

Minutes of the City Commission's June 3, 2025 Meeting

I. SPECIAL 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; Jordan Bagley, IT Technician Coordinator; Dustin Stafford, Chief of Police; Derek Bryant, Assistant Police Chief and Aaron Cook, Fire Chief.

Visitors Present: Andy Taylor, Susan Scovel and Mindy Blackard.

A. Call to Order

Mayor Smith called the meeting to order.

II. ITEMS FOR COMMISSION ACTION

A. Consider adopting an ordinance modifying the sale and/or discharge of fireworks.

On May 8, 2025, the City Commission adopted Ordinance No. 4482, extending the fireworks sales dates from June 27–July 4 to June 20–July 7, in line with Senate Bill 199 (SB199). The Commission also extended the discharge period—from July 1–4 to June 20–July 7.

Public Response: The action generated opposition during the May 22, 2025 Commission meeting, with concerns centered around:

- PTSD and veterans' trauma
- Distress to pets and service animals
- Fire hazards and property safety
- Enforcement burdens on police and first responders
- Inadequate citizen input on discharge extension since modifying fireworks discharge dates was not included on the May 8, 2025 agenda

Law Enforcement Perspective: Chief Dustin Stafford has noted that aligning sales and discharge periods aimed to reduce public confusion and improve compliance, but acknowledged the extended discharge period raised concerns for residents.

Proposed Legislative Update: To balance state compliance with local control and public input, Staff suggests the following legislative structure:

Fireworks Sales Period

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Amend Sec. 46-102 to read:

"It shall be unlawful for any person to sell, deliver, or give away any fireworks within the corporate limits of the City except during the dates authorized for seasonal or permanent retailers under Kansas state law."

Fireworks Discharge Period

Retain local discretion for discharge periods. Staff offers three options for consideration:

1. **July 1–4 (Prior Status Quo)** This is the traditional discharge period used by the City prior to May 8. It minimizes disruption to the community and aligns with neighboring cities, including Chanute and Coffeyville. This option balances celebration with reduced impacts to veterans, pets, and public safety personnel.
2. **June 27–July 5 (Moderate Extension)** This matches the Arkansas City model, which limits discharge to a 9-day window despite extended sales dates. It offers a compromise between enforcement practicality and community concerns without adopting a full 18-day discharge period.
3. **July 1–5 (Minimal Extension)** This retains the prior traditional start date but extends one additional day to July 5, allowing for flexibility in case of weather or holiday weekend timing. It provides modest relief to residents while minimizing additional burdens.

Retail Display Signage

To ensure clear communication with the public regarding discharge regulations, Staff recommends amending Sec. 46-107 to require retailers to post an additional sign in the fireworks sales area. This sign must state:

"Fireworks may only be discharged within the City Limits of Independence, Kansas between the hours of 9:00 a.m. and 10:00 p.m. from July 1 through July 3, between the hours of 9:00 a.m. and midnight on July 4, and between the hours of 9:00 a.m. and 10:00 p.m. on July 5."

This requirement complements existing signage rules and enhances public understanding of legal discharge periods.

Comparison to Regional Cities: According to the May 29, 2025 survey:

- Pittsburg has adopted extended sale and discharge dates (June 20–July 7).
- Arkansas City adopted extended sales but limited discharge to June 27–July 5.
- Fort Scott adopted extended sales and is considering a proposed extension to discharge dates from June 27–July 5 to June 20–July 7.
- Chanute and Coffeyville retained discharge dates of July 1–4, with Chanute extending sale dates from July 1-4 to June 29-July 5.

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Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission amended Sec. 46-102 to align fireworks sales with dates authorized under Kansas state law, amended Sec. 46-103 to allow discharge of fireworks from July 1 through July 5, and amended Sec. 46-107 to require public signage of discharge dates and times.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

III. EXECUTIVE SESSION

- A. Matters relating to the security of a public body or agency, public building or facility, or the information system of a public body or agency.**

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission recessed for an executive session for matters relating to the security of a public body or agency, public building or facility, or the information system of a public body or agency pursuant to the security measures exception found at K.S.A. 75-4319(b)(12). The open meeting will resume at 9:22 a.m. in the Commission Room of City Hall.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 9:22 a.m. with no action taken.

- B. 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, KSA 75-4319(b)(2). The open meeting will resume at 9:36 a.m. in the Commission Room of City Hall.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 9:36 a.m. with no action taken.

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IV. ADJOURNMENT

Motion:

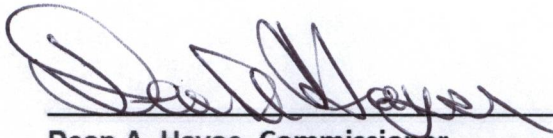
On the motion of Dean Hayse, seconded by Tim Emert, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None



W. Scott Smith, Mayor



Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer