

Minutes of the City Commission's July 25, 2024 Meeting

I. REGULAR SESSION

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

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Seth Jones, City Attorney; David Schwenker, City Clerk/City Treasurer; John Garriss, City Engineer/Director of Public Works and Utilities; Shawn Wallis, Fire Chief; Dustin Stafford, Chief of Police and Derek Bryant, Assistant Chief of Police.

Visitors Present: Larry McHugh, Breanne Sanford, Hillary Nolen, Ned Stichman and Tabatha Snodgrass.

A. Call to Order

Mayor Emert called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

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

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. APPOINTMENTS

A. Tree Board Opening - Applications extended to August 2, 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 have one opening on the Tree Board due to a resignation. Citizens may apply for this opening by August 2, 2024 using this link: [City Board Application](#)

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For more information about the Tree Board visit this link: [Tree Board City Code](#)

TREE BOARD			
(2 year terms for appointments before 2/8/2024 then 4 year terms -- 7 members)			
Members	Term	Expires	Appointed/Eligible
Twila Hawthorne	4th term	6/1/2028	1/24/2019
			Reappointed 05/23/2024
Krystal Sumner	1st term	6/1/2024	6/9/2022
			Resigned 04/25/2024
Michelle Avery	5th term	6/1/2025	
			6/8/2017
Amy Hilyard	1st term*	6/1/2025	Appointed 10/13/2022
Leslie Fox	5th term	6/1/2025	
			6/8/2017
England Porter	3rd term	1/1/2025	
			3/28/2019
Leslie Woods	1st term	1/1/2025	3/9/2023
			Replaced William MacRae
Meeting Place: Veterans Room, Memorial Hall			
Meeting Date: By appointment			
Meeting Time: By appointment			

B. Park Board Openings - Three terms Expired, One Resignation

We have three Park Board members whose terms expired on July 1, 2024; however, they continue to serve beyond that date until they are replaced. These members have all served the two consecutive term limitation imposed by Resolution 2011-57, which states; *"It is hereby adopted as the policy of the Governing Body of the City of Independence that members appointed to boards, agencies, commissions or committees shall, as a general rule, be limited to two consecutive terms subject to the discretion of the Governing Body to allow additional terms depending on the type of board, agency, commission or committee involved, any specialty or expertise required, the difficulty in obtaining a citizen to serve on the board, agency, commission or committee, and other relevant factors as determined in the discretion of the Governing Body."*

Since not enough eligible applicants applied by the deadline, the original application deadline of June 20, 2024, was extended to July 5, 2024, and extended again to July 19, 2024. In addition, we have also had one resignation from the Park Board from a member who resided within the City limits.

Two of the four open positions require residency within the City limits, so a minimum of two applicants who live inside the City limits must be appointed. We have received four applications from individuals residing inside the City.

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Two of the four open positions do not have residency requirements, so a maximum of two applicants who live outside the City limits may be appointed. We have received two applications from individuals residing outside the City.

The Park Board meets on the first Monday of the month at 5:30 PM. To learn more about the role of the Park Board, visit this link: [Park Board](#)

PARK BOARD (3 year terms – 9 members)			
Members	Term	Expires	Appointed/Reappointed
Anita Chappuie	2nd term	July 1, 2024	7/26/2018 / 06/24/2021
Alex Moore (Outside City)	2nd term*	July 1, 2024	2/9/2017 / 06/24/2021
Mardie Long (Outside City)	2nd term*	July 1, 2024	2/22/2018 / 06/24/2021
Steve McBride	1st term*	July 1, 2025	12/9/2021
Edward Epp	1st term	July 1, 2025	6/23/2022
Jim Hogan (Outside City)	2nd term*	July 1, 2025	6/8/2017
Leslie Coder	1st term	July 1, 2026	8/10/2023
Breanne Sanford	1st term	July 1, 2026	8/10/2023
Jill Warford	1st term*	July 1, 2026	Resigned 06/27/2024
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.			

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission appointed Matt Housel, David Fritzemer and Angie Musgrove to a first term on the Park Board ending on July 1, 2027.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission appointed Barb Beurskens to an existing term ending on July 1, 2026.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

III. PROCLAMATION

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- A. Consider proclaiming August 3, 2024 as Carrie Ingalls Swanzey Day in the City of Independence, Kansas.

We received a request from Brea Sanford, acting as a liaison for the owner of the Ingalls-Wilder-Lane Historical Alliance, John Bass, to proclaim August 3, 2024 as Carrie Ingalls Swanzey Day.

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission proclaimed August 3, 2024 as Carrie Ingalls Swanzey Day.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

IV. PRESENTATIONS

- A. Presentation of the 2023 Audit.

Sean Gordon of Gordon C.P.A. presented the 2023 audit report of the City's finances.

V. CONSENT AGENDA

Motion:

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

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- A. Consider approving City Commission minutes from July 11, 2024.

Suggested Motion:

I move to approve the minutes from July 11, 2024.

- B. Consider authorizing blocking certain streets within Riverside Park during the 17th annual Yona Strong 5K Run.

The Yona Strong 5K Run is an annual event held at Riverside Park in memory of Yona Julian, who was a well-known member of the Independence

Community. This will be the event's 17th year.

Suggested Motion:

I move to authorize blocking certain streets within Riverside Park on September 7, 2024 from 8:00 A.M. to 11:00 A.M. during the 17th Annual Yona Strong 5K Run.

- C. Consider revising the ordinance to include an additional parcel as part of a previously approved request from Trevor and Miranda Bruening to annex their property located on CR 3775, previously known as the 3100 block of North 13th Street.

On June 27, 2024 the City Commission previously approved Resolution 2024-016 to petition Montgomery County to allow the annexation of this property. Upon review by Montgomery County, it was discovered we were missing a parcel. The City Attorney has prepared a new petition including both parcels. The staff is asking the Commission to approve Resolution 2024-018, amending Resolution 2024-016.

The staff has provided the following background from the previous request for the annexation of this property for the Commission's review:

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.

Suggested Motion:

I move to approve Resolution 2024-018, which amends Resolution 2024-016 to add a parcel to the petition to Montgomery County to allow the annexation of this property into the City limits of Independence, Kansas, as requested by the property owners.

VI. ITEMS FOR COMMISSION ACTION

- A. Consider adopting an ordinance amending the hours during which consumption of alcohol shall be allowed within the common consumption area.

The Main Street organization has requested a modification to the current hours during which the purchase, possession, and consumption of alcoholic liquor or cereal malt beverage are permitted within the designated common consumption area in Independence, Kansas. The current ordinance, Section 6-91 of the City Code, specifies that these activities are allowed between the hours of 4:00 p.m. and 10:00 p.m., Monday through Thursday, and between 10:00 a.m. and 12:00 a.m., Friday and Saturday.

The proposed ordinance amendment seeks to extend these hours to allow for the purchase, possession, and consumption of alcoholic liquor or cereal malt beverage within the common consumption area between 9:00 a.m. and 2:00 a.m. the following day, Monday through Saturday. On Saturday, the permissible hours extend until 2:00 a.m. on Sunday morning.

The extension of hours is intended to provide greater flexibility and promote increased economic activity within the common consumption area. By extending the hours, local businesses and events can benefit from longer operational times, potentially attracting more visitors and enhancing the vibrancy of the downtown area.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted the ordinance amending the hours during which the purchase, possession, and consumption of alcoholic liquor or cereal malt beverage shall be allowed within the common consumption area as proposed and amended.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Consider authorizing a First Amended Development Agreement with VSE Aviation Services, LLC (a KS Corporation) and its parent company VSE Aviation, Inc.

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The City Commission approved a development agreement with VSE Aviation Services, LLC on November 17, 2022. However, since then, the estimated project cost has been reduced, thus reducing their annual payments. The First Amended Development Agreement modifies the annual payment amount, and everything else stays the same.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission authorized a First Amended Development Agreement with VSE Aviation Services, LLC (a KS Corporation) and its parent company VSE Aviation, Inc.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- C. Consider authorizing acceptance of the KDOT City Connecting Link Improvement Program (CCLIP) grants for KDOT fiscal year 2027 – Geometric Improvements project, 10th Street, Main to Laurel.

Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) applications were submitted in March. KDOT has selected the Geometric Improvement project for funding in state fiscal year 2027 (July 1, 2026 – June 30, 2027). The maximum funding obligation amount is \$1,500,000.

The following project was funded:

CCLIP Application, Pavement Restoration, 10th Street from Main to Laurel, full depth replacement of curb, gutter, pavement, and storm sewer.

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$1,700,000	\$200,000	\$0	\$200,000

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved acceptance of KDOT's CCLIP Program for 10th Street from Main to Laurel, and for execution of any necessary documents required by KDOT.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

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VII. REPORTS

A. City Board Minutes

1. June 26, 2024 IPL Board of Trustees.

B. July 2024 Projects and Public Works Report

Engineer Garris presented the report.

VIII. CITY MANAGER'S COMMENTS

City Manager Passauer reminded the Commission of a special meeting coming up on August 7 at 9 AM in the Commission Room; upcoming events that are hosted by the Chamber and Main Street, a planning Commission zoning code update meeting on July 30th, Labette Health groundbreaking at 10 am. on July 31st with the Governor in attendance and announced the new Assistant Police Chief Derek Bryant. Chief Stafford introduced him.

IX. COMMISSIONERS' COMMENTS

Commissioner Hayse voiced a citizen concern about the breaks in the curbing for the new city parking lot, particularly around the handicap parking and the sod is wearing out and creating a pathway and concerns about the timeline for the 2025 budget and the housing initiatives that would be included in the budget.

Commissioner Emert wondered about the bottleneck regarding code enforcement and if there was a need for additional staffing. Assistant City Manager Cowan replied the bottleneck was due to the court system and not staffing. Commissioner Emert heard from citizens who are wondering if anything is going to be done to the cemetery wall on the east side of the property.

X. PUBLIC CONCERNS

None

XI. ADJOURNMENT

Motion:

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On the motion of Scott Smith, seconded by Tim Emert, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

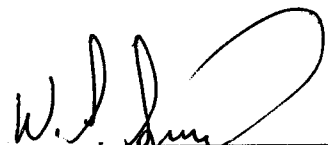
Nay: None



Tim Emert, Mayor

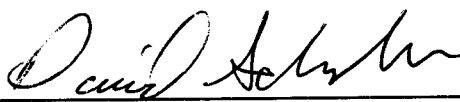


Dean A. Hayse, Commissioner



Scott Smith, Commissioner

Attest:



City Clerk/Treasurer