Minutes of the City Commission's September 23, 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; April Nutt, Director of Housing Authority; Kayla Schabel, Administrative Assistant to the City Manager; John Garris, City Engineer/Director of Public Works and Lacey Lies, Finance Director.

Visitors Present: None.

A. Call to Order

Mayor Smith called the meeting to order.

II. 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 8:50 a. m. in the Commission Room.

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

The open meeting resumed at 8:50 a.m. with no action taken.

III. ITEMS FOR COMMISSION ACTION

A. Consider releasing mortgage on 401 and 405 South 6th Street.

The Independence Housing Authority sold 401 and 405 South 6th, vacant lots, to Diamond Property Management LLC, with conditions that Diamond Property Management LLC would construct a single-family home on each lot. Diamond Property Management LLC, owned by Shane Harris, has met

the established requirements, with both homes having been pre-sold prior to completion of construction. This item is being placed on the Special Agenda so that there is adequate time to have all the required paperwork in place for the closing on one of the properties on September 26th.

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized the Mayor to sign the Release of Mortgage for 401 and 405 South 6th Street.

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

IV. ITEMS FOR DISCUSSION

A. Zoning Code Update

The consultant hired to do the zoning code update will review the proposed zoning code updates to see if there are any questions. The consultant is not available for the September 25th meeting or the October meetings.

Christopher Shire presented the update.

B. State Revolving Fund Loan Project Scope

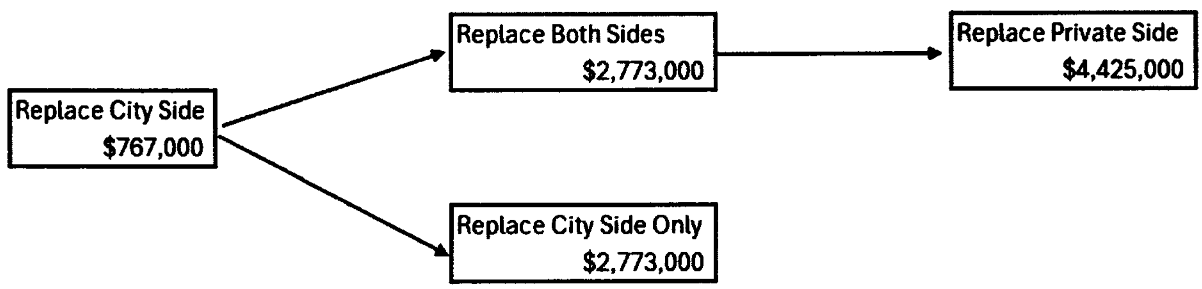
Notes:

1. **The SRF loan has been approved at (roughly) 9 million dollars. This is not the minimum loan amount, but is the maximum.**
2. **The loan will be "forgiven" at a projected 50% level.**
3. **There are three situations that the money would be spent on:**
    1. **City Side Only Requires Replacement (574 locations) – in locations where the City side only must be replaced due to federal regulations, the loan will be available.**
    2. **Both Sides Require Replacement (679 locations) – in locations where the City side *and* the private side must be replaced, the loan will be available only if the customer participates and allows the City to replace their line. The City can charge for this, however that may negatively impact the number of customers that will take advantage of the offer, leading the City to pay for the full price of the City-Side replacement without loan or forgiveness. The City is required to off to replace the service four times. Offering a zero-cost option to the customer would likely increase participation at no cost. The City is not required to offer to pay this, and the City could elect to do this**

work only if the customer elected to pay some percentage of the cost on their side. If the work was done without doing the private side, the work would not be loan or forgiveness-eligible.

3. **Private Side Only (1424 locations) – in locations where the private side is recommended to be replaced, the City may elect to replace those services and be eligible for the 50% loan forgiveness. The City is required to offer to replace the service four times, but the City could elect to do this work only if the customer elected to pay for some percentage of the cost on their side.**

Note: all numbers are early estimates.



C. 10th Street - Main to Laurel Scope Discussion

The 10th Street Replacement from Main to Laurel is a significant project that will last for decades on one of our busiest streets. As such, getting the scope of work correct for the project will have lasting benefits to the City and to travelers.

Storm Sewer

- **The existing undersized system will be increased in size through the project limits, but will not be increased in size at this point downstream of the project site at this time, since that would add project cost in the order of $250,000 that would not be eligible for grant matching funds. Likely impacts are moving the current water relief point to the intersection of Myrtle and 10th from its current location of Laurel and 10th.**

Waterline

- We will review the condition of the buried waterlines underneath 10th Street and evaluate replacement as a portion of this project, noting that KDOT will not consider this a participating part of the project and it will not be eligible for grant funds.

Road Closure
Option A: Full Closure

- Approximately 7 months of full closure of the road segment.
- Detour would be used for truck traffic regardless of phasing.
- Access to all businesses will be maintained throughout construction.

Option B: Phased Construction

- Project could be built half at a time, maintaining two-way traffic at a reduced level.
- West side of 10th Street likely constructed first due to storm sewer work.
- Approximately 10 months of partial closure (east or west side).
- Access to all businesses will be maintained throughout construction.
- Increased costs of $150,000 to $250,000 (estimated) due to increased schedule and traffic control and inspection. If under the grant cap of $1.5 million, KDOT would pay for 90%. Any portion greater than that $1.5 million would be the obligation of the City. Since the ultimate total cost is as yet unknown, basing this on the City paying the full cost would be the conservative approach.

D. Housing Initiatives

The first item for Commission discussion is whether there is interest in waiving demolition assessments on properties donated to the Land Bank. These would be properties that the Land Bank determines are most likely to be redeveloped. Housing Director April Nutt will provide additional information on this question.

Staff is also asking whether the Commission would like to make the funding allocation for the $200,000 in Economic Development Funds for housing initiatives based on the feedback already received from the Economic Development Advisory Board and the Housing Steering Committee, or if a joint meeting with the Economic Development Advisory Board, Housing Steering Committee, Land Bank, Housing Authority, and Planning

Commission—along with key staff from administration, finance, code enforcement, and building inspection—would be beneficial. A joint session would provide an opportunity for brainstorming, dialogue, and alignment on housing goals, progress, and redevelopment strategies prior to determining a funding allocation.

While quality housing is a key part of economic development, there is much more to consider. Therefore, the Commission could also include this topic in the joint session, or it might be better to hold a separate joint session with just the Economic Development Advisory Board to discuss strategies for making Independence more attractive to new businesses, both large and small, and for retaining the ones we already have.

While a new Community-Based Strategic Plan is budgeted for 2026, Commission direction at the start of the year will be important to guide priority initiatives. If joint meetings are desired, staff recommends scheduling them after the election to allow participation by any newly elected officials.

V. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:
On the motion of Scott Smith, seconded by Tim Emert, the Commission recessed for an executive session to discuss the possible acquisition of real estate pursuant to the preliminary discussion on the acquisition of real estate exception, KSA 75-4319(b)(6). The open meeting will resume at 10:00 a.m. in the Commission Room of City Hall.

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

The open meeting resumed at 10:00 a.m. with no action taken.

VI. 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