

Minutes of the City Commission's August 14, 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 and Lacey Lies, Finance Director.

Visitors Present: Larry McHugh, Sherri Garris, Brea Sanford, Kathy Shepard, Charles Barker, Blade Smith, Craig Bloom, Brittney Holum, Butch Holum, Riley Blomenkamp, Jamey Whitney, Lisa Wilson and Barb Emert.

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 adopted the agenda as presented.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. APPOINTMENTS

A. Plumbing Board -- 4 terms expire August 15, 2025

Four positions on the Plumbing Board are set to expire on August 15, 2025. Each of the incumbents has served at least two full terms. In accordance with City policy, when a member has completed two full terms, the position is publicly posted to encourage broader participation. This vacancy was announced on the City's website on July 8, 2025, with an application deadline of noon on August 7, 2025. Applicants were required to hold a current City plumbing license. No applications were received. Given the specialized nature of this board, it is not uncommon to reappoint existing members to additional terms when no qualified applicants come forward.

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BOARD OF EXAMINERS - PLUMBERS (3 year terms – 5 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Paul Lemon	4th term*	August 15, 2025	
Darrin Wood	1st term*	August 15, 2028	3/14/2024
Wayne Sundquist	9th term	August 15, 2025	
Laramie Ruark/Atmos	Unexpired term	August 15, 2026	5/11/2023
Pat Howe	9th term	August 15, 2025	
Meeting Place: City Commission Room Meeting Date: As Needed Meeting Time: TBD			

Motion:

On the motion of Scott Smith, seconded by Tim Emert, the Commission reappointed Paul Lemon to a fifth term, Wayne Sundquist to a tenth term, and Pat Howe to a tenth term on the Board of Examiners – Plumbers, with all terms set to expire on August 15, 2028.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

B. Tree Board - One Resignation

Leslie Dillon has resigned from the Tree Board. Applications are due by August 27, 2025.

III. PRESENTATIONS

A. Presentation from MCAC regarding their request for funds from the 2026 Budget.

Their request for the last four years or more has been \$25,000. They are requesting \$28,750 for 2026, representing a 15% increase.

B. Presentation from Southeast Kansas Community Action Program (SEK-CAP) to consider including in the 2026 budget funds for General Public Transportation.

SEK-CAP would like to address the Commission concerning requesting the 2026 budget include \$5,000 in funds for General Public Transportation. They understand that the City's budget does not start until January 1, 2026, so any approved funds would not be available until after that date. Last year, they

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requested \$3,000 in 2025 funding, which was approved, and such payment was posted on 01/17/2025.

IV. CONSENT AGENDA

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted the consent agenda as presented.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- A. Consider approving minutes of the July 24th, 2025 meeting.

Suggested Motion:

I move to approve the minutes of the July 24th, 2025 Commission meeting.

- B. Consider the Library's request to close the 100 block of South 5th and the 200 block of East Maple Street on Friday, October 10, 2025 from 3:00 PM - 9:30 PM for a Rock the Block library event.

The Independence Public Library, through staff member Brandon West, has requested street closures surrounding the Library to accommodate the "Rock the Block" event scheduled for Friday, October 10, 2025. Rock the Block is a free, family-oriented block party that supports literacy, celebrates community, and promotes public engagement. Highlights of the event include:

- Interactive youth activities
- Food trucks and local vendors
- Community organization booths
- A Touch-A-Truck area for kids
- An outdoor movie screening of James and the Giant Peach at sunset

The street closure will allow safe access to the attractions and walking areas for families in attendance. Requested street closure times are from 3:00 PM to 9:30 PM, allowing for set-up and tear-down around the 5:30 PM event start time.

Suggested Motion:

I move to close the 100 block of South 5th Street and the 200 block of East Maple Street on Friday, October 10, 2025, from 3:00 PM to 9:30 PM for the Rock the Block Library Event.

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- C. Consider waiving Civic Center fees for the Health on Purpose Wellness Fair on September 19, 2025.

Kathy Shepard, RSVP Four County Coordinator, has submitted this request for a waiver of fees associated with the use of City facilities and/or services for our upcoming event, scheduled for Thursday, September 19, 2025, from 7:00 a.m. to 12:00 p.m. This community-centered, no-cost wellness fair is designed to promote physical and mental well-being for residents.

Bloodwork services will once again be offered this year, available to all participants at the highly discounted rate of \$25. This initiative has consistently empowered residents to take proactive steps toward managing their health at an affordable cost.

Kathy requests that the Commission consider waiving any applicable fees to help us continue offering this valuable public service without financial barriers.

Suggested Motion:

I move to waive fees for the Health on Purpose Wellness Fair on September 19, 2025.

- D. Consider waiving the ordinance prohibiting food trucks in Riverside Park on October 11, 2025, for the ERS Jelly Jam.

The Eagle Rock Shredders are a local organization which focuses on providing mountain biking opportunities to the public in the Independence area. In addition to developing and maintaining numerous trails near Elk City State Park and the new Central Park Sports Complex entirely through fundraising and volunteer efforts, they have also brought an event to Independence called "The Jelly Roll", which is a mountain bike race held at Elk City State Park. To encourage participants to stay overnight in Independence, ERS holds an event the night before the race called the "Jelly Jam". The event includes a BMX bike show and swap, a freestyle competition, raffles, live music, and a group bike ride through the park and Central Park Sports Complex. As part of the Jelly Jam event, ERS would like to have food trucks available to visitors. The event is scheduled for October 11, 2025.

Suggested Motion:

I move to waive the ordinance prohibiting food trucks in Riverside Park on October 11, 2025 for the ERS Jelly Jam.

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- E. Consider waiving fees and allowance of temporary sale signs for Kan-Okla 100-mile highway sale September 11 - 13, 2025.

Lisa Wilson, Chamber President, has presented a request for the City to Co-Sponsor with the Independence Chamber of Commerce Convention and Visitors Bureau of the 18th Annual KAN-OKLA 100-Mile Highway Sale and Independence City-Wide Rummage Sale, the waiving of sale permit fees, the allowance of temporary sale signs in the rights-of-way on Thursday, September 11th; Friday, September 12th; and Saturday, September 13th ONLY and permission to use the parking lot of 8th & Chestnut behind Ane Mae's Coffee and Sandwich House for a group site.

Suggested Motion:

I move to waive rummage sale permit fees, allow temporary sale signs in the rights-of-way, and allow use of the municipal parking lot at 8th and Chestnut on Thursday, September 11th; Friday, September 12th; and Saturday, September 13th ONLY for the 18th Annual KAN-OKLA 100-mile Highway Sale and City-Wide Rummage Sale.

- F. Consider authorizing bidding of the sanitary sewer installation for the housing development along Rainbow Drive.

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 bid documents for installation of sanitary sewer at that location. The bids will be opened at 10AM, September 18, 2025.

Suggested Motion:

I move to authorize bidding for the construction of a sanitary sewer line for the lots south of Rainbow Drive.

- G. Consider rebidding 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 was previously advertised and no bids were received. The new bid date, if approved, would be September 18, 2025.

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Suggested Motion:

I move to allow bidding for construction of containment.

- H. Consider awarding a contract for engineering services for the KAIP airport grant to H. W. Lochner, Inc.

The City applied for a Kansas Department of Transportation (KDOT) Kansas Airport Improvement Program (KAIP) grant in January, 2025 and accepted the grant in June.

The reason that this project was proposed is that in order to maintain pavement integrity on the north apron.

Our airport engineering consultant, H.W. Lochner, Inc. has provided a contract for engineering services in the amount of \$80,000. Based on the grant, the City's share of this cost will be \$8,000.

This contract will not be executed prior to receiving the executed KAIP grant.

Suggested Motion:

I move to award a contract for engineering services to H.W. Lochner, Inc. in the amount of \$80,000 and to allow the execution of any necessary documents upon receipt of the executed KAIP grant.

- I. Consider setting the date and advertising a Public Meeting for Thursday, September 25, 2025 for the purposes of applying for a loan from the Kansas Public Water Supply Loan Fund.

As we look to meet federal requirements related to lead service lines over the next decade, our consultant, EBH, has submitted a preliminary loan application to the State of Kansas for a Kansas Public Water Supply Loan Fund loan. This loan is advantaged in its interest rate, and is also subject to forgiveness of principal. The City has been approved for principal forgiveness of up to 50% on this loan.

This request is for approval to set the date and advertise for a Public Meeting on Thursday, September 25, 2025 related to this loan. The timeline for the loan is:

- **Notice Sent to Newspaper – Friday, August 22, 2025 by noon.**
- **Notice Published in Newspaper – Tuesday, August 26, 2025**
- **Environmental Notices to Required Agencies – By September 1, 2025**

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- **Public Hearing Date (At Beginning of Commission Meeting) – Thursday, September 25, 2025**
- **Submit SRF Loan Application – By October 15, 2025**

Of note, the Public Notice specifies a maximum amount of loan applied for. It is possible that the actual loan funds related to this project may be less than this amount.

Suggested Motion:

I move to set the date and advertise a Public Meeting for Thursday, September 25, 2025 for the purposes of applying for a loan from the Kansas Public Water Supply Loan Fund.

- J. Consider bidding a new diesel engine replacement for Pump 640 at the Water Treatment Plant.

Pump 640 is the only pump in the finished water final pumping system that is driven by a diesel engine. The diesel engine failed on August 3, 2025. Approval is requested to bid for a replacement engine as well as the installation of that engine. It is proposed that the request for quotation be issued on August 11, 2025 with a bid opening on August 21, 2025. This is a relatively short window, but the work is commonly performed, interested bidders are aware of the upcoming bid, and the recommissioning of pump 640 provides additional operational redundancy.

Suggested Motion:

I move to allow bidding for a replacement diesel engine for Pump 640.

V. ITEMS FOR COMMISSION ACTION

- A. Consider proclaiming August 21, 2025, as National Senior Citizens Day in Independence, Kansas.

City staff was contacted by Kathy Shephard, representing the Diversity Taskforce, requesting that the City adopt a proclamation recognizing August 21st as National Senior Citizens Day in Independence, Kansas.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission proclaimed August 21, 2025, as National Senior Citizens Day in Independence, Kansas.

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Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Consider Ordinance No. 4492 amending City code section 42-261 of the Floodplain Ordinance.

City staff, in coordination with Marilyn Sucoe, Certified Floodplain Manager (CRS Specialist), has reviewed the City's floodplain regulations and identified an inconsistency in the elevation requirements for flood protection. Specifically, City Code Section 42-161, Division 4, Subsection (4)(d) requires a minimum elevation of one foot above Base Flood Elevation (BFE), while Sections 42-262(1)(a) and 42-263(2)(d) require a minimum of two feet above BFE.

To resolve this discrepancy and ensure consistency with best practices for flood hazard mitigation, the City is amending Section 42-261(4)(e) to require that all new or replacement water supply and sanitary sewage systems be elevated a minimum of two feet above the BFE. This amendment aligns all applicable sections of the City Code with a uniform standard of two feet above BFE, enhancing the City's resilience against flood-related risks and supporting continued compliance with CRS program requirements.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted Ordinance No. 4492 amending city code section 42-261 dealing with provisions for flood hazard reduction.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- C. Consider adopting a resolution setting the date of October 22, 2025, for a Public Hearing to consider the condemnation of 401 S. 2nd Street as dangerous and unsafe.

On May 3, 2025, a structure at 401 S. 2nd Street was involved in a fire that caused extensive damage to the second floor and water damage to the second and first floors. City Staff recommends setting a date of October 22, 2025, for a Public Hearing to consider condemnation as dangerous and unsafe.

Motion:

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On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution setting a Public Hearing on October 22, 2025, at 5:30 PM to consider the condemnation of 401 S. 2nd as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- D. Consider approving a lease agreement with South Kansas & Oklahoma Railroad, LLC for the purpose of a walking trail.**

This lease agreement between the City of Independence, Kansas and the South Kansas & Oklahoma Railroad is solely for the purpose of a walking trail that goes underneath the railroad.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized the signing of the land lease between the City of Independence and South Kansas & Oklahoma Railroad.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- E. Consider approving a sign plan and installation for the Indy Trails System.**

Through a grant provided by the Kansas Department of Commerce, the Indy Trails Network was created and curated by Community Foundation for Independence's Rural Champion, Brittney Holum. With the project coming to an end, Brittney is providing an update on the project, proposed signage, and future opening information.

Indy Trails is an interconnected trail system that brings the beauty of Independence, Kansas to life. Whether you're seeking a serene walk through nature, a scenic bike ride, or a family-friendly outdoor adventure, Indy Trails provides the perfect setting for every type of explorer. Nestled in the heart of a quaint rural town, Indy Trails showcase lush landscapes, a vibrant community park, and the winding Verdigris River.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved the sign plan and authorized the installation of signs for the Indy Trails System.

Aye: Tim Emert, Dean Hayse, Scott Smith

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Nay: None

- F. Consider approving a Downtown Independence Building Grant for 113 West Myrtle.

Steve Morrison, owner of 113 West Myrtle, has applied for a Downtown Independence Building Grant. The City of Independence sets aside \$100,000 in funds annually for the improvement of the downtown central business district buildings for exterior work. Mr. Morrison intends to replace the roof, tuck point the exterior, replace windows, and replace exterior doors. All of these repairs are eligible reimbursable items. The grant committee met August 12, 2025 and reviewed Mr. Morrison's request and approved the application. There is an urgency in moving forward quickly with Mr. Morrison's request as he has a leak in the roof that needs to be repaired as soon as possible as to not damage current interior improvements being made. Mr. Morrison is remodeling the interior for 11 new apartments.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved the Downtown Independence Building Grant for 113 West Myrtle.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- G. Consider authorizing the Mayor to sign a letter to commit four vacant City-owned lots for an Affordable Housing Program Grant Application.

The Independence Housing Authority Board of Directors has approved the submission of a Federal Home Loan Bank Affordable Housing Program Grant application in the amount of \$1.5 million in partnership with Trident 3D Homes for the construction of 40 single-family homes on infill lots. The intent of the grant is to provide down-payment assistance for home-buyers meeting the moderate-income limits. If there are lots that have been identified as potentially developable lots as part of the grant, it will strengthen the grant application. If the grant is awarded and the lot does not meet the need or the City determines they do not wish to donate the lot, then IHA will be allowed to find another suitable lot in exchange.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized the Mayor to sign a letter to commit four vacant City-owned lots to an Affordable Housing Program Grant Application for the development of single-family homes pending grant approval.

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Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

VI. REPORTS

A. City Board Minutes

1. July 16, 2025, Independence Recreation Commission Minutes.

2. July 1, 2025, Planning and Zoning Commission/Board of Zoning Appeals Minutes.

3. July 16, 2025, City Commission and Planning and Zoning Commission/Board of Zoning Appeals Minutes.

B. 2nd Quarter Treasurer's Report

VII. CITY MANAGER'S COMMENTS

City Manager Passauer reminded the Commission of their upcoming special and regular meetings and the Taste of Montgomery County event on September 18th.

VIII. COMMISSIONERS' COMMENTS

None.

IX. PUBLIC CONCERNS

Ernestine Farris requested that the City enforce the City Ordinances.

X. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:

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

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recessed for an executive session for discussion of possible acquisition of real estate pursuant to the preliminary discussion on acquisition of real estate exception found at KSA 75-4319(b)(6). The open meeting will resume at 6:16 p.m. in the Commission Room of City Hall.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:16 p.m. with no action taken.

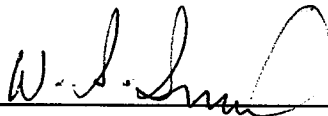
XI. ADJOURNMENT

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