

Minutes of the City Commission's June 27, 2024 Meeting

I. REGULAR SESSION

Commissioners Present: Vice-Mayor Scott Smith and Commissioner Dean Hayse

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; Dustin Stafford, Chief of Police; John Garriss, City Engineer/Director of Public Works and Utilities; Shawn Wallis, Fire Chief; April Nutt, Director of Housing Authority and Lacey Lies, Finance Director.

Visitors Present: Larry McHugh, Breanne Sanford and Lisa Wilson.

A. Call to Order

Vice-Mayor Smith called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted the agenda.

Aye: Dean Hayse, Scott Smith

Nay: None

II. APPOINTMENTS

A. Park Board Openings -- Applications are due by July 5, 2024.

We have three Park Board members whose terms expire on July 1, 2024. These members have all served two full terms and are not eligible for reappointment unless no other eligible applicants apply. The application deadline was June 20, 2024, which will be extended to July 5, 2024, since not enough eligible applicants applied by the deadline. The one application we did receive was from someone who lives outside the City limits. However, we can have up to three members on the Park Board who do not have a residency requirement.

The Park Board meets on the first Monday of the month at 5:30 PM. Two of the three open positions do not have residency requirements, so applicants may live outside the City limits and still apply. If the current outside City applicant is

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appointed, we will still have one position that can be outside the City limits and another that must be inside the City limits. To learn more about the Park Board, visit this link: [Park Board](#)

PARK BOARD (3 year terms -- 9 members)			
Members	Term	Expires	Appointed/Reappt
Anita Chappuie	2nd term	July 1, 2024	7/26/2018 / 06/
Alex Moore (Outside City)	2nd term*	July 1, 2024	2/9/2017 / 06/
Mardie Long (Outside City)	2nd term*	July 1, 2024	2/22/2018 / 06/
Steve McBride	1st term*	July 1, 2025	1/
Edward Epp	1st term	July 1, 2025	6/
Jim Hogan (Outside City)	2nd term*	July 1, 2025	(
Leslie Coder	1st term	July 1, 2026	8/
Breanne Sanford	1st term	July 1, 2026	8/
Jill Warford	1st term*	July 1, 2026	8/
Cody Dixon	FORPAZ	Ex-officio	
	City Rec	Ex-officio	
* Previously served unexpired term			
Meeting Place: Garden Club House			
Meeting Date: First Monday			
Meeting Time: 5:30 p.m.			

B. Tree Board Opening -- Applications due by July 5, 2024.

The purpose of the Tree Board is to honor the City's rich history of enjoying and preserving local natural resources, and to promote and protect the public health, safety and general welfare by providing for the development of a community forestry plan to address the planting, maintenance and removal of trees located on public property, or which encroach upon public property, and to enhance the natural beauty of the community.

We currently have one opening on the Tree Board due to a resignation. Applications are due by July 5, 2024. You can apply on the City's website, or click this link to apply: [City Board Application](#)

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TREE BOARD			
(2 year terms for appointments before 2/8/2024 then 4 year terms -- 7 memb			
Members	Term	Expires	Appointed/Eligib
Twila Hawthorne	4th term	6/1/2028	1/
			Reappointed 05/2
Krystal Sumner	1st term	6/1/2024	(
			Resigned 04/
Michelle Avery	5th term	6/1/2025	
			(
Amy Hilyard	1st term*	6/1/2025	Appointed 10/
Leslie Fox	5th term	6/1/2025	
			(
England Porter	3rd term	1/1/2025	
			3/
Leslie Woods	1st term	1/1/2025	
			Replaced William
Meeting Place: Veterans Room, Memorial Hall			
Meeting Date: By appointment			
Meeting Time: By appointment			

For more information, contact Scott Patton at ScottS@IndependenceKs.gov or 620-332-2512; or visit this link: [Tree Board City Code](#)

III. CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted the consent agenda.

Aye: Dean Hayse, Scott Smith

Nay: None

- A. Consider approving City Commission minutes from June 13, 2024.

Suggested Motion:

I move to approve the minutes from June 13th, 2024.

- B. Consider a request from the First Baptist Church to block the 100 block of East Magnolia on July 3, 2024 from 6 - 8 PM for a picnic and block party.

The Pastoral Assistant, Barby Brown, from the First Baptist Church has requested the closure of the 100 block of East Magnolia on July 3, 2024, from

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6:00 PM to 8:00 PM for a block party. The church owns both sides of the street and will be hosting activities with people crossing the street during this time.

Suggested Motion:

I move to approve the closure of the 100 block of East Magnolia from 6:00 - 8:00 PM on July 3, 2024.

- C. Consider authorizing the financing of a new sanitation truck.

The City solicited bids for a front loading sanitation truck. This truck will be the primary truck for the residential routes. On December 8, 2022 the Commission approved to purchase the truck with a slightly different model that reduced the bid price to \$395,637.00.

Suggested Motion:

I move to authorize a 5-year lease purchase agreement with Commercial Bank.

- D. Consider a Video Services Agreement with CableOne, d/b/a Sparklight.

Sparklight, was granted authorization by the State of Kansas to provide Video Service in the City of Independence on May 14, 2010, in accordance with K.S.A. 12-2023(e). Sparklight has provided video services in the City since May of 2010 and the proposed Video Services Agreement would authorize them to continue to provide such video services within the City.

Following negotiations as to what Kansas law would allow, a Video Services Agreement has been executed by Sparklight, The new agreement provides for the following:

- The proposed agreement increases the fee paid by Sparklight to the City from 3% to 5% of Sparklight's gross receipts, which is the maximum permitted by state law;
- It is an evergreen agreement that automatically renews every year. However, it may be terminated by either party with one hundred eighty (180) days written notice to the other party;
- It has indemnification and insurance provisions, along with a performance bond requirement;
- In the event of any construction or work impacting the City Right of Way (ROW), including removal of any facilities, Sparklight is required to restore, at Sparklight's expense, the ROW to its previous condition;

Finally, this is not a franchise agreement, since pursuant to 12-2023(e) only the State of Kansas may authorize a franchise.

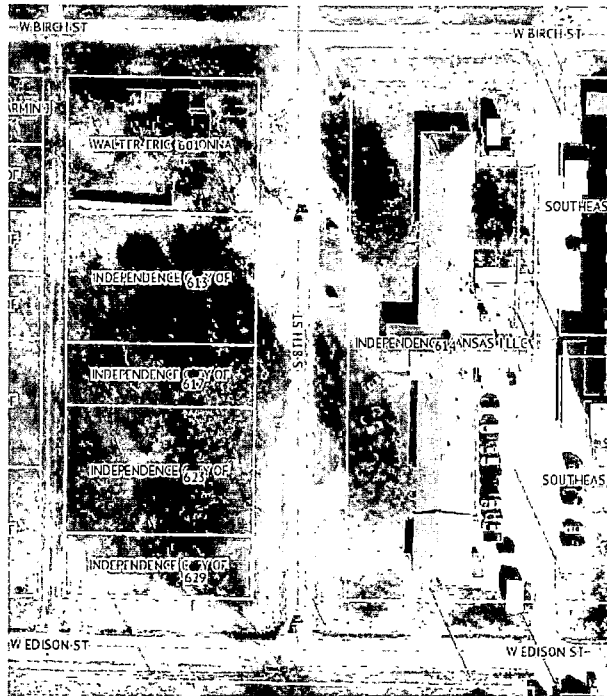
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Suggested Motion:

I move to approve and execute the proposed Video Services Agreement with CableOne, d/b/a Sparklight.

- E. Consider a request from Montgomery Place to close 8th Street between Birch and Edison on July 2, 2024 from 5 PM to midnight.

Montgomery Place, located at 614 S. 8th Street, contacted City staff on June 27th to seek permission to close the street between 8th and Birch and 8th and Edison on July 2, 2024, from 5:00 p.m. to 12:00 a.m. This item was added to the agenda since the next Commission meeting will be after their planned event. The closure is for a 4th of July celebration for residents, staff, and families. In reviewing this area, there is a private driveway on South 8th near the intersection of 8th and Beech Street. The closure is recommended to start south of the private residence to ensure access is not blocked to the private residence.



Suggested Motion:

I move to approve the closing of South 8th Street starting south of the private residence at 601 S. 8th Street to Edison on July 2, 2024, from 5 PM to midnight, for a 4th of July Celebration hosted by Montgomery Place.

IV. ITEMS FOR COMMISSION ACTION

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- A. Consider a request from Trevor and Miranda Bruening to annex their property located on CR 3775, previously known as the 3100 block of North 13th Street.

Trevor and Miranda Bruening have requested the City of Independence to annex a property located in the 3100 block of North 13th Street or 3775 CR 4840 area to build a private residence. The property is not adjacent to the City limits and currently lacks access to City utilities as well as water. The area is currently served by a 2" private water line that is at capacity, and neighbors have objected to further access to the line. Trevor and Miranda have obtained an easement and plan to install a private water line that reaches the current City limits by Birdie Drive. Additionally, a City water meter would be installed at that location to serve the residence. Trevor and Miranda would be responsible for any repairs to that private line, and the City does not assume any responsibility for the maintenance.

The City staff has consulted with County officials regarding this annexation, and it has been agreed that any septic system installed at this location would adhere to Montgomery County requirements for permitting and inspection. If the annexation is approved, other City services, including Police, Fire, and Sanitation, will be provided.

The approval of the Resolution to annex will allow the City to petition Montgomery County for their approval to allow the City of Independence to annex the property into the City limits.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved Resolution 2024-016 to petition Montgomery County to allow the annexation of this property into the City limits of Independence, Kansas as requested by the property owners.

Aye: Dean Hayse, Scott Smith

Nay: None

- B. Consider a resolution to rescind the condemnation action of 512 N. 16th Street.

On May 3, 2023, the property at 512 N. 16th Street suffered fire damage and was found to have environmental issues due to hoarding and excessive amounts of trash and rubble inside and outside the building. The condemnation process was started with David Goforth, who provided a timeline for repairing the property. David Goforth then sold the property to Madisyn Fienen. Madisyn worked with the building department to renovate

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the property and has since moved in and is now occupying the property.

The building department has conducted an inspection and approved the property. We recommend that the Commission adopt a resolution to officially end the condemnation process for 512 N. 16th Street.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution rescinding the previous resolutions, which set a hearing date to consider the condemnation of 512 N. 16th Street as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith

Nay: None

- C. Consider a request from Trident Partnerships LLC for a Moderate Income Housing Grant disbursement of grant funds.

Trident Partnerships LLC requested the City of Independence submit a Moderate Income Housing Grant to Kansas Housing Resources Corporation to develop 19 upper-story apartment units that will be constructed in six downtown buildings owned by Trident Partnerships LLC. The grant was awarded, and Trident Partnerships LLC has provided all required documentation to move forward with the construction phase of the project. This request of \$27,898 is the first request for a disbursement of funds.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission authorized the Mayor or City Manager to sign the disbursement request of \$27,898 from Kansas Housing Resources Corporation on behalf of Trident Partnerships LLC.

Aye: Dean Hayse, Scott Smith

Nay: None

V. REPORTS

- A. Quarterly Admin and Housing Goals Update

City Manager Passauer and Director Nutt gave a report on these items.

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B. Project Report

Engineer Garris reported on this item.

C. Appropriations April 2024 - May 2024

VI. CITY MANAGER'S COMMENTS

City Manager Passauer reported on the success of the Montgomery County Public Safety Kids Camp that was held on June 14, 2024 in Riverside Park. Building permits issued so far this year which totaled 8.9 million in value, and the completion of phase 1 of the Central Park Sports Complex. She also noted that this was the last week for Interim Police Chief David Hutchins as the newly appointed Police Chief Dustin Stafford would be taking over on July 1, 2024. She further noted that this was also the last day of work for Administrative Aide Lydia Collins who retired after thirty years of service. She expressed thanks for their service.

VII. COMMISSIONERS' COMMENTS

None

VIII. PUBLIC CONCERNS

None

IX. EXECUTIVE SESSION

- A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission recessed for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception found at K.S.A. 75-4319(b)(2). The open meeting will resume at 6:31 p.m. in the Commission Room of City Hall.

Aye: Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:31 p.m. with no action taken.

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B. Data relating to financial affairs or trade secrets of second parties.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission recessed for an executive session concerning confidential data relating to financial affairs and/or trade secrets of a company pursuant to the exception found at K.S.A. 75-4319(b)(4). The open meeting will resume at 6:47 p.m. in the Commission Room of City Hall.

Aye: Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:47 p.m. with no action taken.

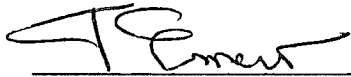
X. ADJOURNMENT

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adjourned the meeting.

Aye: Dean Hayse, Scott Smith

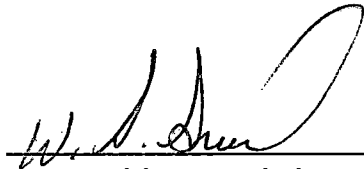
Nay: None



Tim Emert, Mayor



Dean A. Hayse, Commissioner



Scott Smith, Commissioner

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Attest:

A handwritten signature in black ink, appearing to read "David J. Hester", written over a horizontal line.

City Clerk/Treasurer