

Minutes of the City Commission's February 12, 2026 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Dean Hayse by phone, Commissioner Scott Smith

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; John Garriss, City Engineer/Director of Public Works; Lacey Lies, Finance Director; April Nutt, Director of Housing Authority; Dustin Stafford, Chief of Police and Jordan Bagley, IT Technician Coordinator.

Visitors Present: Larry McHugh, Breanna Sanford, Sherri Garriss, Andy Wewiwo, Louis Dorman, Joslyn Kusiak, Ned Stichman, Pat Johnston, Ryan Robison, Sue Thompson, Teresa Wallingford and Lisa Wilson.

A. Call to Order

Mayor Hayse called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted the agenda.

Aye: Dean Hayse, Scott Smith

Nay: None

II. CONSENT AGENDA

Motion:

On the motion of Scott Smith, seconded by Dean Hayse the Commission adopted the consent agenda.

Aye: Dean Hayse, Scott Smith

Nay: None

A. Consider approving the minutes of the January 21st, 22nd and 28th regular and special meetings

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Suggested Motion:

I move to approve the minutes of the January 21st, 22nd and 28th 2026 regular and special meetings.

- B. Consider authorizing the closure of certain streets within Riverside Park for the annual Run4Fun 4K on May 9th, 2026.**

The Run4Fun 5K is an annual event that takes place in Riverside Park. Run4Fun is a non-profit organization whose goal is to promote a healthy lifestyle. The event is specifically intended for children ages K-6th. This will be the fourth year of the event, which was well attended last year. The event requires that streets along the race route be closed to traffic from 7:30 a.m. to 11:00 a.m. The date of the event is May 9, 2026.

Suggested Motion:

I move to authorize the request for the closure of certain streets in Riverside Park on May 9th from 7:30 a.m. to 11:00 a.m. for the annual Run4Fun 5K.

- C. Consider allowing bidding for the 2026 Street Marking project.**

It has been requested to refresh existing paint markings on several road segments. Given that the volume of painting requested likely exceeds the capacity of the Street Department, since they have a relatively small window when they have time, a private contractor is the best alternative to get the work done. The bids would be opened on March 19, 2026, at 2 PM.

Suggested Motion:

I move to authorize bidding of the 2026 Street Marking project as described in the attached Request for Proposals.

- D. Consider allowing bidding for the 2026 Salt-Sand Storage project.**

The consolidated public works building was purchased in August. In order to bring full functionality to the facility, a location is needed to store road salt and aggregate to provide melting/friction surfaces. The existing facility is slated to be sold, and it is recommended to place the new storage facility at the new public works building. The bids would be opened on March 19, 2026, at 2 PM.

Suggested Motion:

I move to authorize bidding of the 2026 Salt-Sand Storage project as

described in the attached Invitation to Bid.

- E. Consider allowing bidding of airport apron pavement maintenance.

The City was awarded a Kansas Department of Transportation (KDOT) Kansas Airport Improvement Program (KAIP) grant to maintain pavement integrity. This project is to maintain the surface of the apron directly adjacent to the Textron manufacturing facility. Our consultant, H.W. Lochner has prepared bid documents for this work.

Bids for this project are due on Tuesday, March 10th at 3 PM.

Suggested Motion:

I move to authorize bidding for airport pavement maintenance as described in the attached Invitation to Bid.

- F. Consider authorizing disposal by auction of various items of City property.

Fifty-four items have been selected as potentially having enough value for sale by auction. These are listed in the attachment, and have been reviewed by all departments in the City and none of them are felt to be of further use. Please note that values attached to the items are only approximations, and are not based on a third-party professional appraisal, and it is not known what value any individual item will bring.

It is recommended that these items be placed for auction on Purple Wave, an internet auction site for disposal with all net proceeds returning to the City. As this is the first time staff has used this method of equipment auction, a few items at a time will be sold until we are familiar with the process.

Suggested Motion:

I move to authorize disposal by auction of the items described in the attached list, and to execute the contract with Purple Wave to act as the auctioneer.

III. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 700 N. 12th Street as dangerous and unsafe.

The property located at 700 N. 12th Street has previously been reported to the City for issues involving the condition of the primary structure, debris,

and code enforcement issues. Upon inspection, City staff observed that both structures are in significant disrepair, pose safety hazards, and no city utilities since 11/19/2018.

City staff recommends condemnation of the structure as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 700 N. 12th Street as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith

Nay: None

- B. Public Hearing to consider condemnation of 1116 W. Main Street as dangerous and unsafe.

The property located at 1116 W Main Street has been previously reported to the City for issues involving the condition of the primary structure, debris and code enforcement issues. Upon inspection, City staff observed that the structure is in significant disrepair, pose safety hazards, and no city utilities since 09/22/2022. The owner is wanting the structure removed and should be present at the meeting to review with the commission her plans.

City staff recommends condemnation of the structure as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 1116 W. Main Street as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith

Nay: None

- C. Public Hearing to consider condemnation of 300 Westminster Place as dangerous and unsafe.

The property located at 300 Westminster Place has previously been reported to the City for issues related to the condition of the primary structure, debris accumulation, and code enforcement violations. Upon inspection, City staff

observed that both structures on the property are in significant disrepair and pose safety hazards. City utility services have been discontinued since January 27, 2025.

The City has communicated with the property owner regarding the circumstances; however, she did not indicate her intentions for addressing the property during that discussion.

City staff recommends that the Commission condemn the structure(s) as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 300 Westminster Place as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith

Nay: None

- D. Public Hearing to consider condemnation of 721 Washington Street as dangerous and unsafe.

The property located at 721 Washington Street has been previously reported to the City for issues involving the condition of the primary structure, debris and code enforcement issues. Upon inspection, City staff observed that both structures are in significant disrepair, pose safety hazards, and no city utilities since 05/4/2020.

City staff recommends condemnation of the structure as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adjourned the public hearing to May 28, 2026 at 5:30 pm.

Aye: Dean Hayse, Scott Smith

Nay: None

- E. Public Hearing to consider condemnation of 1300 W. Myrtle Street as dangerous and unsafe.

The property located at 1300 W Myrtle Street has been previously reported to the City for issues involving the condition of the primary structure, debris and code enforcement issues. Upon inspection, City staff observed that both structures are in significant disrepair, pose safety hazards, and no city utilities since 12/15/2021. The City has had no contact with the owner.

City staff recommends condemnation of the structure as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 1300 W. Myrtle Street as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith

Nay: None

- F. Public Hearing to consider condemnation of 828 W. Cottonwood Street as dangerous and unsafe.

The property located at 828 W. Cottonwood Street has previously been reported to the City for issues related to the condition of the primary structure and environmental concerns. At a prior meeting, the Commission approved an abatement of the property due to significant debris accumulation in the yard. That abatement was completed on January 23, 2026.

The Code Enforcement Officer has since reported additional violations, and squatters continue to occupy the residence. Upon inspection, City staff observed that both structures on the property are in significant disrepair, pose safety hazards, and have been without City utility services since April 15, 2021.

City staff recommends condemnation of the structure(s) as dangerous and unsafe

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 828 W. Cottonwood as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith

Nay: None

IV. ITEMS FOR COMMISSION ACTION

- A. Consider a resolution to rescind the condemnation action of 521 N. 24th Street and 518 N. 9th Street.

On November 20, 2025, the City Commission set a public hearing to consider the condemnation of 521 N. 24th Street, and on December 11, 2025, set a public hearing for 518 N. 9th Street. The property owners subsequently hired a private contractor, and the trailer home and associated structures have been removed and inspected to confirm compliance with City standards.

Although a resolution formally condemning the properties was not adopted, a resolution was filed with the Register of Deeds when the properties were initially scheduled for public hearing. Therefore, to ensure no documents remain that could cloud the property titles, it is recommended that the City Commission adopt a resolution rescinding the condemnation action. This rescission resolution will also be filed with the Register of Deeds.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution rescinding previous resolutions, which set a hearing date to consider the condemnation of 521 N. 24th Street and 518 N. 9th Street as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith

Nay: None

- B. Consider setting the date of April 9, 2026 for a Public Hearing to consider the condemnation of 1014 W. Beech as dangerous and unsafe.

On January 28, 2026, the residential structure located at 1014 W. Beech was damaged by a fire that caused extensive damage to both the interior and exterior of the home. As a result, the structure is currently uninhabitable. The property owner maintains insurance coverage through USAA, and the City has notified the insurer of the loss and requested the applicable condemnation payment.

City staff recommends setting April 9, 2026, as the date for a public hearing to consider the condemnation of the structure at 1014 W. Beech as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution setting the date of April 9, 2026, at 5:30 pm for a Public Hearing to consider the condemnation of 1014 W. Beech as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith

Nay: None

- C. Consider setting the date of April 9, 2026, for a Public Hearing to consider the condemnation of 608 E. Cedar Street.

On February 6, 2026, the structures located at 608 E. Cedar were damaged by a fire that caused extensive destruction to a garage, carport, camper, passenger vehicle, and adjoining structures. As a result, the structures and vehicles are considered a total loss. The property owners do not have insurance coverage on any of the parcels impacted by the fire.

City staff recommends scheduling a Public Hearing to consider the condemnation of 608 E. Cedar. During the Fire-EMS response, the owner of 612 E. Cedar (Barraza) stated that he owns 608 E. Cedar, but a review of county records shows separate parcels and owners. Staff has requested an Ownership and Encumbrance (O&E) report to verify the legal owners of the properties and to ensure proper notice requirements for the Public Hearing are met.

City staff recommends setting April 9, 2026, as the date for a Public Hearing to consider the condemnation of the structures and property at 608 E. Cedar parcel as dangerous and unsafe. Staff is notifying both owners of the hearing for the meeting.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution setting the date of April 9, 2026, at 5:30 pm for a Public Hearing to consider the condemnation of 608 E. Cedar Street as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith

Nay: None

- D. Consider authorizing the City of Independence to acquire the Martin Estate LLC homes using funds provided by the Independence Housing Authority, with the properties to be managed by the Housing Authority.

In 2012, Tom Carlson, a developer from Springfield, Missouri, partnered with the City and the Independence Housing Authority to build 18 Low Income Housing Tax Credit (LIHTC) single-family homes. Mr. Carlson has now proposed selling these 18 homes to the Independence Housing Authority for \$900,000. These properties must remain within the LIHTC program until 2042, with a provision allowing current residents the opportunity to purchase their homes at a reduced rate beginning mid- 2027. After a home is sold, a five-year compliance period will be enforced, during which the home cannot be resold without a pro-rated repayment to the state if sold before the compliance period ends. The intention is for the IHA to partner with local banks and tenants to determine their interest and ability to purchase the homes. This collaboration would allow the IHA to work with tenants for a year, assisting them in transitioning to homeownership.

To advance in this process, the next step involves submitting State Form 22 to the Kansas Housing Resources Corporation for their approval of the property transfer.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission authorized the City of Independence, Kansas to acquire the Martin Estate Properties on behalf of the City of Independence, KS Housing Authority.

Aye: Dean Hayse, Scott Smith

Nay: None

- E. Consider awarding disposal of the Water Treatment Plant residuals to Midwest Injection, Inc.

As a part of the Water Treatment Plant's processes, a sediment is generated. Since this sediment exits the process after the water treatment has begun (i.e., chemicals are introduced) it cannot be reintroduced back into the water. This sediment ("residuals") is stored in basins prior to being appropriately disposed of.

As this is a waste with no deleterious properties, it can be integrated into agricultural or pastureland. Bids for this work were received on January 8, 2026. There were two responsive bidders, Midwest Injection, Inc. at

\$119,000 lump sum, plus \$34.00 per cubic yard for volumes above 3,400 cubic yards, and Hodges Farms & Dredging, LLC for \$187,000.

It is recommended to award the project to Midwest Injection, Inc.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission approved the award of the disposal of the Water Treatment Plant residuals to Midwest Injection, Inc. and for the execution of any necessary documents.

Aye: Dean Hayse, Scott Smith

Nay: None

- F. Consider the recommendation of the Economic Development Advisory Board to acknowledge expiration of the Grant Award Agreement with JMZ Corporation d/b/a KwiKom Communications, decline to extend or revive the Agreement, and allow continued construction under the existing City permit.

On December 28, 2023, the City entered into a Grant Award Agreement with JMZ Corporation, d/b/a KwiKom Communications ("KwiKom"), for an economic development project. Under the Agreement, the "Commencement Date" is defined as the date on which any permit for the work was issued by the City. The first permit for the project was issued on January 2, 2024, thereby establishing the contractual Commencement Date. While additional permits were issued later, including the most recent permit on October 8, 2025, the Agreement ties the project schedule to the first permit issued.

The Agreement required KwiKom to complete the project within two (2) years of the Commencement Date, resulting in a contractual completion deadline of January 2, 2026. The Agreement also includes a Force Majeure provision that would automatically extend the completion deadline by six (6) months if certain conditions were met, including timely written notice and ongoing communication with the City. Although KwiKom made a general assertion of Force Majeure beginning in 2024, the required written notice and supporting information were not provided, and based on the information available, the circumstances described are unlikely to meet the definition of Force Majeure under the Agreement.

At its February 3, 2026 meeting, the Economic Development Advisory Board reviewed the matter and considered multiple resolution options. The EDAB selected Motion Option 2, recommending that the City Commission acknowledge expiration of the Agreement, decline to extend or revive it, and allow KwiKom to continue construction solely under its existing City permit.

That permit, issued on October 8, 2025, remains valid for six (6) months and is scheduled to expire on April 7, 2026, subject to all applicable City requirements.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission accepted the recommendation of the Economic Development Advisory Board to acknowledge that the Grant Award Agreement with JMZ Corporation d/b/a KwiKom Communications expired on January 2, 2026; determine that no valid Force Majeure claim was made; declined to extend or revive the Agreement; and allow KwiKom to continue construction under its existing City permit, which expires April 7, 2026, subject to all applicable City requirements and further action by the City Commission.

Aye: Dean Hayse, Scott Smith

Nay: None

- G. Consider changes to Transformative Art in Public Places (TAPS) electrical box art projects.

The City was awarded a grant to support the Transformative Art in Public Places (TAPS) electrical box art initiative. The original project scope contemplated the use of vinyl wraps applied to stainless steel traffic control or electrical boxes.

During implementation planning, contractors advised the Finance Director that wrapping the boxes would be more expensive than originally anticipated due to the complexity of the boxes, including multiple access doors, grooves, and ventilation openings that require precise cutting and installation. Based on this information, the Finance Director has requested that the City Commission consider authorizing painting of the boxes as an alternative to wrapping.

A similar request was previously considered by the City Commission on April 26, 2018, when a proposal was submitted to paint a City-owned traffic control box as a public art enhancement. Although City staff recommended approval with conditions at that time, the Commission ultimately declined to approve the request due to concerns regarding long-term maintenance responsibilities and the lack of a formal framework governing public art on City infrastructure.

To better understand the implications of painting stainless steel traffic control or electrical boxes, the City Engineer was consulted regarding long-

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term maintenance considerations.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission authorized the use of paint, rather than vinyl wraps, for the Transformative Art in Public Places (TAPS) electrical box art project, subject to any conditions deemed appropriate by the Commission.

Aye: Dean Hayse, Scott Smith

Nay: None

H. Consider canceling the February 18, 2026 Special Commission Meeting.

There are no specific items to discuss on February 18, 2026. Therefore, staff recommends canceling the Special Commission meeting for that date.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission canceled the February 18, 2026 Special Commission meeting.

Aye: Dean Hayse, Scott Smith

Nay: None

V. REPORTS

A. City Board Minutes

1. September 29, 2025 Independence Historic Preservation Resource Commission Minutes.
2. January 21, 2026 Independence Recreation Commission

VI. CITY MANAGER'S COMMENTS

City Manager Passauer listed the upcoming Commission meetings schedule, City Hall will be closed on February 16th for President's Day, Main Street's annual fundraising event will be on March 7th and the Community Based Strategic Plan surveys will be launched soon. There will be two opportunities for the public to participate and give feedback on March 4th and 6th.

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VII. COMMISSIONERS' COMMENTS

Commissioner Smith responded to the backlash over the Welcome Initiative and voiced his opposition to House Bill 2745 that puts limits on how cities can set their budget.

Commissioner Hayse agreed with Commissioner Smith.

VIII. PUBLIC CONCERNS

None.

IX. 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 6:32 p.m. in the Commission Room of City Hall.

Aye: Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:32 p.m. with no action taken.

X. ADJOURNMENT

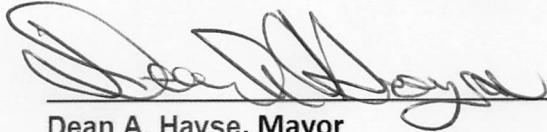
Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adjourned the meeting.

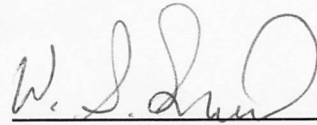
Aye: Dean Hayse, Scott Smith

Nay: None

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Dean A. Hayse, Mayor

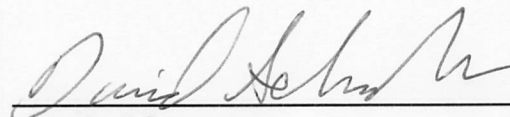


W. Scott Smith, Commissioner



Tim White, Commissioner

Attest:



City Clerk/Treasurer