Minutes of the City Commission's September 11, 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; Dustin Stafford, Chief of Police; Aaron Cook, Fire Chief; Chris Furr, Fire Captain/Paramedic; Mikel Woldum, Firefighter/EMT; Jonathan Johnson, Firefighter/Paramedic and Lacey Lies, Finance Director.

Visitors Present: Larry McHugh, Sherri Garris, Brea Sanford, Morris Woldum, Diana Woldum, Kathy Shepard, David Shepard, Michelle Vogts, Ashley Goins and Jaden Lawrie.

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 Dean Hayse, the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

II. APPOINTMENT

A. Considering appointing an applicant to the Tree Board to fill a vacancy due to a resignation.

Leslie Dillon has resigned from the Tree Board, creating a vacancy. The purpose of this board is to honor the City's rich history of enjoying and preserving local natural resources, and to promote and protect 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. Two applications were received.

Motion:
On the motion of Scott Smith, seconded by Dean Hayse, the Commission appointed Leslie Fox to a vacancy on the Tree Board expiring on June 1, 2029.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

III. PRESENTATIONS

A. Presentation of Life Saving Award.

Successful Resuscitation Following Cardiac Arrest – A Collaborative EMS and ER Effort
On July 21, Independence Captain/Paramedic Chris Furr and Firefighter/EMT Mikel Woldum were dispatched to a rural residence outside Independence in response to a 60-year-old male patient experiencing chest pain and shortness of breath.

After providing an initial assessment and care at the scene, the patient was transported to Labette Health Independence Emergency Room. During transport, the patient—who was initially stable and responsive—suddenly went into respiratory and cardiac arrest. Paramedic Furr immediately initiated CPR, and the transporting EMS unit requested additional support.

Fire-EMS Chief Paramedic Aaron Cook and Firefighter/Paramedic Jonathan Johnson promptly responded and joined the resuscitation effort en route. The patient's condition was upgraded to emergent, and transport continued without delay to the ER.

Upon arrival at Labette Health Independence ER, the patient remained pulseless and apneic. EMS personnel assisted ER staff, including Nurse Practitioner Matt Bogle, Registered Nurses Ashley Goins, Michelle Vogts, Christine Bowman, and ER Tech Faith Knight. Together, the team provided continuous CPR and advanced life support for more than 30 minutes.

Ultimately, the patient regained both a pulse and spontaneous respiration. He was subsequently transferred to Jane Phillips Medical Center, then to St. John's in Tulsa, and finally to Oklahoma Heart Hospital in Oklahoma City. Remarkably, less than a week after his cardiac arrest, the patient was discharged and walked out of the hospital.

The attending cardiologist at Oklahoma Heart Hospital noted:
"Had it not been for the efforts of the EMS personnel and local ER staff, he would not have survived this event. He is very lucky to be alive."

IV. CONSENT AGENDA

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

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

A. Consider approving minutes of the August 14th and 20th, 2025 meetings

Suggested Motion:
I move to approve the minutes of the August 14th and 20th, 2025 Commission meetings.

B. Consider authorizing bidding a sewer replacement project funded by a KDHE loan.

In 2021, design was started on a replacement sewer mainline for a sewer system initially installed in the 1920s in the eastern portion of the City. This design was completed and submitted to KDHE for loan approval in February, 2023. KDHE approved the loan, and the Commission accepted it on October 10, 2024. KDHE approved the documents for bidding on August 21, 2025. In order to reduce the size of the approval packet, the full bidding documents have not been added, but will be viewable on the City's website after approval. Attached is an overview of the project.

The projected schedule for the project is:

1. **Advertising for Bids: 9/22/25**
2. **Opening of Bids: 10/23/25**
3. **Contract Award: 11/13/25**
4. **Precon: Early December, 2025**
5. **NTP: January, 2026**
6. **Beginning of Construction: February, 2026**

Suggested Motion:
I move to authorize bidding of the sewer improvements.

C. Consider authorizing bidding for the creation of a diversion structure and repairs on the City's 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. A contract was entered into with Water Resource Solutions, LLC to design this structure and create bid documents for the installation of the diversion structure as well as the correction of known deficiencies. These documents are attached.

Permission is requested to bid for these services. The project would be advertised to bid on September 15, and the bid opening would occur on October 14 at 11 AM.

Suggested Motion:
I move to authorize bidding for the construction of a diversion structure for inspection of the Verdigris River low-head dam and for the correction of known deficiencies.

D. Consider approving the sale of lots 13 and 14 in the Jefferson Subdivision to Mission Real Estate Group, LLC.

The Independence Housing Authority is in the process of developing 22 single-family homes in the Jefferson Subdivision. First-Step-Builders have completed the construction of 2 single-family homes. The Independence Housing Authority is currently constructing 8 single-family homes. Mission Real Estate Group LLC intends to construct 2 single-family homes. This will leave 10 lots for the future construction of additional single-family homes.

Suggested Motion:
I move to authorize the Mayor to sign the Residential Real Estate Contract between the City of Independence, Kansas and Mission Real Estate Group LLC for the purchase of lots 13 and 14 in the Jefferson Subdivision.

E. Consider authorizing the City Manager to sign a preapplication and any related documents for federal funding for the Whiskey Creek Reservoir project.

On March 28, 2024, the City Commission authorized the purchase of 126 acres for the purpose of future economic development. The objectives of this acquisition included:

- **Improving infrastructure around certain schools, particularly related to stormwater runoff and the improvement and/or extension of streets;**
- **Providing flash flood control to protect downstream residences and businesses; and**
- **Supporting future housing development.**

Since the acquisition, the project has been included in the monthly Public Works updates. The preliminary engineering report and environmental review have now been completed, enabling staff to move forward with submitting a preapplication for Federal Assistance through the USDA. The request for funding relates to the dam construction and engineering portion of the project, estimated at $12 million. Authorizing the City Manager to sign the preapplication and any related documents will allow staff to take the next step in moving this project forward.

Suggested Motion:
I move to authorize the City Manager to sign a preapplication and any related documents for federal funding for the Whiskey Creek Reservoir project.

V. PUBLIC HEARINGS

A. Public Hearings regarding the adoption of the 2026 Budget:

1. Revenue Neutral Public Hearing
2. Adoption of the Budget Public Hearing

What is the Municipal Budget?
Each year a city must forecast the revenues it expects to receive and the expenditures it expects to incur in the upcoming year. The resulting formalized document is known as the Municipal Budget, which is submitted to the Kansas Department of Revenue. The budget is constantly monitored throughout the year to determine if the city's spending is within the budgeted authority as well as whether the city is spending more or less than its revenues.

What does our City's Municipal Budget Do?
Each year the Mayor, City Commission, and City staff work together to develop an Annual Budget. While the Budget is being created, all parties must make decisions on how to utilize the limited revenues that the City receives in order to produce the greatest benefits for the citizens. The Budget serves as

an outline of how the monies that come into the City should be spent to maintain and improve the City.

The Mayor, City Commission, and interested citizens all serve as participants in its creation and execution. The Budget is a management and planning tool. Because the City is limited by the amount of resources available, the Budget aids officials in determining which objectives have the highest priority and will produce the greatest positive impact on the community. The Funds in which the City can levy Ad Valorem Tax dollars are as follows: the General Fund, Library, Industrial, Liability Insurance, and Debt Service. For 2026, the City does not intend to fund the Debt Service Fund with current year Ad Valorem Tax levies.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted Resolution 2025-043, authorizing the City to levy a property tax rate that exceeds the revenue neutral rate.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted the 2026 Budget as presented.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

B. Public hearing for public comment on the close out of the CDBG-23-CR-002 Grant.

The proposed activities included the Phase I Rehabilitation of the Bookstore Building located at 106 N. 8th St Independence, KS 67301, consisting of roof/guttering including demolition and removal of deteriorated framing, installing new framing required for the new roof, masonry work, windows, doors, fire escape and asbestos removal. Actual accomplished activities included demolition, framing, masonry work, and asbestos removal.

This grant was funded, all or in part, from the Kansas Department of Commerce, Small Cities Community Development Block Grant (CDBG) funds. All aspects of the grant will be discussed, and oral and written comments will be recorded and become a part of the city's CDBG Citizen Participation Plan.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized the Mayor or his designee to sign all final close out documents, pending City Attorney review and approval.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

C. 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. Following the event, the City was contacted by the insurance company, which confirmed the extent of the damage. The insurer subsequently determined that the structure was a total loss and is settling the claim with the insured on that basis.

However, the insurance settlement will not cover the cost of repairing and restoring the building. The insurance company has indicated it will issue a payment to cover demolition and removal of the structure if the property owner does not initiate timely repairs or removal. The owner has informed the City that he does not have the financial means to repair the automatic car wash, though he has reopened two of the hand-wash bays. A recent inspection during evening hours found the property unlit and the business dark. The automatic bays were unclean, covered in bird waste, and complaints were received regarding individuals experiencing homelessness using the bays to sleep and loiter on the property. During the inspection, one such individual was observed and subsequently relocated across the street to Casey's.

The property lienholder, has requested that the City release the insurance funds to them, as they hold the lien on the property.

The City Attorney has recused himself from this matter, and an attorney from Chanute was engaged for review. After evaluating the case, the attorney determined that the fire damage was isolated to the mechanical room, with no outward appearance of structural damage. Based on this assessment, City staff recommends that the Commission rescind the condemnation and release the funds, issuing the payment jointly to both the owner and the lienholder.

Motion:
On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted a resolution to rescind the condemnation of 1228 N. Penn Ave and to return the fire proceeds and to list both the lien holder and the owner on the check.

Aye: Dean Hayse, Scott Smith
Nay: None
Abstain: Tim Emert

VI. ITEMS FOR COMMISSION ACTION

A. Consider a 30-minute parking stall in the 100 block of West Myrtle.

On April 24, 2025, the City Commission approved a 20-minute parking stall for Zodiac Nutrition, located at 113 W. Myrtle. The stall was designated to be placed on the east side of the ADA parking stall in front of 113 W. Myrtle. However, prior to the parking sign being installed, Zodiac Nutrition relocated to Main Street.

Recently, David Shepherd, owner of the barbershop located at 119 W. Myrtle, contacted the City regarding parking issues caused by TFI employees occupying spaces along W. Myrtle Street. Mr. Shepherd explained that his customers often have no place to park and that his efforts to work directly with TFI to resolve the matter have been unsuccessful. He has requested the installation of a 30-minute parking sign on the west side of the ADA stall near his business. Mr. Shepherd specifically requested that the time limit be increased from 20 minutes to 30 minutes to allow sufficient time for his customers to complete their haircuts.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission modified the April 24, 2025, action to install a 20-minute parking stall on the east side of the ADA parking stall at 113 W. Myrtle to approve a 30-minute parking stall on the west side of the same ADA parking stall as requested by David Shepherd.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

B. Consider purchasing a new backhoe for the Water/Sewer Department.

The existing Water/Sewer backhoe is a primary tool used in the repair of our water and sewer systems. It is a 2014 Case 580 Super-N, and is of an age where reliability has begun to impact availability. It is, however, suitable for use at the Sanitation Department. The existing backhoe can be transferred there, as it is deemed suitable for use at the Sanitation Yard. The existing backhoe at the Sanitation Yard, a 1987 Case 580 Super, can be sold.

The new backhoe will be purchased with two new buckets, as the 1987 buckets are no longer compatible with the new backhoe.

$500 is included for equipment delivery, bringing the total price to $135,825.30. This is a Sourcewell price.

Motion:
On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved the purchase of a new backhoe from Equipmentshare for the price of $135,825.30.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

C. Consider approving Ordinance No. 4493 allowing usage of ATV and work site utility vehicles for First Responders.

The Public Safety departments utilize all-terrain vehicles (ATVs) and work-site utility vehicles during local planned events and emergency situations. These vehicles are equipped with emergency lights and specialized equipment to support safe and effective operations. The proposed ordinance exempts their use from City Code Section 102-7, Ordinance No. 4449.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted Ordinance No. 4493 allowing First Responders to utilize ATVs and work-site vehicles.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

D. Consider proclaiming the week of September 17, 2025 through September 23, 2025 as Constitution Week.

The City received a request from the Esther Lowrey Chapter of the National

Society Daughters of the American Revolution to proclaim September 17 - 23, 2025 as Constitution Week.

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, the Commission proclaimed the week of September 17–23, 2025 as Constitution Week.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

E. Consider rescheduling the September 17, 2025 Special Commission Meeting.

One of the Commissioners has a conflict and is unable to attend the Special Commission meeting scheduled for September 17, 2025. We are working with a consultant who will review the zoning code changes and provide potential dates to reschedule this meeting.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission rescheduled the Special Commission meeting from September 17, 2025, at 9 AM to September 23, 2025, at 9AM.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

VII. REPORTS

A. City Board Minutes

B. Appropriations

C. 2025 Sales Tax Reports

Finance Director Lies presented the report.

VIII. CITY MANAGER'S COMMENTS

City Manager Passauer reminded everyone of the upcoming Commission meetings and the Taste of Montgomery County event in Cherryvale. She also noted that there is $200,000 set aside in the budget that was just approved for housing and economic development initiatives and that a formal request would be presented to the Commission at a later date as well as an additional $100,000 for demolitions.

IX. COMMISSIONERS' COMMENTS

Commissioner Hayse commented on the new road surface on Maple Street.

Commissioner Emert noted that a taxpayer was very appreciative of the potholes that were fixed on 17th Street.

Director Lies reported that Sycamore Street near the Central Park Sports Complex is now open to two-way traffic from Park Street to 5th Street.

X. PUBLIC CONCERNS

None

XI. 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 found at K.S.A. 75-4319(b)(2). The open meeting will resume at 6:26 p.m. in the Commission Room of City Hall.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

The open meeting resumed at 6:26 p.m. with no action taken.

XII. 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