

Minutes of the City Commission's June 26, 2025 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Scott Smith and Commissioner Tim Emert

City Staff Present: David Cowan, Assistant City Manager; Cole Hoffmeister, City Attorney; David Schwenker, City Clerk/City Treasurer; John Garriss, City Engineer/Director of Public Works; Jordan Bagley, IT Technician Coordinator and Dustin Stafford, Chief of Police.

Visitors Present: Larry McHugh, Marjorie Reynolds, Chris Hemelrick, Justin Donnelly and Ned Stichman

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 Tim Emert, seconded by Scott Smith the Commission adopted the agenda as presented.

Aye: Tim Emert, Scott Smith

Nay: None

II. APPOINTMENTS

A. Opening on the Independence Library District Board of Trustees -- Must Reside In City Limits -- Applications Due by July 1, 2025

City staff is currently accepting applications from interested individuals who wish to serve on the Independence Library District Board of Trustees. The deadline to apply is July 1, 2025, and the appointee must reside within the City limits.

B. Opening on the Park Board -- Can live inside or outside the City -- Applications due by July 1, 2025

Applications are being received until July 1, 2025 for an opening on the Park

Minutes of the City Commission's June 26, 2025 Meeting

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

- C. Opening on the Landbank -- Applications due by July 1, 2025

Applications will be received through July 1, 2025 for an opening on the Landbank.

- D. Openings on the Tree Board -- Applications Due by July 1, 2025

Applications will be received through July 1, 2025 for three terms on the Tree Board.

III. CONSENT AGENDA

Motion:

On the motion of Tim Emert, seconded by Scott Smith the Commission approved the consent agenda as presented.

Aye: Tim Emert, Scott Smith

Nay: None

- A. Consider approving minutes of the June 3rd, 11th and 18th, 2025 meetings.

Suggested Motion:

I move to approve the minutes of the June 3rd, 11th and 18th, 2025 Commission meetings.

- B. Consider request for use of barricades to block traffic to park oval for Indy Goes Back to School event.

Indy Goes Back to School is an event that is designed to instill excitement in parents and students about the start of the school year. It is a well attended event. USD 446 also utilizes this event to make connections between parents and community organizations that support families and children. The event utilizes the entire Riverside Oval including the carousel, all covered and uncovered picnic tables/areas, Hille Bandshell, Interurban Shelter, and the School House. The event is Thursday August 7, 2025 from 4:30 PM to 8:00 PM. Traffic to the oval will be restricted from 4:00 p.m. to 7:30 p.m.

Suggested Motion:

I move to approve the request to authorize the use of barricades to restrict

Minutes of the City Commission's June 26, 2025 Meeting

traffic to the park oval on August 7, 2025 from 4:30 PM to 8:00 PM for the USD 446 Indy Goes Back to School event.

- C. Consider bidding the Laurel Street Water Tower Maintenance Project.

The City's water towers require periodic maintenance, and the Laurel Street Water Tower is due for this maintenance. Attached is a suggested bid document and scope of work that is substantially similar to the last work performed in 2019 at the Airport Water Tower and in 2023 at the North Tower. Bids would be received at 2:00 pm on July 31, 2025.

Suggested Motion:

I move to allow bidding of the Laurel Street Water Tower maintenance project.

- D. Consider bidding for construction of containment at the Airport.

The City's plan for Spill Prevention, Control, and Countermeasures (SPCC) requires that we meet federal standards for containment at the airport fuel tanks. This project will bring the City into compliance with our internal SPCC plan and with federal standards. This work would be advertised on June 30, and opened on July 31 at 2pm.

Suggested Motion:

I move to allow release of documents for bidding the construction of containment at the Independence Municipal Airport.

- E. Consider releasing a 2nd Mortgage for 1906 Bradley Court.

The Eisenhower Subdivision provided a subsidy for the cost of the infrastructure that had a seven-year compliance period that expires on June 27, 2025. The home at 1906 Bradley Court met the requirements to have the 2nd mortgage released.

Suggested Motion:

I move to authorize the Mayor to sign a Release of Mortgage for the property located at 1906 Bradley Court.

- F. Consider closing the 600 block of South 8th Street for the Montgomery Place 4th of July party on July 2, 2025.

Minutes of the City Commission's June 26, 2025 Meeting

Montgomery Place has submitted a request to the City of Independence to close the 600 block of South 8th Street on July 2, 2025, in order to host their annual Fourth of July celebration. The requested closure is scheduled between 4:00 p.m. and 8:00 p.m.

Montgomery Place will be responsible for setting up and removing the necessary barricades. The barricades will be placed in a manner that ensures the resident at 601 S. 8th Street retains access to their driveway during the event.

Suggested Motion:

I move to approve the street closure of the 600 blk of South 8th Street on July 2, 2025, between 4 pm and 8 pm.

IV. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 512 W. Myrtle Street as dangerous and unsafe.**

On December 12, 2024, the City Commission voted to adjourn the condemnation hearing to June 26, 2025. The property owner was instructed to meet with the Building Inspector, submit a detailed timeline of proposed repairs, and initiate either the repair or removal of the structure. To date, the owner has failed to provide a repair timeline or begin any corrective actions. Based on these circumstances, staff recommends that the structure be condemned as dangerous and unsafe.

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission adjourned the hearing to consider condemnation of 512 W. Myrtle Street as dangerous and unsafe to July 24, 2025, at 5:30 p.m.

Aye: Tim Emert, Scott Smith

Nay: None

- B. Public Hearing to consider the condemnation of 208 S. 16th Street as dangerous and unsafe.**

On December 12, 2024, the City Commission voted to adjourn the condemnation hearing to June 26, 2025. The property owner was instructed to meet with the Building Inspector, submit a detailed timeline of proposed repairs, and initiate either the repair or removal of the structure. To date, the

Minutes of the City Commission's June 26, 2025 Meeting

owner has failed to provide a repair timeline or begin any corrective actions. A review of the structure on June 16, 2025, staff noticed the foundation appears to be failing on the West and South side of the building and that there appears to be water damage inside the structure. Based on these circumstances, staff recommends that the structure be condemned as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Tim Emert, the Commission adjourned the hearing to consider condemnation of 208 S. 16th Street as dangerous and unsafe to July 24, 2025, at 5:30 p.m.

Aye: Tim Emert, Scott Smith

Nay: None

- C. Public Hearing to consider the condemnation of 314 N. 5th Street as dangerous and unsafe.**

On December 12, 2024, the City Commission voted to adjourn the condemnation hearing to June 26, 2025 at 5:30 PM. The property owner was instructed to meet with the Building Inspector, submit a detailed timeline of proposed repairs, and initiate either the repair or removal of the structure. The garage/shop roof structure has collapsed and only the walls are standing. To date, the owner has failed to provide a repair timeline or begin any corrective actions. Based on these circumstances, the staff recommends that the structure be condemned as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Tim Emert, the Commission adjourned the hearing to consider condemnation of 314 N. 5th Street as dangerous and unsafe to July 10, 2025, at 5:30 p.m.

Aye: Tim Emert, Scott Smith

Nay: None

- D. Public Hearing to consider condemnation of 620 W. Chestnut Street as dangerous and unsafe.**

On June 16, 2025, City staff conducted an exterior inspection of the property and observed that all debris and trash had been removed. Hardboard material had been applied to the exterior of the foundation, sealing the masonry wall. However, City staff was unable to verify whether repairs to the basement foundation wall have been completed. Based on the property

Minutes of the City Commission's June 26, 2025 Meeting

owner's explanation at the hearing of the work performed to date, City staff recommends adjourning the hearing and/or scheduling an interior inspection to confirm completion of the necessary repairs.

Motion:

On the motion of Scott Smith, seconded by Tim Emert, the Commission adjourned the hearing to consider condemnation of 620 W. Chestnut Street as dangerous and unsafe to September 25, 2025, at 5:30 p.m..

Aye: Tim Emert, Scott Smith

Nay: None

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

On March 27, 2025, the City Commission adjourned the hearing for 60 days to allow the owner to continue work on the structure. The owner continues to work with the building inspector as he makes repairs. The owner is making repairs as he has the finances available to purchase the needed materials. The building inspector recommends adjourning the hearing for 90 days or until September 25, 2025.

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission adjourned the public hearing to consider condemnation of 817 W. Cottonwood Street as dangerous and unsafe until September 25, 2025 at 5:30 p.m.

Aye: Tim Emert, Scott Smith

Nay: None

- F. Public Hearing to consider the condemnation of 1204 W. Myrtle Street as dangerous and unsafe**

On January 9, 2025, the City Commission heard testimony from the family residing at 1204 W. Myrtle. The residents indicated they had begun repairs to the structure, including roof repairs, removal of yard debris, and exterior improvements. However, a review of utility records shows that water service to the property was discontinued on April 30, 2025. Based on these findings, City staff recommends that the structure be condemned as dangerous and unsafe, and that the residence be vacated.

Motion:

Minutes of the City Commission's June 26, 2025 Meeting

On the motion of Tim Emert, seconded by Scott Smith, the Commission adopted a resolution condemning 1204 W. Myrtle as dangerous and unsafe.

Aye: Tim Emert, Scott Smith

Nay: None

V. ITEMS FOR COMMISSION ACTION

- A. Consider a resolution to rescind the condemnation action of 617 N. 16th Street.**

On December 19, 2024, the City Commission of Independence, Kansas, declared the property located at 617 N. 16th Street to be dangerous and unsafe and adopted a resolution condemning the structure. However, the Commission granted the property owner an opportunity to voluntarily remove the structure and abate the hazardous conditions.

The property owner has since complied with the Commission's directive by successfully removing the condemned structure and clearing the lot of all debris. As the property no longer poses a threat to health, safety, or welfare, it is appropriate to formally rescind the condemnation action.

To facilitate the clearing of the title and properly document the remediation of the property, it is recommended that the City Commission adopt a resolution rescinding the original condemnation action. Upon adoption, this resolution will be recorded with the Montgomery County Register of Deeds to reflect the updated status of the property.

Motion:

On the motion of Scott Smith, seconded by Tim Emert, the Commission adopted a resolution rescinding previous resolutions which condemned the structure at 617 N. 16th Street as dangerous and unsafe.

Aye: Tim Emert, Scott Smith

Nay: None

- B. Consider setting the date of August 28, 2025, for a Public Hearing to consider the condemnation of 1228 N. Penn Ave as dangerous and unsafe.**

On January 11, 2025, a fire occurred at KWASH, located at 1228 N. Penn Avenue. The incident caused significant damage to the car wash equipment and resulted in smoke damage throughout the building. The City was

Minutes of the City Commission's June 26, 2025 Meeting

subsequently contacted by the insurance company, which reported that the damage was extensive. As a result, the insurer determined the structure to be a total loss and is settling the claim with the insured on that basis.

However, the insurance settlement will not cover the cost of repairs to restore the building. The insurance company indicated it would issue a payment to cover the demolition and removal of the structure, should the property owner fail to initiate timely repair or removal. Based on this information, the City recommends commission action to proceed with condemnation of the fire-damaged building.

Motion:

On the motion of Tim Emert, seconded by Scott Smith the Commission adopted a resolution setting the date of August 28, 2025 at 5:30 PM for a Public Hearing to consider the condemnation of 1228 N. Penn Ave as dangerous and unsafe.

Aye: Tim Emert, Scott Smith

Nay: None

- C. Consider setting the date of August 28, 2025, for a Public Hearing to consider the condemnation of a garage at 1120 W. Myrtle Street as dangerous and unsafe.**

On June 10, 2025, the Independence Fire-EMS was called to 1120 W. Myrtle for a garage fire. Upon their arrival, the structure was fully involved with fire. The structure and a vehicle were a total loss. City staff recommends setting the date of August 28, 2025, for a public hearing to consider condemnation of the garage at 1120 W. Myrtle as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Tim Emert, the Commission adopted a resolution setting the date of August 28, 2025, to have a Public Hearing to consider the condemnation of a garage at 1120 W. Myrtle Street.

Aye: Tim Emert, Scott Smith

Nay: None

VI. REPORTS

A. City Board Minutes

1. May 21, 2025, Independence Recreation Commission Minutes

Minutes of the City Commission's June 26, 2025 Meeting

B. Monthly Public Works and Project Report

Engineer Garris presented the report.

VII. CITY MANAGER'S COMMENTS

Assistant City Manager Cowan presented a list of upcoming City Commission meetings and community events.

VIII. COMMISSIONERS' COMMENTS

None.

IX. PUBLIC CONCERNS

None.

X. 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 Tim Emert, 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 6:06p. m. in the Commission Room of City Hall.

Aye: Tim Emert, Scott Smith

Nay: None

The meeting resumed at 6:06pm with no action taken.

XI. ADJOURNMENT

Motion:

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

Minutes of the City Commission's June 26, 2025 Meeting

Aye: Tim Emert, Scott Smith

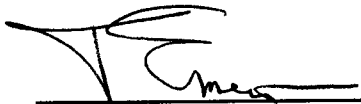
Nay: None



W. Scott Smith, Mayor



Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer