

Minutes of the City Commission's March 27, 2025 Meeting

I. REGULAR SESSION

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

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; April Nutt, Director of Housing Authority; John Garris, City Engineer/Director of Public Works; Derek Bryant, Assistant Chief of Police and Lacey Lies, Finance Director.

Visitors Present: Larry McHugh, Sherri Garris, Breanne Sanford, Smantha Maritt and Bryan Solano.

A. Call to Order

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 Tim Emert, the Commission approved the agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. CONSENT AGENDA

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved the consent agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

A. Consider approving the minutes of the March 13, 2025 Commission meeting.

Suggested Motion:

I move to approve the minutes of the March 13, 2025 Commission meeting.

- B. Consider authorizing a revised contract with Bartlett for accepting wastewater.

Bartlett – Montgomery County, LLC has started operation. The Commission had previously approved Bartlett's request to up to 50,000 gallons per day and have requested an increase in the permissible amount to 75,000 gallons per day.

A fee of \$10/thousand gallons of wastewater received has been set, and this is as compared to the fee for acceptance of outside sewer of \$6.31 /thousand gallons of water used. As much of the water used is not routed back to the City systems for treatment (i.e., lawn and plant watering) it is felt that the \$10/thousand gallons of wastewater received would provide a rate at near parity to the rate charged to customers outside of the city limits.

Additionally, since the City would have to provide personnel to staff and oversee transfer, an hourly rate of \$75/hour is set to oversee transfer operations. If systems can be worked out to minimize or eliminate the need for transfer oversight, these hours might decrease.

Suggested Motion:

I move to authorize the contract with Bartlett – Montgomery County, LLC. to accept additional quantities of wastewater.

- C. Consider authorizing a contract with TranSystems for design of the sanitary sewer for the housing development.

In conjunction with the Independence Housing Authority, the City is developing sanitary sewer for lots south of Rainbow Drive so that they may be developed into housing. TranSystems has provided the City with the attached contract for the design of the sewer at that location in the amount of \$21,000. After the design is complete, the project will be bid for construction after approval by the City Commission. A drawing of the proposed lots is attached.

Suggested Motion:

I move to authorize the contract with TranSystems in the amount of \$21,000 for the design of the sewer for the lots south of Rainbow Drive.

- D. Consider approving two streetlights for pedestrian safety on Spruce and 11th Street.

City staff received a request from concerned citizens for additional lighting along the Eisenhower Subdivision sidewalk between 11th and Spruce. This sidewalk is frequently used by children walking from North 11th toward Eisenhower School, and the area is currently inadequately lit. The request aims to enhance safety for children using the sidewalk at night.

Following a review by Evergy, it was recommended to install streetlights on two existing poles—one at the north end and one at the south end. This cost-effective solution is expected to illuminate the sidewalk exits while minimizing intrusion on nearby residential properties.

If further lighting is deemed necessary after installation and evaluation, Evergy would need to set additional poles directly adjacent to the sidewalk. However, this option would incur additional costs for pole installation and lighting and may result in unintended impacts on nearby homes by illuminating backyards.

City staff recommends proceeding with the initial installation of lights on the existing poles and evaluating the effectiveness of this solution before considering additional lighting measures. The cost for these two lights would be \$25.00 per month added to our streetlight bill.

Suggested Motion:

I move to approve two streetlights for the Eisenhower subdivision sidewalk for \$25.00 per month.

- E. Consider purchasing a truck for water and sewer from Olathe Fleet Solutions.

The City reviewed available sources for trucks under the Sourcewell contract, and found a truck with a utility bed ready for delivery from Olathe Fleet at a cost of \$68,936.00. This truck replaces a vehicle that had been totaled. The previous truck was used for hauling tools and supplies for repair of water leaks and maintenance of the water and sewer systems in the City.

Suggested Motion:

I move to authorize the purchase of the new utility bed truck from Olathe Fleet Solutions for the price of \$69,936.00 and to execute any required documentation for this purchase.

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- F. Consider applying for a CCLIP grant for the milling and overlay of Main Street from 2nd Street to the City Limits.

Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) applications are due March 28 for FY 2027 (July 1, 2026 – June 30, 2027) projects. If approved, the attached applications will be submitted.

The following projects are suggested:

CCLIP Application, Geometric Improvements – Main Street, 2nd to City Limits – mill and overlay pavement, add and replace minor segments of sidewalk. As KDOT has on multiple occasions indicated that sidewalk would not be considered, it has been moved to a “non-participating” cost. The sidewalk would be constructed under the project, but the City would pay for all sidewalk construction costs.

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$600,068	\$53,546	\$64,605	\$118,151.30

Suggested Motion:

I move to approve an application for KDOT’s CCLIP Program for Main Street, from 2nd to City Limits, and for execution of any necessary documents required by KDOT.

III. PUBLIC HEARING

- A. Public Hearing to consider the condemnation of 817 W. Cottonwood Street as dangerous and unsafe.

The structure at 817 W. Cottonwood has been identified as vacant and without utilities for 10 years. The property is now owned by Santos Gonzales, who acquired it through a tax sale and has been in contact with City staff regarding his plans to rehabilitate the structure. City staff recommends that the commission approve the building inspector's continued work with Mr. Gonzales to facilitate the rehabilitation process of the residence.

Staff further recommends adjourning the public hearing until June 26, 2025, to review the progress of the repairs.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission

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adjourned the Public Hearing on the condemnation of 817 W. Cottonwood Street to June 26, 2025, at 5:30 PM.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Public Hearing to consider the condemnation of 1100 W. Chestnut Street as dangerous and unsafe.**

The structure at 1100 W. Chestnut has been the subject of numerous complaints from neighbors regarding transient activity, parties, and nuisance issues. The property was sold at a tax sale and purchased by an owner from California. The owner relocated to Independence and resided in the structure adjacent to 1100 W. Chestnut but has since moved back to California. The owner has listed the property for sale.

The owner invited City staff to review the condition of 1100 W. Chestnut, and the building inspector has determined that the structure should be demolished. The recommendation is based on several factors, including the failure of the foundation, the collapse of the back portion of the structure, extensive water damage, and the poor condition of the roof. The house has been deemed uninhabitable.

City staff recommends condemnation, classifying the property as dangerous and unsafe.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution condemning 1100 W. Chestnut Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

IV. ITEMS FOR COMMISSION ACTION

- A. Consider a request from the Tree Board to proclaim April 25, 2025 as Arbor Day.**

On February 25th, 2016 The City Commission approved Ordinance # 4214 creating a Tree Board to honor the city's rich history of enjoying and preserving local natural resources and to promote and protect public health,

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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.

This year the Tree Board plans on celebrating Arbor Day on Friday, April 25th, 2025. This is the first step in renewing our recertification for Tree City USA.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission proclaimed April 25, 2025 as Arbor Day in Independence.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

B. Consider proclaiming April 2025 as Child Abuse Prevention Month.

We received a request from Samantha Maritt representing the Kansas Children's Service League requesting to adopt the attached proclamation declaring April 2025 as Child Abuse Prevention Month.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission proclaimed April 2025 as Child Abuse Prevention Month.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

C. Consider approving signage and a directional sign at City Hall.

The final item to be completed in the City Hall remodel project is the building signage, which the Commission previously deferred for completion at a later date. City staff have received numerous community comments regarding access to the building, particularly for the Police Department. Many citizens mistakenly attempt to enter through the north door near the patrol vehicle parking area.

To address these concerns, the City issued an RFP for signage and received two proposals: one from Complete Signs in Alabama and another from Highway Man Signs in Dewey, OK. After reviewing both proposals, City staff recommend that the Commission approve working with Highway Man Signs of Dewey, OK, to finalize three signage options for City Hall:

1. **Directional Sign** – This sign will be placed next to the ADA ramp on the southwest corner of the building. It will provide guidance for pedestrians, directing them to the ADA entrance, the Police Department, and the Commission/Courtroom.
2. **Police Department Wall Sign** – This wall-mounted sign will be installed on the south side of the building to clearly identify the Police Department entrance.
3. **Courtroom Interior Sign** – This sign will feature the City Seal and be installed inside the courtroom.

City staff have reviewed these sign options with the IHPRC and received their approval. The total cost of the signage package is \$10,683.76.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved signage for City Hall with Highway Man Signs.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- D. Consider authorizing a contract in the amount of \$47,500.00 with Evans, Bierly, Hutchison & Associates, P.A. (EBH), for a long-term water supply repair plan.

As provided in the City budget, the City requested proposals via an RFP for the consultant to be responsible for:

- **Analyzing historical leak data to identify priority locations for areawide water distribution line replacements.**
- **Evaluating required Lead and Copper Rule (LCR) service line replacements and incorporating compliance needs into the plan.**
- **Developing a 10-year phased implementation strategy, ensuring at least 33% of city-owned lead or galvanized service lines are replaced on a three-year rolling average to meet the federal deadline.**
- **Prioritizing projects based on factors such as critical infrastructure needs, risk assessment, and cost-effectiveness.**
- **Estimating budgetary requirements and funding strategies, including potential grants or financing options.**

- **Coordinating with city staff and stakeholders to align with existing infrastructure improvement initiatives.**

Deliverables for this project are:

- **A comprehensive 10-year Water Supply Repair Plan with detailed recommendations and a phased approach.**
- **GIS-based maps identifying priority areas for water line replacements.**
- **Cost estimates and funding recommendations.**
- **Compliance roadmap for lead and copper service line replacement requirements.**
- **Final report and presentation to city officials.**

The goal of this is to decrease leaks, maintain compliance with federal regulations, and to plan for the future maintenance needs of the system for the next decade.

One response was received, and that response was from EBH, who was our consultant on the recent water pipeline project from the City to Bartlett. Upon review, the proposal (attached) received met the City's requirements and the RFP criteria. On that basis, it is recommended that this work be awarded to EBH.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse the Commission authorized a contract in the amount of \$47,500.00 with Evans, Bierly, Hutchison & Associates, P.A., for a long-term water supply repair plan.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- E. Consider authorizing a contract in the amount of \$158,000 with Water Resource Solutions, LLC for the design and permitting of a diversion structure for inspection of the Verdigris River low-head dam.**

Previous inspections of the low-head dam at the Verdigris have been at the surface and visual. To fully inspect the dam, a diversion structure is necessary, along with permitting. In order to obtain permitting, a designed diversion structure is required. An RFP was issued, and a single response,

from Water Resource Solutions, LLC (WRS), was received. A version revised after discussions between WRS and the City is attached.

Whereas the proposal totals to \$358,833, the initial contract is recommended to be \$158,000, which will get the project to a state where the overall construction of the diversion structure along with the correction of known issues can be bid. Additional work will then be awarded as necessary as the project progresses.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized a contract in the amount of \$158,000 with Water Resource Solutions, LLC for the design and permitting of a diversion structure for inspection of the Verdigris River low-head dam.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

V. REPORTS

A. Monthly Projects and Public Works Report

Engineer Garris presented the report.

B. Admin and Housing Report

City Manager Passauer and Housing Authority Director Nutt presented the report.

C. City Board Minutes

1. February 24, 2025 IHPRC Minutes

2. March 19, 2025 Recreation Commission Board Minutes

D. Appropriations

VI. CITY MANAGER'S COMMENTS

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City Manager Passauer reminded everyone about Donna Dean's retirement party on Friday March 28 from 4 - 6 p.m. First Friday will be on April 4th and David Cowan, Assistant City Manager will be presenting on storm preparedness. The next Commission meetings will be on April 10, April 16 (if needed) and April 24. The park opening will be on April 12th from 11 am - 3 pm. There will be an Easter egg hunt on April 19th at 3pm in the park oval. There will be a 95th baseball anniversary celebration on April 26th. The Employee Appreciation picnic will be on May 8th at 11 am and there will be A Taste of Montgomery County hosted by MCAC on September 25th.

VII. COMMISSIONERS' COMMENTS

Commissioner Hayes presented a summarized statement which is reprinted below:

Vacant, abandoned and deteriorating structures (VADS) pose significant costs to public health, property values, local taxpayers and more.

- 1) Create dangerous and unsafe conditions in our neighborhoods.
- 2) Create an invitation to squatters, to vandals and to other criminal activity.
- 3) Catch fire and call upon our first responders.
- 4) Reduce the value of surrounding properties leading to a loss of owners' equity and of the tax base.
- 5) Criminal Damage and fire damage contribute to higher insurance rates.

Our city government incurs the cost of remedying these structures, but often the costs of demolition, abatement and maintenance costs go unreimbursed by the owners.

I asked you to consider what can be done to intervene earlier.

We condemned 27 of them. We allotted \$100,000. We need to condemn many more. So we need the money to increase the number of demolitions.

I'm suggesting we charge a vacant, abandoned and deteriorating structures (VADS) fee to these buildings as soon as they become vacant. The fee will be for demolitions and unreimbursed costs. The owners of VADS rightfully should pay their fair share of these costs.

This is much fairer than raising property taxes on all of the other property in the community.

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VIII. PUBLIC CONCERNS

None.

IX. ADJOURNMENT

Motion:

On the motion of Tim Emert, seconded by Dean Hayse the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

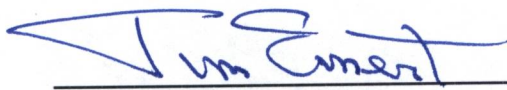
Nay: None



W. Scott Smith, Mayor



Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer