EAST 660 FEET; THENCE SOUTH 660 FEET TO THE PLACE OF BEGINNING.

LESS THE FOLLOWING DESCRIBED TRACT:

A TRACT IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 19 SOUTH, RANGE 11 EAST OF THE 6TH P.M., LYON COUNTY, KANSAS, AS SURVEYED AND

DESCRIBED BY AARON C. DAVIS, PS 1368, ON JULY 8, 2025, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE N.00°41'24"W. (BASIS OF BEARINGS) ON THE EAST LINE OF SAID SE1/4 FOR 660.00 FEET; THENCE S87°53'50"W. FOR 30.00 FEET A POINT ON THE WEST RIGHT OF WAY LINE OF OVERLANDER ROAD, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 1 IN OVERLANDER ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, AND THE POINT OF BEGINNING; THENCE CONTINUING S87°53'50"W. ON THE SOUTH LINE OF SAID LOT 1 FOR 330.00 FEET; THENCE S.00°41'24"E. PARALLEL WITH SAID EAST LINE FOR 170.00 FEET; THENCE N.87°53'50"E. FOR 330 FEET TO THE WEST RIGHT OF WAY LINE OF OVERLANDER ROAD; THENCE N.00°41'24"W. ON SAID WEST RIGHT OF WAY LINE FOR 170.00 FEET TO THE POINT OF BEGINNING.

Lot Size: 8.00 acres (352,687 sq. ft.)

Existing Zoning: County Light Industrial – A concurrent rezoning application is being considered for City Light Industrial Zoning

Future Zoning in ELC Comp. Plan: City Light Industrial (LI)

Surrounding Zoning:

North: City Light Industrial / Commercial
East: City Light Industrial
South: County Heavy Industrial
West: City & County Light Industrial

Surrounding Actual Uses:

North: Oil and Gas Drilling Operator
East: Bradford Seed and Feed / Truck & Trailer Storage
South: Vacant Farm Ground / Eagle Creek Cement Plant
West: Vacant Farm Ground / Cellular Communications Tower

Analysis: The applicant is proposing to create an expanded Agricultural Technical Program on the site. Technical Colleges are required to receive Conditional Use Permits prior to occupancy of a property. FHTC is proposing to occupy an existing building for use. The building is well suited for the proposed use, as it has previously been used as an oil and gas operator's facility. The location is in an area that is already zoned Light Industrial, so the new use would be compatible with existing uses.

Additional analysis has been provided in the factors for consideration.

Considerations: 26-109. Factors to be Considered for a Conditional Use Permit:

Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future

development of a district are not permitted outright in districts, but are permitted as conditional uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a conditional use, the minimum requirements set out in these regulations for the underlying district must be met unless otherwise reduced by specific reference in the approval of the Governing Body. The requirements may be made more stringent if there are potentially injurious effects which may be anticipated upon other property or the neighborhood or which may be contrary to public health, safety or welfare.

The Planning Commission may recommend approval of a Conditional Use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such Conditional Use, using the following factors as guidelines: **Staff Commentary in Bold**

1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations; **The use would be consistent with the intent and purpose of the zoning ordinance. Agricultural sales and service of equipment are allowed uses in Light Industrial Zoning. The reuse of the property is an example of adaptive reuse of buildings that is encouraged within the zoning regulations and comprehensive plan.**

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **As previously stated, the use is compatible with existing land uses in the surrounding neighborhood.**

3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided; **Overlander Road is currently being upgraded to handle additional traffic, and any increase in traffic by FHTC occupying this property would be negligible. Other public utilities are available for the property, and the addition of this use would not overwhelm the existing infrastructure.**

4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; The overall need for training of advanced agricultural is driving the necessity to expand the program. There is limited space at the existing campus, which is also currently seeing an expansion. Overall, technical colleges are seeing a rise in enrollment as the cost of higher education continues to rise. Allowing the CUP for the Agricultural Training Program would be a positive for the community.

5. The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped); **N/A**

6. Whether the applicant's property is suitable for the proposed conditional use; **As previously stated, this property is well suited for the proposed conditional use and would be beneficial to the community and the overall area. The property is**

currently used in an industrial manner, and allowing FHTC to operate on the property would not be detrimental to any existing property or business in the area.

7. The recommendations of professional staff; **Staff is supportive of the Conditional Use Permit.**

8. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **There are several elements of the Comprehensive Plan that conform to the proposed project. The adaptive reuse of property, developing a better trained and skilled workforce, and siting projects in areas that have access to public infrastructure versus expanding to new areas for development.**

9. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use; **Allowing the applicant to expand the agricultural program and offerings in this community would be a beneficial use for the community and would provide far greater dividends than continuing to restrict the properties use.**

10. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; **It is staff's opinion that the use, if approved, would not adversely affect the rights of neighboring properties.**

11. For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Lyon County, and amendments thereto; **N/A**

12. Such other factors as may be relevant from the facts and evidence presented in the application.

Neighborhood Communications:

Recommendation: If the Planning Commission finds that the project is advisable, it may forward a recommendation to approve the Conditional Use Permit to the Governing Body based on the findings that the project is consistent with the intent and purpose of the zoning regulations, will not have an adverse impact on the surrounding area and the use is consistent with neighboring uses subject to the following conditions;

- 1) The project meets all applicable zoning, building, fire, and other applicable code regulations.
- 2) Any additional conditions the Planning Commission or City Commission deem necessary to protect the public health, safety, and general welfare.

Attachments: Aerial Map / Current Zoning Map

The Public Hearing was opened.

Dr. Caron Daugherty, Flint Hills Technical College President, spoke on behalf of the project. **Dr. Daugherty** stated that FHTC has recently started a CDL training program and would be using the property to house and expand that program as well as the Precision Agriculture program currently provided at FHTC. She explained the benefits of having the program located at a central location, owned by the college versus using different spaces. She further stated that each program would help to provide training and education to the local workforce and saw the programs as a benefit to the community as a whole.

No Person Spoke Against the Conditional Use Permit request.

The Public Hearing was closed.

After a brief discussion among the Planning Commissioners;

Commissioner Larson made a motion to recommend approval of the Conditional Use Permit to the Governing Body based on a finding that the project is consistent with the intent and purposes of the zoning regulations, will not have an adverse impact on the surrounding area, and the use is consistent with neighboring uses and subject to the conditions that any future develop meets all applicable zoning, building, fire and any other applicable code regulations. Commissioner Fowler seconded the motion. The motion carried 5-0 (Gilligan abstained).

Justin Givens, Interim Director, Building & Neighborhood Development, was recognized and addressed the Governing Body. He stated the owners of the property at 615 Overlander Road, Flint Hills Technical College, recently annexed the property into city limits and a rezoning application was just approved. A Technical College requires a Conditional Use Permit to be located on all Parcel Types. The CUP would allow Flint Hills Technical College to occupy the property and conduct training and classroom education on site for CDL Training and Precision Agriculture classes. At their April 14, 2026, regular meeting, the Planning Commission conducted the required public hearing and voted unanimously to approve the Conditional Use Permit for the property located at 615 Overlander Road for the Flint Hills Technical College.

PLANNING AND DEVELOPMENT
(Application No. 2026-04 – Request of Flint Hills Technical College)
(Conditional Use Permit Located at 615 Overlander Road)
(Ordinance Number 26-11)

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA to which the City Clerk assigned Ordinance Number 26-11 was presented to the Governing Body for their consideration.

Commissioner Harter made a motion to approve Ordinance Number 26-11 for a Conditional Use Permit for a Technical College at 615 Overlander Road. 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 4-14-26)
(Application No. 2026-02 – Request of S & S Mini Storage LLC)
(Conditional Use Permit Located at 2606 W. Hwy 50)

The Planning Commission met in a regular session on Tuesday, April 14, 2026, with Chair Kenton Thomas presiding. Commissioners Fowler, Reed, Gilligan, Larson, and Johnson were present. Commissioner Lingenfelter was absent.

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

Thomas called the meeting to order.

4. Planning Commission: Consider PC 2026-02, a Request for Conditional Use Permit at 2606 W HWY 50 for Outdoor Recreational Vehicle Storage.

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 2026-02

Applicants: S & S Mini Storage LLC

Requested Action: Approval of a Conditional Use Permit for Recreational Vehicle Storage

Purpose: The storage of recreational vehicles within an existing storage facility.

Address: 2606 W HWY 50

Legal description: LOT 2 IN S&S ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.

AND

A PART OF LOT 3 OF S&S ADDITION TO THE CITY OF EMPORIA, LYON COUNTY, KANSAS; AS SURVEYED AND DESCRIBED BY STEVEN S. BROSEMER ON OCTOBER 21, 2020; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF SAID LOT 3 AND BEING ALSO THE NE CORNER OF SAID ADDITION; THENCE S.00°42'20"E. (GRID BEARINGS) ON THE WEST LINE OF ANDERSON STREET FOR 143.00 FEET; THENCE S.89°14'30"W. PARALLEL WITH THE NORTH LINE OF SAID ADDITION FOR 111.56 FEET TO THE EAST LINE OF LOT 2 OF SAID ADDITION; THENCE N.00°42'20"W. ON THE EAST LINE OF SAID LOT 2 FOR 113.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 2; THENCE S.89°14'30"W. ON THE NORTH LINE OF SAID LOT 2 FOR 133.75 FEET; THENCE N.00°42'20"W. FOR 30 FEET TO THE NORTH LINE OF SAID ADDITION; THENCE N.89°14'30"E. ON SAID NORTH LINE FOR 245.31 FEET TO THE POINT OF BEGINNING.

Lot Size: 3.30 acres (147,875 sq. ft.)

Existing Zoning: Flex-Use High (FH)

Future Zoning in ELC Comp. Plan: Flex-Use High (FH)

Surrounding Zoning:

North: Flex-Use High
East: Light Industrial / Commercial
South: Flex-Use High
West: Flex-Use High

Surrounding Actual Uses:

North: Lyon County Fair Grounds
East: Veterinary Clinic / Commercial Office Space
South: Bluestem Farm and Ranch
West: MFA Propane

Analysis: The applicants have recently purchased a storage facility that was granted a conditional use permit in 2021. The original owners had requested that storage buildings be allowed to cover a majority of the property. At that time, the Planning Commission and City Commission limited the coverage of storage facilities to only a portion of the property. The reason behind this decision was to protect the frontage of the property as future commercial development versus storage buildings. The current owner is requesting that the storage of recreational vehicles be allowed in a portion of the area that was originally excluded from storage in the initial application.

The storage of recreational vehicles would allow the property to be easily developed if a time comes when development pressure would dictate that the space had greater value as commercially built property versus storage of recreational vehicles.

Additional analysis has been provided in the factors for consideration.

Considerations: 9.5.4. Factors to be Considered for a Conditional Use Permit:

Because of particular conditions associated with their activities, certain uses which might have an adverse effect upon nearby properties or upon the character and future development of a district are not permitted outright in districts, but are permitted as conditional uses when their proposed location is supplemented by additional requirements so as to make the use requested compatible with the surrounding property, the neighborhood and the zoning jurisdiction.

In approving a conditional use, the minimum requirements set out in these regulations for the underlying district must be met unless otherwise reduced by specific reference in the approval of the Governing Body. The requirements may be made more stringent if there are potentially injurious effects which may be anticipated upon other property or the neighborhood or which may be contrary to public health, safety or welfare.

The Planning Commission may recommend approval of a Conditional Use that is expressly authorized to be permitted in a particular zoning district, and the Governing Body may approve such Conditional Use, using the following factors as guidelines: **Staff Commentary in Bold**

1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations; **Self-Service Storage facilities are not listed as approved uses within the use table and therefore require review from the Planning Commission and City Commission. Similar uses, such as Recreational Vehicle Sales, are allowed outright in Flex-Use High areas. Allowing the storage of recreational vehicles after review would be consistent with the intent and purpose of the zoning regulations.**

2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood; **Multiple properties within the area have outdoor storage of goods and materials for sale including Bluestem across the street, and MFA directly to the west of this property. Allowing the storage of recreational vehicles would be compatible with adjacent properties.**

3. Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided; **There would be no undue burden on existing public services in the area. The road system is designed to handle high volume traffic as major commercial corridor. Additional services demands would be negligible for a project such as this.**

4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected; **N/A**

5. The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped); **The applicant is proposing a use that would maximize space, while retaining the potential for future commercial development on the property. The total of the property was vacant for some time before the initial storage facility development.**

6. Whether the applicant's property is suitable for the proposed conditional use; **The property has ample space to allow for the storage of recreational vehicles and fenced screening, while being setback at a distance that would not hinder traffic flow along HWY 50. The property is adjacent to other properties that have outdoor storage including propane tanks, farm equipment, and both new and used cars.**

7. The recommendations of professional staff; **Staff supports the Conditional Use request provided the applicant adheres to the conditions levied in the original request and any new conditions that would be required for approval.**

8. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan; **The proposed development increases the use of existing property which is encouraged in the comprehensive plan, and it retains area that could be developed with new buildings for commercial ventures. Also, a secondary aspect is that this project would provide for additional space for residents to store recreational vehicles outside of residential parcel types, which generally helps improve the aesthetic of our neighborhoods.**

9. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed conditional use; **The is no real gain for the public health, safety, or welfare, but limiting the use of the property when similar uses such as recreational vehicle sales would be allowed does create a hardship on the applicant.**

10. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected; **Staff does not feel that based on the location and nature of the request would not have a detrimental impact on neighboring properties.**

11. For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with the adopted Solid Waste Management Plan of Lyon County, and amendments thereto; **N/A**

12. Such other factors as may be relevant from the facts and evidence presented in the application.

Neighborhood Communications: Staff has not had any contact on this proposal.

Recommendation: If the Planning Commission finds that the project is advisable, it may forward a recommendation to approve the Conditional Use Permit to the Governing Body based on the findings that the project is consistent with the intent and purpose of the zoning regulations, will not have an adverse impact on the surrounding area and the use is consistent with neighboring uses subject to the following conditions;

- 1) Any new development meets and maintains compliance with all applicable zoning, building, fire, and other code.
- 2) The applicant complies with the items not completed with the original development including hard surfacing of the drives within the existing storage facility.
- 3) Any additional conditions the Planning Commission or City Commission deem necessary to protect the public health, safety, and general welfare.

Attachments: Aerial Map / Current Zoning Map / Site Plan

The Public Hearing was opened.

Brandon Rains, 144 Road 147, Emporia, KS. (owner) spoke on behalf of the project. **Mr. Rains** stated that the asphalt had been installed in the last several days, and they had spoken with the Engineering Department on retention / detention structures. He also stated that an iron fence with a gate would be installed in front of the storage area. **Rains** stated that they were working with an electrical contractor to install lights on the property to increase security.

Commissioner Johnson asked about the fence. **Rains** stated the location of the fence would follow the perimeter of the property except along the front where it would run in line with the middle of the building.

Scott Strahm, 1554 Road 175, Emporia, KS. (owner) spoke on behalf of the project, stating that they were working towards compliance with the original conditional use permit.

No Person Spoke Against the Conditional Use Permit request.

The Public Hearing was closed.

Commission Fowler stated concerns about the proposed screening and the appearance of the property especially if the quality of recreational vehicles declines over time. After a brief discussion among the Planning Commissioners concerning the proposed project including screening,

Commissioner Johnson made a motion to recommend approval of the Conditional Use Permit to the Governing Body based on the findings that the project is consistent with the intent and purpose of the zoning regulations, will not have an adverse impact on the surrounding area and the use is consistent with neighboring uses subject to the following conditions;

- 1)Any new development meets and maintains compliance with all zoning, building, fire, and any other applicable federal, state, or municipal code or regulation.**
- 2)The applicant complies with the items not completed with the original development including hard surfacing of the drives, retention/detention structure, landscaping per the original plan within 90 days.**
- 3)No vehicles or recreational vehicles that meet the definition of an inoperable vehicle as defined in Section 17.3 of the Emporia Municipal Code be stored on the property. Commissioner Reed seconded the motion. The motion carried 6-0.**

Justin Givens, Interim Director, Building & Neighborhood Development, was recognized and addressed the Governing Body. He stated S & S Storage has recently purchased an existing storage facility at 2606 W. Hwy 50 and is proposing to have recreational vehicles stored on the property. A Conditional Use Permit is required for this type of storage. There were several items related to the original Conditional Use Permit granted to allow storage facilities still outstanding. The applicant has agreed to and is already in the process of completing those items. The items that need to be addressed based on the original CUP include hard surfacing, installation of retention/detention structure, and landscaping. He stated the Conditional Use Permit would allow the applicants to have storage space for recreational vehicles on the property while maintaining space that would be developed as commercial property in the future. The Planning Commission made its recommendation with the following conditions:

1. All previously incomplete items be installed within 90 days of the passage of this ordinance.
2. That all future development meets all federal, state, and local building, fire, and zoning codes, as well as be in compliance with all municipal codes.
3. No vehicles or recreational vehicles that meet the definition of an inoperable vehicle as defined in Section 17.3 of the Emporia Municipal Code be allowed to be stored on the property.

At their April 14, 2026, regular meeting, the Planning Commission conducted the required public hearing and voted unanimously to approve the Conditional Use Permit for the property located at 2606 W. Hwy 50 subject to the above conditions.

PLANNING AND DEVELOPMENT
(Application No. 2026-02 – Request of S & S Mini Storage LLC)
(Conditional Use Permit Located at 2606 W. Hwy 50)
(Ordinance Number 26-12)

AN ORDINANCE ISSUING A CONDITIONAL USE PERMIT FOR A CERTAIN DESCRIBED AREA IN THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 26-12, was presented to the Governing Body for their consideration.

Following further discussion, Commissioner Harter made a motion to approve Ordinance Number 26-12 for a Conditional Use Permit for Outdoor Recreational Vehicle Storage at 2606 W. Hwy 50. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

FRANCHISE AGREEMENT
(Evergy Kansas Central, Inc.)
(Ordinance Number 26-09)

AN ORDINANCE GRANTING TO EVERGY KANSAS CENTRAL, INC., A KANSAS CORPORATION, ITS SUCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE INCLUDING THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN ELECTRIC TRANSMISSION, DISTRIBUTION AND STREET LIGHTING FACILITIES WITHIN THE CORPORATE LIMITS OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 26-09, was presented to the Governing Body for their consideration.

Mark Detter, Deputy City Manager, was recognized and addressed the Governing Body. He stated in 2006, the City of Emporia signed a 20-year Franchise Agreement with Westar Energy. The agreement created a 5% franchise fee on all gross receipts for revenue generated by Westar Energy on electricity sold in Emporia. Evergy has agreed to renew the Franchise Agreement for a 10-year period with a 5-year reopener clause. Evergy has also agreed to a 6% Franchise Fee on all gross receipts for electricity sold in Emporia. The increase in rate will generate approximately \$400,000 more in franchise

fee revenue or the equivalent of 1.5 to 1.75 mills. The new agreement will go into effect after publication and acceptance by Evergy and notification to the Kansas Corporation Commission. Staff recommend approval of Ordinance Number 26-09 granting Evergy Central, Inc. an electric franchise.

Commissioner Steinkuhler made a motion to approve Ordinance Number 26-09 granting to Evergy Kansas Central, Inc. an electric franchise including the right to construct, operate and maintain electric transmission, distribution, and street lighting facilities within the City limits of Emporia. Commissioner Duncan seconded the motion. The vote follows: Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Harter, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

BONDS
(Authorizing and Providing Issuance of General Obligation Bonds Series 2026)
(Ordinance Number 26-06)

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS; SERIES 2026, OF THE CITY OF EMPORIA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AN INTEREST ON SAID BONDS AS THEY BECOME DUE; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO, to which the City Clerk assigned Ordinance Number 26-06, was presented to the Governing Body for their consideration.

Mark Detter, Deputy City Manager, was recognized and addressed the Governing Body. He stated the bond ordinance authorized and provides for the issuance of \$13,635,000 in General Obligation Bonds Series 2026. The Ordinance will authorize the issuance of Bonds for the purpose of making the following improvements:

- Fire Station #2 Remodel and Rehabilitation
- New Aerial Fire Truck Acquisition
- Flint Hills Crossing Infrastructure Improvements
- Overlander Road – Main Trafficway
- Street Sweeper
- Storm Sewer Improvements

Fire Station #2, Flint Hills Crossing Infrastructure, Overlander Road and Storm Sewer Improvements will be financed for a period of 20 years. Aerial Fire Truck will be financed for 10-year period, and the Street Sweeper will be financed over 5 years.

Greg Vahrenberg, representing Raymond James as advisor for the City of Emporia, addressed the Governing Body. He reviewed information pertaining to the bond sale, the City's AA- bond rating with comments from Standard and Poor (S&P) about debt management, reserves that are solid with conservative budgeting, management is proactive in long term financial and capital planning, debt is manageable and the City's financial practices allow the City to maintain stable operating performances and reserves and overall debt profile. Bids received from the sale today were from 3.75% to 3.83% with the best bid from Robert W. Baird at an interest rate of 3.753% and offered excess proceeds to the City of \$728,000, which allowed the principal amount of the financing to be reduced from \$14,315,000 to \$13,635,000. He recommends accepting the low bid from Robert W. Baird of 3.753% and adopting the resolution and ordinance for closing on May 27, 2026.

Staff recommend approval of Ordinance Number 26-06 authorizing and providing the issuance of General Obligations Bonds, Series 2026 of the City of Emporia, Kansas.

Following further discussion, Commissioner Harter made a motion to approve Ordinance Number 26-06 authorizing the issuance of General Obligation Bonds Series 2026, of the City of Emporia. Commissioner Ogle seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Ogle, aye; Commissioner Duncan, aye; Commissioner Steinkuhler, aye; and Mayor Smith, aye.

BONDS
(Prescribing the Form & Details & Authorizing the Sale & Delivery)
(General Obligation Bonds Series 2026)
(Resolution Number 3790)

Mark Detter, Deputy City Manager, stated the Bond Ordinance authorized and provided for the issuance of \$13,635,000 in General Obligation Bonds. The Resolution describes the form and details of the bonds, including detailing the description of bonds, the designated paying agent and bond registration, and other legal details of the bonds that are required by Kansas and Federal law. The Resolution prescribes the form and details and authorizes the sale and delivery of General Obligation Bonds Series 2026 of the City for a total of \$13,635,000. He stated the Bond Resolution provides that the City

Commission will levy property taxes necessary to make debt payments on the GO Bonds Series 2026.

Commissioner Harter made a motion approving Resolution Number 3790 prescribing the form and details and authorizing the sale and delivery of General Obligation Bonds Series 2026 of the City of Emporia, Kansas and accepting the low bid from Robert W. Baird for 3.753% for \$13,635,000. 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
(Emporia Recreation Commission)
(Jones Aquatic Center Agreement)

Kevin Hanlin, Director of Public Lands and Facilities, was recognized and addressed the Governing Body. He stated the City owns the Jones Aquatic Center and the Emporia Recreation Commission (ERC) operates the facility annual per agreement. The ERC is responsible for daily operations, staffing, programming, and routine maintenance, while the City provides utilities, pool chemicals, and maintenance of major systems, grounds, and infrastructure. The proposed 2026 agreement continues the existing agreement as the previous 2025 term with the except for an addition of Section 7.1 addressing extended operations beyond the start of the school year. He stated Section 7.1 provides weekend operations beyond the first day of school through Labor Day, with ERC retaining discretion to determine feasibility based on staffing and operational considerations. If extended operations occur, the City's maximum reimbursement obligation increases by up to \$7,000, for a total not to exceed \$103,000. The City's financial obligation remains capped at \$96,000 for the base season, with a potential increase to \$103,000 if expanded operations occur.

Commissioner Harter made a motion to approve 2026 Jones Aquatic Center Agreement. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

Consent Agenda

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

- a. Minutes of Regular Commission Meeting Held on April 15, 2026.
- b. Resolution Number 3793 Adopting a Policy on Voluntary Annexation and Limited Property Tax Rebate.

CITY COMMISSION Adopting Policy on Voluntary Annexation And Limited Property Tax Rebate Resolution Number 3793

City Attorney Montgomery stated the proposed policy establishes a framework for voluntary annexation and allows, a case-by-case basis, a limited and temporary rebate of the City's portion of property taxes for properties annexed in advance of anticipated development. The policy is intended to encourage early annexation to support coordinated municipal planning, efficient provision of services, and long-term growth of the City's tax base. The policy establishes eligibility criteria and procedures for voluntary annexation and limited property tax rebate agreements. Participation is discretionary and subject to Governing Body approval. Rebates may be provided for up to three years (3) following annexation and may not exceed 100% of the City's portion of property taxes. Rebates terminate upon development, transfer of ownership, extension of infrastructure to development, expiration of the agreement term or other specified conditions. Rebates do not alter the tax levy, assessment, or collection process as they are a municipal expenditure. The policy also provides a process for discretionary consideration of de-annexation if anticipated development does not occur. Any rebate payments would be limited to the City's portion of property taxes levied, collected and distributed to the City. Rebates are subject to annual appropriation by the Governing Body. Staff recommend approval of Resolution Number 3793 adopting a policy on voluntary annexation and limited property tax rebate.

- c. Application to the Kansas Housing Resources Corporation for Emergency Solutions Grant on Behalf of Local Agencies.

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)

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 MAY 20, 2026, MEETING.

- Proclamation Recognizing America's 250th Celebration.
Discuss 417 Commercial CDBG Project.

STUDY SESSION

- Discuss Solid Waste Master Plan.
- 2025 Public Works Department Totals

**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.

Commissioner Harter made a motion to recess the meeting until 12:17 p.m. at the Evora Wheeler Conference Room. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

The following items were discussed at the Study Session:

1. Discuss Extending Hours of Alcohol Sales during 2026 FIFA World Cup Series.
2. Discuss Water Treatment Plant
3. Discuss Becker Addition.

EXECUTIVE SESSION

Commissioner Harter made a motion to recess into Executive Session for 1 hour inviting pertinent city staff 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 downstairs at approximately 3:00 p.m. Commissioner Steinkuhler seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Steinkuhler, aye; Commissioner Duncan, aye; Commissioner Ogle, aye; and Mayor Smith, aye.

Upon reconvening the meeting in Regular Session at 3:00 p.m., this same date, in the City Commission Meeting Room, Commissioner Harter made a motion to continue the executive session for the reason stated previously with all the same pertinent city staff and resume the open meeting at approximately 3:17 p.m. Commissioner Duncan seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Duncan, aye; and Commissioner Ogle, aye. Commissioner Steinkuhler and Mayor Smith were not present at the time of the vote.

Upon reconvening the meeting in Regular Session at 3:17 p.m., this same date, in the City Commission Meeting Room, Commissioner Harter made a motion to continue the executive session for the reason stated previously with all the same pertinent city staff and resume the open meeting at approximately 3:31 p.m. Commissioner Ogle seconded the motion. The vote follows: Commissioner Harter, aye; Commissioner Ogle, aye; and Commissioner Duncan, aye. Commissioner Steinkuhler and Mayor Smith were not present at the time of the vote.

Upon reconvening the meeting in Regular Session at 3:31 p.m., this same date, in the City Commission Meeting Room, Mayor Smith stated they had consultation with the City Attorney regarding a legal matter and no action was taken.

Commissioner Ogle then made a motion to adjourn. Commissioner Harter seconded the motion. The vote follows: Commissioner Ogle, aye; Commissioner Harter, and Mayor Smith, aye. Commissioner Duncan and Commissioner Steinkuhler were not present at the time of the vote.

Becky Smith, Mayor

ATTEST:

Kerry Sull, City Clerk



Commission Action Report

Approve Request for Extension at 417 Commercial Street for CDBG Rehab Grant

Title: Approve Request for Extension at 417 Commercial Street for CDBG Rehab Grant

Agenda Date: May 20, 2026

Presented By: Tayler Wash, Assistant City Manager

Background:

The Department of Commerce Small Cities CDBG program requires requests for extensions on program milestones such as construction contracts.

Discussion:

The proposed request for extension is for 30 days. The bid letting was originally scheduled for May 7, 2026, with contract award anticipated on May 20, 2026. Due to strong contractor interest and multiple requests for additional time to prepare competitive proposals, the project architect would like to reschedule the bid letting to May 21, 2026, with contract award anticipated for the June 3, 2026 Commission Action Meeting.

Financial Considerations:

All costs for the project are split between CDBG and property owner. The City incurs no costs on Commercial Rehabilitation projects.

Recommended Action:

Approve request for extension on construction contractors for Commercial Rehab project at 417 Commercial and authorize the Mayor to send letter to Department of Commerce requesting extension.

Attachments:

Letter from Mayor Smith



May 20, 2026

Tim Parks
Kansas Department of Commerce
Community Development Block Grant
915 SW Harrison St. Ste. 250
Topeka, KS 66612

RE: CDBG Emporia Commercial Rehabilitation
24-CR-006 Bid Time Extension Request
417 Commercial Street

Dear Mr. Parks,

The City of Emporia respectfully requests an **additional 30-day extension** of the construction contract execution deadline for the above-referenced project.

This request is necessary to accommodate a minor adjustment to the bid schedule. During the initial bidding period, the project architect received strong interest from contractors and multiple requests for additional time to prepare complete and competitive bids. In coordination with the project team, the architect recommended extending the bid period to allow bidders adequate time to fully evaluate the project and submit responsive proposals.

The City supports this approach to encourage full and open competition and to ensure the receipt of multiple, high-quality bids. The bid letting has been rescheduled accordingly to reflect this adjustment.

The project continues to move forward. The City now anticipates opening bids **May 21st, 2026**. Provided that adequate bids are received, the City Commission anticipates awarding the construction contract at the subsequent commission meeting in June.

Based on this revised schedule, the City respectfully requests an extension of the contract execution deadline of an additional 30 days.

Approval of this request will support a complete and well-coordinated procurement process consistent with applicable CDBG requirements, ensuring a successful contract award without compromising project quality or regulatory compliance.

The City remains committed to the timely completion of this project and appreciates your consideration of this request.

Please contact me with any questions.
Sincerely,

Becky Smith, Mayor
City of Emporia, Kansas



Commission Action Report

Informational Items

Title: Informational Items
Agenda Date: May 20, 2026
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, June 3, 2026.

Commission Meeting :

- Proclamation designating the month of June as Zoo Month
- Award Bid for Airport 24-Hour Refueling Equipment Installation
- Annual Operation and Maintenance Assurance Agreement with Kansas Department of Wildlife, Parks and Tourism

Study Session:

- Discuss Emporia Land Bank Housing Infill Project
- Meeting Agendas
- Review Outside Appropriation Request
- Prairie Paws Annual Update

National Public Works Week 2025 Statistics

Solid Waste Division/Recycling Center/Transfer Station

- How many tons of trash were processed/shipped out in 2025?
Answer: 30,945 Tons
- How many tons of curbside recycling material was processed/shipped out in 2025?
Answer: 1125 Tons
- How many tons of trees & brush were processed in 2025?
Answer: 2807 Tons
- How many tons of grass & leaves were processed in 2025?
Answer: 664 Tons

Airport/Aviation Division

- How many take off and landings took place in 2025?
Answer: 8548 estimated during business hours and approximately 2099 during after hours
- How many aircraft were "based" at the Airport at the end of 2025?
Answer: 48 aircraft

Underground Utilities Division

- How many miles of water lines does the City of Emporia maintain?
Answer: 159 miles
- How many miles of sanitary sewer lines does the City of Emporia maintain?
Answer: 142 miles
- How many total manholes (both sanitary and storm water) are there:
Answer: 2,996 Manholes

Vehicle Maintenance

- How many work orders did the City Shop service for various issues in 2025?
Answer: 405

-Continued-

Page 2 – Divisions of the Emporia Public Works Department

Street/Sign & Marking Division

- How many centerline miles of roadway does the City of Emporia maintain?
Answer: 160 miles
- How many STOP signs does the City maintain?
Answer: 690
- How many intersections are in the City?
Answer: 886 intersections
- How many potholes were filled?
Answer: 1,500
- How many down town decorative light poles are there:
Answer: 166
- Placed approximately 303.75 yards of concrete
- Sweepers picked up approximately 2,268 cu. Yards of debris

Water Treatment Plant

- What was the average DAILY volume of potable water produced in 2025?
Answer: 6,487,849 million gallons per day
- How much water was produced from the Water Plant in 2025?
Answer: 2,413,479,936 billion gallons overall
- How many gallons of water will the E. 12th Avenue tower hold?
Answer: 1 million gallons
- How many gallons of water will the Warren Way & Penny Lane tower hold?
Answer: 1 million gallons
- The actual amount of water pumped from the Neosho River for 2025 was 2,534,822,771 billion gallons. This equals a daily average of 6,945,649 gallons per day.

Waste Water Treatment Plant

- What was the average volume of sewage treated at the Waste Water Treatment Plant in 2025?
Answer: 4,137,808 million gallons per day
- What was the total volume of sewage treated during 2025?
Answer: 1,510,300,000 billion gallons overall



Study Session Report

Solid Waste Master Plan

Title: Solid Waste Master Plan

Agenda Date: May 20, 2026

Presented By: Mark Detter, Deputy City Manager

Background:

In March, the City of Emporia solicited Request for Qualifications for a Solid Waste Master Plan. Staff is recommending obtaining Burns and McDonnell to create Solid Waste Master Plan for City of Emporia.

Discussion:

For the last 4 years the Solid Waste Fund has had fund decline due to several factors:

- Increased personnel costs.
- Increased hauling costs for trash/recycling.
- No offsetting charges for recycling.
- Increased Capital Costs.

In addition, several issues have hampered Solid Waste including absenteeism, safety, and turnover. Staff would like to create Solid Waste Master Plan to analyze issues and make recommendations to Commission going forward.

Financial considerations:

The Solid Waste Master Plan will cost \$105,800 to compile.

The City General Fund receives an Administrative Fee from the Solid Waste Fund that was more than \$900,000 in 2025. However, the Solid Waste Fund, which was over \$4,000,000 in fund balance at the end of 2021, has declined to \$1,500,000 in last 4 years.

Recommended action:

Provide guidance on Solid Waste Master Plan.

Attachment:

Burns and McDonnell Proposal.



**SCOPE OF WORK AND
COST ESTIMATE**
Solid Waste Master Plan

SUBMITTED TO
City of Emporia
April 2026



April 26, 2026

Mark Detter
Deputy City Manager
City of Emporia
104 E 5th Ave
Emporia, KS 66801

RE: Proposal for Solid Waste Master Plan

Dear Mr. Detter,

Burns & McDonnell Engineering Company, Inc. (Burns & McDonnell) has developed this Proposal at the request of the City of Emporia (City) following selection through the RFP for Solid Waste Master Plan Consulting Services. The following sections describe our Scope of Work, Fee, Schedule, and Assumptions.

We look forward to continuing our work in the region by collaborating with the City of Emporia. Please contact Julie Davis or Scott Pasternak should you have any questions regarding our submittal, and visit our website: www.burnsmcd.com.

Sincerely,



Julie Davis
Project Manager
816-448-7363
jdavis3@burnsmcd.com



Scott Pasternak
National Lead – Solid Waste Consulting
512-872-714
spasternak@burnsmcd.com

Burns & McDonnell Engineering Company, Inc.
9400 Ward Parkway, Kansas City, MO 64114



Contract Understanding & Approach

Understanding of Current Needs

Burns and McDonnell understands the City is seeking the completion of a Solid Waste Master Plan (SWMP). The purpose of the SWMP will be to evaluate and analyze the Sanitation Department’s operations and financial health, identify and address critical needs, provide key information to stakeholders and policymakers to inform program decisions, and develop a plan that provides the City with guidance for successful, long-term solid waste operations. We understand that the City is experiencing increasing equipment, contract, and labor costs, and while rates increased this year, the City continues to rely on its reserves to cover standard operating expenses.

With a project team focused on both the financial and technical elements of solid waste management simultaneously, we will provide the City with an understanding of the financial impacts associated with potential operational changes, including routing configurations, fleet replacement best practices, and rate evaluations to support the revenues required to meet the City’s objectives. Our analysis will focus on the need for an expansion and improvements at the transfer station and options for efficiency in commercial collections.

Approach to Acquiring Data

Upon receipt of the Notice to Proceed, we will provide the City with a detailed initial data request that covers the data needed to complete the study. The data request will itemize the operational and financial considerations that must be addressed. This task also includes organizing and conducting a preliminary analysis of all received data. We recognize that the City may not have all the requested information readily available or may track information differently than requested. Our team will work with the appointed Project Manager to arrive at reasonable substitutes for the key data, if necessary. To make the efforts seamless for City staff, we will create and use a dedicated SharePoint site for the project. In addition to use for data acquisition, it will allow for easier sharing of files for deliverables reviews and transmittals.

Expected Support by Emporia Staff

Successful completion of this project will require key input and support from the City.

Project Task	Expected Support from City of Emporia Staff	Anticipated Hours
Data Request	Request City staff to assist in providing the necessary data.	6
Project Task Force (PTF)	Key City staff to participate in key meetings to identify key issues and review findings and recommendations	12
Meetings & Workshops	PTF to participate in key meetings and workshops.	12 per staff (kickoff and 12 monthly meetings)
Focus Groups & Field Observations	Collection staff to participate in focus groups to provide perspective on collection issues. City to facilitate Burns & McDonnell’s field observations.	16
Review of Operational & Financial Data Analysis	Request that City staff review the analysis being completed.	8
Report & Presentation Development	Review the draft and final reports and presentation to the City Commission.	4 hours per reviewer
City Commission Meeting	Facilitate meeting timing and introduce key discussion topics.	8



Scope of Work

This document describes Burns & McDonnell’s approach to developing a solid waste master plan (SWMP) for the City. The following graphic depicts our proven planning process, customized for Emporia.



Task 1 | Project Management & Communications

High-level project management and oversight will be provided throughout the project. Our Project Manager, Julie Davis, will be responsible for meeting the project budget and schedule. Regular communication will be maintained between the project team and City staff through formal and informal efforts.

Task 1A: Initial Data Request & Review

A detailed preliminary data request that will encompass data needs for completing the study.

Task 1B: Establish a Project Task Force (PTF)

To get the best information possible and increase buy-in for the outcomes of this project, we recommend the City establish a PTF. The PTF would ideally include 3–5 key representatives from diverse roles and levels of responsibility within the City, including senior management. The PTF will participate in the kick-off meeting, facilitate data collection, provide feedback on preliminary findings, and support our Project Team throughout the project.

Task 1C: Kick-off Meeting & Project Management

Via a virtual kick-off meeting, we will discuss the project work plan, key issues to be addressed, key findings from previous engagements as well as confirm the timing associated with the various project tasks.

Task 1D: Project Communications

A combination of in-person and virtual meetings and workshops with the PTF.

Phase 1 Deliverables & Meetings

- Preliminary data request
- Electronic copies of the kick-off meeting agenda, handouts, and follow-up summary
- Participation of Burns & McDonnell Project Manager and key staff in up to 6 virtual meetings and one on-site kick-off meeting

Task 2 | Cost of Service & Rate Analysis

Task 2A: Current Cost of Service and Rate Model

Burns & McDonnell is familiar with the City's rate development process as we have developed rates for water and wastewater utilities. We will work with the City to develop an accurate Test Year revenue requirement that reflects the revenue needed to cover all operating and maintenance (O&M) costs, debt service (including coverage and reserve requirements), working capital requirements, and capital expenditures. The goal of this task will be to document the current full cost of the City's various solid waste services and to allocate these costs to the appropriate cost centers. We will determine the billing units and calculate the cost of service.



Task 2B: Forecasted Cost of Service and Rate Model

Burns & McDonnell will project future service costs over a 10-year period and allocate them to the appropriate cost centers. Burns & McDonnell will work with the City to develop an accurate 10-year revenue requirement and billing unit forecast. We will define the assumptions used to project the revenue requirement and billing units. We will develop the model to provide the flexibility to include or exclude a combination of service options and CIP based on transfer station improvements and the staffing and equipment analysis to be completed in other tasks. CIP and transfer station improvement costs will be based on prior studies completed by the City.

Task 2C: Program Revenue Stream Analysis

Burns & McDonnell will evaluate the revenue generated by the current fee structure. We will independently estimate the revenue the current billing units should generate to determine whether any under-recovery is occurring. This analysis will provide the City with an understanding of how current rates are either over- or under-recovering relative to the various costs of services.

Task 2D: Proposed Rates

Burns & McDonnell will assess the existing rate structure based on historical performance, overall equity, and its ability to meet City objectives for future solid waste rates. Rate alternatives for each rate category will be developed based on our industry experience and collaboration with the City. Rates will be designed to generate adequate revenues in accordance with the financial forecast results, reflect the results of the cost of services analysis, and further the objectives of the City. Pricing objectives could include but would not be limited to: escalation strategies; meeting revenue requirements in a stable and predictable manner; fee structure equity; simple and understandable; and a reserve policy and bonding coverage.

Phase 2 Deliverables & Meetings

- Virtual meeting with City staff to develop test year and allocations to cost centers
- Virtual meeting with City staff to discuss results of Task 2A
- Report section and schedules that include the Test Year revenue requirement, cost allocations, cost of service, 10-year forecast, revenue projections, and rate design recommendations



Task 3 | Collection Services Analysis & Procurement Support

Task 3A: Collection Operations Review

To assess the City's collection services, we will conduct a comprehensive operational review of residential and commercial solid waste collection to improve efficiency.

Field Observations & Analysis. A key aspect of evaluating the City's routes will be to obtain a fundamental understanding of the City's collection system. Burns & McDonnell will attain this understanding through the following methods: data review and analysis, field observations and interviews, computer modeling, and benchmarking. We will conduct two in-person days of field observations of the commercial and residential collection systems.

Interviews. We will also conduct up to three interviews with representative staff such as operations and fleet managers while completing the field observations.

Evaluate Key Performance Metrics for Residential Refuse and Recycling and Commercial Refuse. We will analyze key performance metrics, including route configurations, collection efficiency, use of technology (such as GIS routing, safety cameras), on-route practices, staffing levels, and fleet management, covering everything from vehicle maintenance schedules to replacement costs. A specific focus will be placed on evaluating alternatives for commercial collection, such as the potential expansion to front-load equipment, and identifying triggers for future staffing and equipment needs.

In addition, Burns & McDonnell will evaluate secondary functions of the City's collection program, including cleanup events, free landfill/transfer station dumping events, and public education/outreach efforts.

Computer Modeling. Burns & McDonnell has developed several proprietary computer models for the purpose of evaluating alternative scenarios for different components of a solid waste system. Our Collection System Model and Transfer Station Model allow a collection system to be modeled based on operating and cost parameters and compared with a variety of alternative "what if" scenarios. The Models provides staffing, equipment needs, and costs for a variety of operating assumptions.

Benchmarking. Due to the volume of solid waste assignments that we have completed for other local governments, our firm has developed a significant benchmark database of cost, performance, and service level parameters for solid waste collection, recycling and transfer and landfill systems. This data is especially helpful to understand the financial and operational performance of solid waste operations, as we have completed our analyses using comparable methodologies. We will leverage this database to provide a comparison of solid waste services and fee structures of cities across the country similar to Emporia.

Task 3B: Recycling Program Analysis

Due to volatile recycling markets and distances to recycling facilities, the financial feasibility of recycling programs can be challenging. We will evaluate the costs and diversion potential for the City to implement a commercial recycling program. Costs to be accounted for and included in the financial modeling will include, but not be limited to, collection equipment/fuel/maintenance and personnel, containers, processing, as well as revenue offsets based on fewer landfill tons and potential revenue from the sale of recovered materials. Our analysis will also evaluate the financial viability of the existing residential recycling programs based on the results from Task 2 and other Task 3 efforts.

Task 3C: Transfer Station Improvements

We understand that the City desires to expand its transfer station to separate commercial and public traffic for safety benefits. Burns & McDonnell will complete a planning-level review of the existing transfer station's operations and configuration, including queueing length at the scale and tip floor, size of the tip floor, and the transfer trailer storage space. We will compare the City's operations and configuration to best management practices (as established by the EPA), industry standards, and benchmark facilities. Our analysis will be based on a combination of data from the City, informational interviews and limited site observations. We will reference the existing conceptual design and cost estimate previously developed by the City. Our scope of work does not include design or engineering services. We will collaborate with the PTF to develop recommendations that are aligned with management practices for transfer stations and the City's budget. CIP and transfer station improvement costs will be based on prior studies completed by the City.



Task 3D: Ten-Year Capital Improvement Plan

We will develop a detailed 10-year Capital Improvement Plan (CIP) and a corresponding funding plan for the Sanitation Department, structured to support the improvements at the transfer station and selected collection practices. Our approach includes an analysis of the financial impacts associated with various collection service scenarios, providing the city with a clear understanding of its options.

Task 3E: Business Strategy and Privatization Evaluation, Procurement Strategy and Implementation Plan

Business Strategy and Privatization Evaluation. We will provide the City with an assessment of how competitive the operation is relative to other efficient public and private sector operations. To the extent that there is a need for operational improvements, we will provide the City with key findings and recommendations. The business strategy will specifically include details regarding the best use of City resources in the future and will provide guidance regarding whether the City should consider the privatization of collection and/or transfer operations.

Procurement Strategy. Upon completion of the Plan, the City may request assistance from Burns & McDonnell to prepare a Request for Proposal based on the implementation plan. As a part of the SWMP development, we will describe the City's procurement strategy, including which services (whether to privatize residential and/or commercial collection and/or facilities, e.g., transfer station operations, hauling and landfill) should be a part of the procurement. The following graphic illustrates the key steps typically associated with a procurement process. During this task, we will provide further insight on the steps associated with the procurement process.



Strategy Workshop and Implementation Plan. Burns & McDonnell will conduct a virtual workshop with the City to review the operational review findings and draft strategies. Based on the City's preferred direction, we will provide a planning-level implementation plan that will describe the specific activities associated with implementing the preferred strategies. This highly functional implementation plan will include roles, responsibilities, schedules, and costs.

Phase 3 Deliverables & Meetings

- Bulleted summary of key findings and recommendations for each program area reviewed
- Working group meeting to discuss key findings, business strategy and privatization evaluation, procurement strategy and implementation plan
- Multiple report sections on operational issues to be included in the draft and final reports
- Privatization, procurement strategy and Implementation plan section to be included in the draft and final reports

Task 4 | Report & Presentation Development

Task 4A: Draft Report

Upon completion of the analyses outlined above, we will develop a Draft Report outlining preliminary recommendations and conclusions. Burns & McDonnell is committed to making sure the City thoroughly understands the recommendations in the Draft Report. We will provide the findings to the City staff and allow these individuals sufficient time to have their concerns and/or questions addressed. We will have one virtual meeting with City staff to discuss the report. We would request that written comments be provided as one submittal from City staff to allow consensus regarding staff comments.

Task 4B: Final Report

Upon receipt of City staff recommendations and comments, we will make appropriate changes and provide the City with a Final Report. We will issue the Final Report within two weeks of receiving comments from the City.

Task 4C: Develop PowerPoint and Conduct Presentation

Our Project Manager will coordinate with City staff to develop PowerPoint slides that are consistent with the City Management and City Council's expectations for these types of presentations. Our budget assumes that we will conduct one presentation to City staff and/or the City Council.

Task 4 Deliverables

- Electronic version of the Draft Report
- One conference call to discuss the Draft Report
- One electronic version of the Final Report
- PowerPoint presentation summarizing objectives, methodology, findings and recommendations
- One in-person presentation/meeting



Proposed Schedule

We understand the City has an aggressive schedule to align with next fiscal year’s budget planning. We have aligned our project schedule with the City’s preferred timeline. **The schedule is based on a notice to proceed by May 15 and the timely receipt of data and reviews by City staff.**

PROJECT SCHEDULE CITY OF EMPORIA SOLID WASTE MASTER PLAN

May	June	July	August
Project Management & Communications			
Current Cost of Service & Rate Model			
	Forecasted Cost of Service & Rate Model		
		Proposed Rates	
Collection Operations Review			
Recycling Program Analysis			
Transfer Station Improvements			
	Ten-Year Capital Improvement Plan		
	Implementation Plan & Procurement Support		
	Draft Report		Final Report
		Develop PowerPoint & Conduct Presentation(s)	
May	June	July	August

- Task 1:** Project Management & Communications
- Task 2:** Cost of Service & Rate Analysis
- Task 3:** Collection Services Analysis & Procurement Support
- Task 4:** Report & Presentation Development



Fee

Burns & McDonnell will complete the Scope of Work for an estimated fee of \$105,800, as presented in the following table. Our fee includes professional fees and expenses. Burns & McDonnell will invoice the City on a lump sum, percent complete basis in accordance with the terms of the Professional Services Agreement dated September 27, 2024, to be updated for Task 3: Solid Waste Master Plan, attached.

Task	Budget Estimate
Task 1 – Project Management and Communication	8,900.00
Task 2 – Cost of Service and Rate Analysis	34,600.00
Task 3 – Collection Service Analysis and Procurement Support	37,100.00
Task 4 – Report and Presentation Development	25,200.00
Total	105,800.00

Project Assumptions

For this assignment, Burns & McDonnell notes that our proposal is based on the understanding that:

- Burns & McDonnell will exercise reasonable skill, care, and diligence in the performance of its services and will carry out its responsibilities in accordance with customarily accepted professional practices. If Burns & McDonnell fails to meet the foregoing standard, Burns & McDonnell will perform at its own cost the professional services necessary to correct errors and omissions reported to Contractor in writing within one year from the completion of Burns & McDonnell’s services. No warranty, express or implied, is included as part of the services to be provided.
- The schedule is contingent on the City providing all requested data and review of deliverables in a timely manner.
- All capital cost estimates and related facility and equipment costs will be provided by the City.
- Estimates and projections prepared by Burns & McDonnell relating to construction costs and schedules, operation and maintenance costs, inflation, equipment characteristics and performance, and operating results are based on Burns & McDonnell’s experience, qualifications, and judgment as a design and consulting professional. Since Burns & McDonnell has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction contractors’ procedures and methods, unavoidable delays, construction contractors’ methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, Burns & McDonnell does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost estimates and projections prepared by Consultant.
- In no event will Burns & McDonnell be liable for any special, indirect, or consequential damages, including, without limitation, damages or losses in the nature of increased Project costs, loss of revenue or profit, lost production, claims by customers of Client, and/or governmental fines or penalties. aggregate liability for all damages connected with its services for the Project, not excluded by the preceding subparagraph, whether or not covered by Burns & McDonnell’s insurance, will not exceed \$100,000.





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Commission Action Report

Executive Session

Title: Executive Session

Agenda Date: May 20, 2026

Recommended Action:

Recess into executive session for 30 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 the City Commission Chamber at approximately __:____ a.m./p.m.