

Minutes of the City Commission's May 8, 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; Brian McHugh, Memorial Hall Supervisor; Scott Patton, Park and Zoo Director and Lacey Lies, Finance Director.

Visitors Present: Larry McHugh, Breanne Sanford, Sherri Garris, Ginger Hill, Brytny Kepley, Gayle Holum, Laura Baney and Tamisha Sewell.

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.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. PRESENTATIONS

A. Presentation from Four County Mental Health on programs that utilize the City's Special Alcohol Funds.

Four County Mental Health has requested to present to the Commission regarding the City's Special Alcohol Funds.

Moneys in the special alcohol and drug programs fund shall be expended only for the purchase, establishment, maintenance or expansion of services or programs whose principal purpose is alcoholism and drug abuse prevention and education, alcohol and drug detoxification, intervention in alcohol and

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drug abuse or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers.

III. CONSENT AGENDA

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved the consent agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- A. Consider approving the minutes of the April 10th and 16th, 2025 meetings**

Suggested Motion:

I move to approve the minutes of the April 10th and 16th, 2025 Commission meetings.

- B. Consider approving change orders from Crossland Construction for the Central Park Sports Complex Phase 2 contract.**

PC-01 and PCO-02 both relate to work on Sycamore Street. During construction, it was noted that approximately 135' of sidewalk immediately adjacent to the project area was in extremely poor condition. So that we are connecting to sidewalk in usable shape, PCO-01 was created to add quantities 5' of sidewalk and curb. In addition, 3 trees in the area were found to be dead and/or in poor condition and will be removed with this change order. PCO-02 relates to the costs incurred to trench and install 2" galvanized conduit for new Evergy street lights.

Suggested Motion:

I move to approve PCO-01 and PCO-02.

- C. Consider approving a change order for the Trident Bookstore CDBG project.**

Trident Partnerships LLC is rehabilitating six downtown buildings for the purpose of upper story housing and commercial use on the ground level. The building located at 106-108 North 8th has been awarded a Community Development Block Grant. The developer is requesting a change order for the construction contract for additional demo and framing.

Suggested Motion:

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I move to approve Change Order Number 002 for the Bookstore CDBG project and authorize City staff to sign off on and approve all future change orders for the Bookstore project.

- D. Consider a revision to the lease agreement with KMC, LLC.**

The City requested a change to our lease agreement due to the previous coverage requirements in clause #12, and KMC has agreed to those changes.

The City of Independence no longer maintains full insurance coverage on the building located at 811 W. Laurel. The City shall, at its sole expense, maintain public liability insurance covering bodily injury and property damage for the building as a whole.

KMC shall, at its sole expense, maintain public liability insurance covering bodily injury and property damage related to its leased premises and shall name the City as an additional insured. Additionally, KMC shall be solely responsible for insuring all personal property it owns that is located within the leased premises or elsewhere in the building.

Suggested Motion:

I move to approve the amendment to the agreement with KMC, LLC.

- E. Consider setting a public hearing at 5:30 PM on June 11, 2025 for the purpose of determining whether a portion of North 5th Street north of Sycamore Street should be vacated.**

Matthew Debo, resident of 220 E. Sycamore Street, has submitted a request to the City Commission to vacate the segment of North 5th Street that lies adjacent to his residence. The concern raised by Mr. Debo and nearby neighbors pertains to increased foot traffic in the area, with individuals reportedly parking along this section of the street and walking behind homes along the existing tree line. This has resulted in privacy and security concerns among the adjoining property owners. In order to consider vacating a street, a public hearing must be set.

Suggested Motion:

I move to set a public hearing on June 11, 2025 at 5:30 PM for the purpose of determining whether a portion of North 5th Street north of Sycamore Street should be vacated.

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- F. Consider authorizing a revised contract with Bartlett for accepting wastewater.

Bartlett – Montgomery County, LLC has started operation. The Commission had previously approved Bartlett's request to up to 75,000 gallons per day and have requested an increase in the permissible amount to 100,000 gallons per day or more as approved by the Chief Operator of the Wastewater Treatment Plant.

A fee of \$10/thousand gallons of wastewater received has been set, and this is as compared to the fee for acceptance of outside sewer of \$6.31 /thousand gallons of water used. As much of the water used is not routed back to the City systems for treatment (i.e., lawn and plant watering) it is felt that the \$10/thousand gallons of wastewater received would provide a rate at near parity to the rate charged to customers outside of the city limits.

Additionally, since the City would have to provide personnel to staff and oversee transfer, an hourly rate of \$75/hour is set to oversee transfer operations. If systems can be worked out to minimize or eliminate the need for transfer oversight, these hours might decrease.

Suggested Motion:

I move to authorize the contract with Bartlett – Montgomery County, LLC. to accept additional quantities of wastewater

IV. PUBLIC HEARING

- A. Public Hearing Regarding CDBG Application for Playground Enhancements at Riverside Park

At the February 27th commission meeting, the Commission voted to approve an update to the Independence Parks Master Plan. One phase of the updated plan includes enhancements to the playground area at Riverside Park. Planned improvements feature new play equipment, safety surfacing, concrete curbing, ADA-compliant sidewalks, improved lighting, and two new picnic shelters.

Funding for these improvements has been allocated for 2025. The capital funding for this project, along with a contribution from FORPAZ, satisfies the match requirement needed to apply for a Community Development Block Grant through the Kansas Department of Commerce. For a community of our size, the maximum grant award is \$650,000.

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If awarded, the grant—combined with the matching funds—would cover most of the planned upgrades to the playground area. This would represent a significant step forward in implementing the Parks Master Plan.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved the application for CDBG funding.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

V. ITEMS FOR COMMISSION ACTION

A. Consider proclaiming May 9, 2025 as Child Care Provider Appreciation Day

We received a request from Tamisha Sewell representing the Tree House Early Education Foundation requesting to adopt a proclamation declaring May 9, 2025 as Child Care Provider Appreciation Day.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission proclaimed May 9, 2025, as Child Care Provider Appreciation Day.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

B. Consider proclaiming May 11 - 17, 2025 as Police Week in Independence.

In 1962, President John F. Kennedy signed a proclamation designating May 15th as Peace Officers Memorial Day and that week as Police Week.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized May 11th through May 17th 2025 as Police Week in Independence in recognition of the commitment to excellence the members of the Independence Police Department demonstrate every day.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

C. Consider proclaiming May 23, 2025 as Poppy Day.

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The American Legion Auxillary has requested that the City proclaim May 23, 2025 as Poppy Day.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission proclaimed May 23, 2025, as National Poppy Day.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- D. Consider a request from FORPAZ to paint two additional murals on the stadium wall.**

City staff received a request from Gayle Holum representing FORPAZ to paint two additional murals on the stadium wall adjoining the existing Mark Johnson mural. The two new murals will also be copies of Mark Johnson's work. One will depict the miniature train, AT&SF 1050 locomotive, and the park office. The other will depict the carousel. The Park Board approved the murals on May 5, 2025.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved FORPAZ's request to paint two additional murals as presented on the stadium wall.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- E. Consider approving application for the Transformative Art for Public Spaces (TAPS) Grant**

The Kansas Department of Commerce has announced the launch of an innovative program to support the enhancement of often overlooked public infrastructure to help drive economic growth and community vitality. The Transformative Art for Public Spaces (TAPS) grant will invest in projects that leverage creative placemaking to attract visitors, encourage local investment, and support small businesses. The program offers awardees \$1,500 to \$2,000 per project to cover materials, supplies and artist compensation. Interested parties are encouraged to collaborate with local artists, students, and community members to turn mundane or unsightly objects within the community into vibrant works of art that reflect local pride and long-term economic resilience. Approved fixtures include electrical boxes, fire hydrants,

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trash cans, water utilities, and other infrastructure. Applications will be reviewed monthly on the 15th and funds are awarded on a first-come-first-served basis. Applicants are encouraged to submit multiple projects within a single application, with a maximum of 5 projects to be awarded per application.

The City is recommending applying for four projects, as follows:

1. Sewer Manhold - located along the scenic Eagle Loop Trail at the CPSC
2. Electrical Box - located at the CPSC, 4-plex
3. Electrical Box - located in front of the Riverside Beach Family Aquatic Center
4. Electrical Box - located at Unity Plaza at Chestnut and Penn Ave

The City solicited community support letters and artist interest letters through social media and received 15 letters of support from community members and organizations as well as 5 interest letters from local artists. The images provided in this RCA are just conceptual ideas and do not represent finalized artwork. If awarded, City staff would select artists for each project and finalize artwork at that time.

One item to determine now is whether the City will allow paint on the electrical boxes, or if wraps must be used. Please see the Painting vs. Wrapping document for staff's comparison on the two methods.

Please note that a similar request to paint a traffic control box in 2018 was ultimately not approved by the Commission, primarily due to concerns about ongoing maintenance. Details from that prior agenda item, including the issues raised, are provided for your reference.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved the application for the Kansas Department of Commerce's TAPS Grant.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- F. Consider a request by Jake's Fireworks to extend the permitted fireworks sales dates.

Jake's Fireworks requests an amendment to the City's current fireworks sales ordinance (Sec. 46-102) to extend the annual sales period from the current window of June 27 through

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July 4 to a new window of June 20 through July 7.

This proposal does not request year-round sales and is limited strictly to the proposed extended dates during the Independence Day season. This proposal does not change the allowed dates for discharge of fireworks, which are currently July 1 through July 4 in Independence (Sec. 46-103).

Justification for the Proposed Change per Jake's Fireworks:

- **Increased Local Revenue:** An extended selling season is anticipated to generate additional sales tax revenue for the City of Independence.
- **Improved Customer Experience & Safety:** A longer sales period allows customers to make purchases over an extended timeframe, reducing crowding and encouraging more measured, responsible purchasing rather than last-minute bulk buying on July 3rd and 4th.
- **Retailer Commitment:** Jake's Fireworks has made it clear that it does not seek year-round fireworks sales in Kansas—only the modest expansion of dates during the traditional holiday season.

Comparison to Other Cities

	Current Sales	On Agenda for Consideration	Discharge Dates
Independence	June 27-July 4	June 20-July 7	July 1-July 4
Winfield	Not Allowed		
McPherson	July 2-4	N/A	July 2-4
Coffeyville	July 1-4	N/A*	July 1-4
Chanute	July 1-4	June 27-July 4	July 1-4
Parsons	June 30-July 4	N/A	June 30-July 4
Ark City	June 27-July 4	June 20-July 7	June 27-July 4
Iola	June 27-July 5	June 20-July 7	June 27-July 5
Ft. Scott & Pittsburg	June 27-July 5	June 20-July 7	June 27-July 5

*Coffeyville said they would not be doing this year because it was so late in the season, but they would be looking at next year.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted an ordinance amending Sec. 46-102 of the municipal code to allow fireworks sales and discharge from June 20 through July 7, effective for the upcoming holiday season.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

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- G. Consider adopting a resolution modifying the Neighborhood Exterior Grant Program.

The Economic Development Advisory Board recommends changes be made to the eligibility requirements of the program. The first is to add a link to the Montgomery County public parcel search page that will provide an applicant's Condition, Desirability and Utility (CDU) rating for their property. The second is to remove the requirement that the property must be included in the Neighborhood Revitalization District, since the whole city (excluding properties in the flood plain) is now included in the district.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted resolution 2025-018 modifying the Neighborhood Exterior Grant Program as presented.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- H. Consider authorizing a Special Rate for Class A bookings at Memorial Hall made on or after May 12, 2025 at 8 AM for events held from June 1st through July 31st, 2025.

The Memorial Hall staff proposes a summer promotional campaign to increase facility utilization during the historically slower months of June and July. The promotion would offer 50% off the standard rental rate for all Class A rentals booked on or after May 12, 2025. The discount would only apply to the rental rate for the desired room, and would not apply to labor hours, alcohol deposit, etc.

Class A rentals are defined as private functions such as wedding receptions, rehearsal dinners, family reunions, company banquets, and other similar events. This category also includes functions conducted primarily for commercial or for-profit purposes.

To support this initiative, Memorial Hall staff will actively engage in promotional efforts aimed at attracting new rentals, including marketing outreach and targeted advertising to the local and regional community.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved a special rate for Class A bookings at Memorial Hall made on or

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after May 12, 2025, at 8:00 AM for events held from June 1st through July 31st, 2025.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

I.

Consider approval of a Temporary Use of Right-of-Way Agreement with Samuel D. Sparks, Jr. and Tracy L. Sparks for 928 E. Main Street.

The business owners at 928 E. Main Street intend to update a sign that is within the right-of-way as part of their storefront. During the signage review, it was discovered that they have a canopy structure also extending into the City's right-of-way.

In order to formalize the use of the public right-of-way and protect the City's interests, staff recommends entering into a Temporary Use of Right-of-Way Agreement with the property owners, Samuel D. Sparks, Jr. and Tracy L. Sparks. This agreement outlines the permitted use of the right-of-way, conditions for maintenance and indemnification, and establishes provisions for termination and restoration of the area, if necessary.

Agreement Summary:

- Location: 928 E. Main Street (Lots 16–18, Dunns Addition)**
- Purpose: Use of the right-of-way for a canopy and signage**
- Term: One-year initial term with automatic annual renewal**
- Termination: Either party may terminate with 30 days' notice; the City may terminate with 10 days' notice for violations**
- Conditions:**
 - Compliance with all city ordinances**
 - Owner must maintain the area and provide liability insurance**
 - Owner indemnifies the City against any claims related to the use of the right-of-way**
 - Restoration responsibilities upon termination**
 - Insurance Requirement: \$500,000 minimum liability coverage, with the City named as an additional insured**

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved the Temporary Use of Right-of-Way Agreement with Samuel D. Sparks, Jr. and Tracy L. Sparks as presented.

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Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- J. Consider authorizing change orders with Bettis Construction for the Main, 8th to 2nd CCLIP project.

The CCLIP Project from 8th to 2nd Street was completed some time ago, and the approval of two change orders are requested to complete the project.

While doing closing paperwork, it was found that the stamped red concrete had not been included in the pricing or initial bid of the project, but had been designed and physically installed. The City had not been given a chance to review or approve the proposed costs. TranSystems notified the City of this error, and offered to pay the City for half of the costs of the unapproved change that was implemented. The total change order cost is \$61,890.40. TranSystems has been billed for \$30,945.20.

The second change order is the reconciliation of final quantities. This change order is a deduction of \$53,167.60.

After these two change orders, the project will be \$8,722.80 over the originally approved contract amount of \$1,117,591.04, or 0.8% over. Taking into account the TranSystems payment back to the City, the project will be \$22,222.40, or 2% under the approved amount.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized Change Orders 1 and 2 with Bettis Asphalt & Construction, Inc. and for the execution of any necessary documents.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- K. Consider purchasing a replacement sanitation truck from Armor Equipment.

The 2025 budget contains funding for the purchase of a new sanitation truck. This truck would require a CDL for operation. After Commission approval of the bid, bids were opened at 2pm, on Thursday, April 17, 2025. The bid tabulation is attached. It is recommended to purchase the Heil DP 500 truck from Armor Equipment for \$242,011.20. In a departure from the usual bidding process, all bidders added a note that bids were subject to the impact

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of tariff charges, which have been estimated at \$3500.

The existing Truck 609 will be removed from service and auctioned off in the future.

Anticipated delivery is in September/October of 2025.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized the purchase of a new sanitation truck from Armor Equipment for the price of \$242,011.20 plus applicable tariffs and the execution of any necessary documents.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- L. Consider authorizing a letter of support for the Proposed *Independence* Television Production Project.**

The proposed television series *Independence*, currently in the conceptual stage, is being developed by Jason and Michelle Lasater in collaboration with producers Derin Dopps and Ryan Locke. The show would feature the revitalization of residential and commercial properties in Independence, Kansas, while telling the story of small-town America's comeback. The production team is seeking a non-binding letter of support from the City to help pitch the project to producers, investors, and network partners. The project aligns with the City Commission's top strategic priority—housing—and complements ongoing City initiatives such as the Neighborhood Exterior Grant Program, the Downtown Building Grant Program for historic downtown properties, and the Neighborhood Revitalization District, which provides tax rebates for property improvements throughout the city, excluding those in the 100-year floodplain. The letter will affirm general community support without committing City funds or resources.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized the City Commissioners to issue a non-binding letter of support for the proposed *Independence* television production project, to be used in pitching the concept to producers, investors, and partners.

Aye: Tim Emert, Dean Hayse, Scott Smith

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Nay: None

VI. REPORTS

- A. City Board Minutes
- B. 2025 Q1 Treasurers Report

VII. CITY MANAGER'S COMMENTS

City Manager Passauer congratulated Assistant City Manager David Cowan and Commissioner Dean Hayse for being recognized by the League of Kansas Municipalities for Public Service Recognition week and informed everyone of the upcoming City Commission meetings.

VIII. COMMISSIONERS' COMMENTS

Commissioner Emert informed everyone that the filing deadline to run for city commissioners is the first week of June.

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 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 found at KSA 75-4319(b)(2). The open meeting will resume at 6:50p.m. in the Commission Room of City Hall.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:50 p.m. with no action taken.

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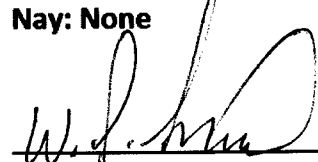
XI. ADJOURNMENT

Motion:

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

Aye: Tim Emert, Dean Hayse, Scott Smith

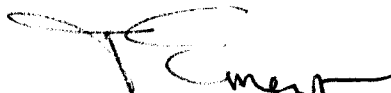
Nay: None



W. Scott Smith, Mayor

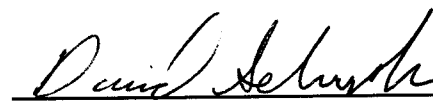


Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer