

Minutes of the City Commission's April 15, 2026 Meeting

I. SPECIAL SESSION

Commissioners Present: Mayor Dean Hayse, Vice-Mayor Tim White, Commissioner Scott Smith

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; David Schwenker, City Clerk/City Treasurer; John Garris, City Engineer/Director of Public Works; April Nutt, Director of Housing Authority and Lacey Lies, Finance Director.

Visitors Present: Chuck Goad, Diane Close and Tanner George-Close.

A. Call to Order

Mayor Hayse 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 Dean Hayse, seconded by Scott Smith, 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 9:17 a.m. in the Commission Room of City Hall.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

The open meeting resumed at 9:17 a.m.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, 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 9:27 a.m. in the Commission Room of City Hall.

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Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

The open meeting resumed at 9:27 a.m. with no action taken.

III. ITEMS FOR DISCUSSION

- A. Discuss the excavation and repair in the 400 Block of E. Sycamore Street.

As a matter of background, the following staff report was provided:

At the Mayor's request, this item has been placed on the Special Commission Meeting agenda for discussion. The Mayor raised concerns regarding excavation and repair work in the 400 block of E. Sycamore Street, noting that a concrete patch was placed over work performed beneath a newly rebuilt street. He requested clarification on the nature of the repair and asked that the matter be discussed by the Commission.

The Mayor also emphasized the importance of maintaining a "complete street" mindset during street reconstruction projects by evaluating other infrastructure needs in the area, such as water and sewer improvements, before final restoration occurs. Given that E. Sycamore Street was recently resurfaced, the Mayor would like the Commission to discuss both the specific repair at this location and the City's broader approach to coordinating infrastructure work with street improvements.

At least on projects designed and bid since 2021, the status of all City infrastructure potentially impacted by a project has been explicitly considered. For example, in the waterline replacement project recently completed southeast of Oak and 10th, the new water lines were placed in the existing City right-of-way so that they could be repaired in the future without disturbing the street, and in the 10th Street rebuild design, the water lines under the new pavement will be replaced with new lines and the storm sewer will be replaced.

A meeting was held specifically to discuss the condition of the water line underneath the area to be rebuilt on east Sycamore. The existing water line had been replaced in approximately the mid-1990s and is made of ductile iron. This type of pipe in water service can have a useful life exceeding 100 years. Further, repair records for the area were reviewed and the line had no significant history of failure prior to this winter. The

mechanism for failure in the line on east Sycamore is thought to be fracture caused by soil shifting in response to temperature changes.

At the Special Commission meeting, the Commission discussed excavation and repair work that had already occurred in the 400 Block of E. Sycamore Street following recent street improvements. The Mayor expressed concern regarding the street being excavated and patched shortly after completion and requested clarification on why the work occurred.

City Engineer John Garris explained that prior to reconstruction, the condition of underlying utilities was reviewed. The water line beneath this section of street, installed in the mid-1990s and constructed of ductile iron, showed no significant history of failure and was expected to have a long remaining service life. Staff noted that replacing utilities can be cost prohibitive when there is no evidence of likely failure in the near foreseeable future. The recent repair was unanticipated and is believed to have resulted from a fracture caused by soil movement associated with winter temperature changes.

Staff explained that the excavation required repair within the newly improved street and was restored using concrete-on-concrete patching, which provides greater long-term durability than asphalt patches. Staff further noted that since 2021, the City has made a consistent effort to evaluate infrastructure conditions and coordinate utility and street work to the greatest extent possible.

Staff acknowledged the Mayor's concerns and reaffirmed the City's ongoing efforts to balance infrastructure condition, cost, durability, and long-term street performance.

B. 2027 Budget Worksession Discussion.

The following staff report was provided:

Staff have entered initial capital improvement requests into the ClearGov platform for the upcoming budget cycle. Commissioners have been provided access to the system to review submitted projects. During this Special Meeting, staff will provide an overview of the platform, demonstrate navigation, and address any initial questions.

Following this initial review, staff will evaluate and score each request based on established criteria. Additional items may be entered upon review by the Administration Team, as appropriate. Once scoring is complete, a compiled summary of capital requests for 2027, including staff

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evaluations, will be distributed to the Commission in both PDF and Excel formats to support further discussion and decision-making.

At the meeting, the City Commission discussed the 2027 Capital Budget and received an overview of the City's new capital budgeting software platform. Staff demonstrated how capital requests from all departments are entered, reviewed, filtered, and evaluated within the system, including access to project narratives, justifications, cost estimates, and supporting documentation. The discussion emphasized that the capital budget is a working document that will undergo multiple iterations, with projects potentially adjusted, phased, deferred, or reprioritized as additional analysis occurs. Commissioners discussed the importance of aligning capital requests with Commission goals, understanding long-term infrastructure needs and lifecycle costs, and considering fiscal sustainability given demographic and tax base challenges. Staff noted that the platform will support future integration of strategic planning and long-term infrastructure documentation and that additional training and support are available as the capital budgeting process continues.

C. Discuss sanitation services.

The Commission discussed proposed changes to sanitation services, with a focus on solid waste and bulky item collection. The discussion emphasized transitioning certain services toward a pay-as-you-go model to better align costs with usage while remaining mindful of community impacts.

Commission members discussed the proposed fee structure, noting general support for per-item pricing but expressing concern about the minimum fee for bulky item pickup and its potential impact on residents with limited disposal needs. Strategies to encourage responsible behavior, such as bundling items, coordinating with neighbors, and clear scheduling, were discussed.

Concerns were raised about the potential for increased illegal dumping as an unintended consequence of fees. Staff and Commissioners noted that illegal dumping is already an issue and emphasized the importance of enforcement, public reporting, and the use of existing technology such as cameras and license plate readers.

The importance of clear public communication was emphasized, including messaging around fairness, responsible use of tax dollars, available disposal options, and the illegality of dumping. Commissioners expressed support for

monitoring outcomes and reviewing the policy after sufficient data is collected.

Staff was directed to proceed with preparing an ordinance for implementation as discussed, track usage and impacts, and return to the Commission with data after a period of operation to evaluate whether adjustments are warranted.

D. Discuss a draft sidewalk program.

The following staff report was provided:

The attached draft resolution would establish the proposed “Safe Walks” Sidewalk Cost-Share Assistance Program for residentially zoned properties and neighborhoods. The purpose of the program is to provide a framework for assisting property owners with the repair or replacement of hazardous sidewalk sections while maintaining the existing requirement in City Code that sidewalk maintenance remains the responsibility of the abutting property owner. The draft resolution outlines the proposed program purpose, eligibility, cost-share structure, administration, and the relationship of the program to the City’s existing sidewalk enforcement and assessment authority under Chapter 94.

As part of staff’s review, several modifications were made to the draft resolution to clarify the scope and administration of the program. Those revisions are reflected in the version provided to the Commission and should be noted during the discussion, including text shown in ~~strikeout~~ and other highlighted edits. The revisions include changes intended to better define the program’s applicability to residentially zoned properties and neighborhoods, clarify eligibility and funding language, and identify provisions that may warrant further policy direction from the Governing Body before adoption.

Staff also discussed a potential cost-saving approach under which City crews could demolish and remove identified hazardous sidewalk sections, with the contractor then responsible for forming, pouring, and finishing the replacement sidewalk. This approach could reduce overall project costs while still providing a consistent finished product.

Staff further discussed a phased approach to implementation. For the first one or two years of the program, the City could focus on sidewalk complaints and hazardous locations that have already been reported to the City, as well as complaints received during that time period. This would

allow the City to address known problem areas first while remaining responsive to newly identified hazards and would also provide an opportunity to evaluate program demand, costs, and administrative needs during the initial years. After that initial phase, the program could expand to include a more proactive component in which the City inspects and identifies target areas or zones within neighborhoods in order to address sidewalk hazards in a more concentrated manner and make a greater visible impact within a neighborhood.

This item is presented for discussion and direction from the Commission regarding the proposed program framework, the staff revisions reflected in the draft resolution, the possible cost-saving method involving City demolition and contractor replacement, and the proposed phased implementation approach. Based on Commission feedback, staff can return with a revised resolution for formal consideration.

At the meeting, the Commission reviewed a draft sidewalk repair assistance program intended to address hazardous sidewalks while retaining the existing code requirement that sidewalk maintenance remains the responsibility of property owners. Staff outlined proposed program elements, including eligibility, cost share options, administrative processes, and how the program would function alongside current code enforcement and condemnation procedures. Discussion included potential cost share structures, the administrative complexity of income based qualifications versus a uniform cost share, and the option to allow assessments over time for property owners unable to pay their share upfront. Commissioners discussed prioritizing repairs based on ADA compliance, pedestrian safety, and higher traffic areas, as well as a phased rollout initially focused on reported hazards before expanding to neighborhood based projects. Additional discussion addressed sidewalk damage related to trees, messaging clarity regarding property owner responsibility, and ensuring consistency with existing ordinances. No formal action was taken, and staff was directed to incorporate Commission feedback and return with refinements for future consideration.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission moved to recess for a two-minute break. The open meeting will resume at 10:57 a.m..

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

The open meeting resumed at 10:57 a.m.

- E. Discuss implementing fees or regulations regarding vacant structures.

The following staff report was provided:

Staff is evaluating an alternative to the idle meter fee concept by amending the City's existing vacant building registration ordinance to expand its applicability beyond commercial buildings and include vacant residential structures. The attached redlined amendment to Section 18-451 would revise the current ordinance to address both vacant commercial and residential buildings, update the definition of a vacant building, establish registration requirements and fees for residential structures, revise penalty provisions, and authorize inspection of vacant residential and commercial buildings for compliance purposes. The prior January 21, 2026 Commission packet regarding the idle meter fee is also included for reference because this discussion follows staff's continued review of the best way to address vacant structures that are not connected to City utilities.

As reflected in the January 21, 2026 materials, staff previously reviewed the operational and policy issues associated with an idle meter fee, including system costs, fairness concerns, enforcement complexity, and the difficulty of administering a utility-based approach to vacancy. Staff is now developing the vacant registry concept as a possible alternative for future Commission consideration. Rather than focusing on utility activity as the trigger, this approach would rely on the City's nuisance, code enforcement, and property maintenance framework to identify and regulate vacant structures directly.

The redlined amendment would expand the purpose statement to recognize the negative impacts of both vacant residential and commercial buildings, including blight, reduced property values, public safety concerns, and fire risk. The draft would also revise the definition of "vacant building" to include structures that are unattended or unoccupied and not actively used as a place of business or residence, and would establish different timeframes for when a structure is considered vacant for registration purposes—30 days for residential buildings and 90 days for commercial buildings. The draft further contemplates registration requirements, annual re-registration, maintenance obligations, registration fees, marketing-based exemptions, increased penalties, and annual inspection authority for chronic vacancies.

In staff's internal review of the redlined draft, several policy and administrative questions were identified that would need Commission discussion before moving forward. One question is how to treat vacation homes or other intermittently occupied residences that are maintained and have utility service available. Staff discussed whether the inclusion of the word "unattended" in the definition of a vacant building is sufficient to avoid unintentionally capturing those types of properties, or whether additional clarification should be added. Staff also discussed whether active utility service should be required as part of the definition or as evidence that a structure is not truly vacant.

Staff also discussed how this program would be administered if the Commission wished to proceed. One option discussed was creation of a Vacant Registry Permit so properties could be tracked more consistently within the City's system. Staff also discussed developing an online application or registration form to make compliance easier for property owners and to improve administration and recordkeeping.

Another issue identified during staff review is how to handle properties claimed to be "for sale" for the purpose of avoiding the registry fee when they may not actually be legitimately offered on the market. The current redlined draft includes exemptions for vacant buildings that are actively marketed for sale or rent at fair market value, with the burden on the owner to provide satisfactory proof of active marketing. Commission discussion is needed regarding how the City should evaluate those claims, including situations where a property may be listed at an amount substantially above reasonable market value or otherwise not genuinely offered for sale.

Staff also believes that, if pursued, a program of this type would require clear public communication and consistent Commission support in order to be effectively administered. When the vacant building ordinance was originally adopted, staff began administering the ordinance but received public pushback, and the Commission later advised staff to stop administering it. For that reason, staff is seeking policy direction before devoting additional effort to ordinance development or implementation.

This item is being presented for discussion so the Commission can consider whether amending the existing vacant buildings ordinance to include residential structures would be a better alternative than the other approaches previously discussed for addressing vacant structures. Staff is seeking feedback on the overall policy direction, the redlined amendments to Section 18-451, the treatment of vacation or intermittently occupied

homes, whether utility service should be part of the vacancy analysis, how a registry or permit system should be administered, how marketing exemptions should be evaluated, and whether there is sufficient Commission support to administer such a program on an ongoing basis.

At the meeting, City staff provided an update and facilitated a discussion regarding potential fees or regulatory approaches for vacant residential structures. Staff reviewed current vacant property tracking efforts, including mapping and categorization of properties by status such as condemnation in process, condemned, or demolished.

Staff outlined the City's existing Downtown Commercial Vacancy Ordinance and discussed whether a similar registration or fee based framework should be expanded to residential properties. It was noted that while a registry may provide additional information, implementation and enforcement challenges, particularly related to absentee ownership and administrative capacity, could limit its effectiveness.

The discussion emphasized that the City's current condemnation and demolition processes have proven effective. These tools create strong incentives for owner compliance and have resulted in meaningful reductions in the number of vacant and dilapidated structures, as well as ownership transitions to parties willing to reinvest in properties.

Staff also discussed coordination with the land bank and the potential for targeted incentives to support rehabilitation efforts where appropriate, noting that ownership transfer has been one of the most successful outcomes of the current enforcement strategy.

The Commission reached general consensus that staff should not pursue a residential vacant structure registry or new fee based regulations at this time. Staff was directed to continue utilizing and refining existing condemnation, demolition, and enforcement tools, with a focus on efficiency and measurable outcomes.

IV. ADJOURNMENT

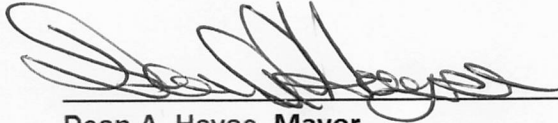
Motion:

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

Aye: Dean Hayse, Scott Smith, Tim White

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Nay: None



Dean A. Hayse, Mayor

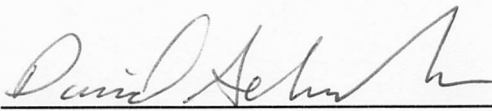


W. Scott Smith, Commissioner



Tim White, Commissioner

Attest:



City Clerk/Treasurer