

Minutes of the City Commission's May 28, 2026 Meeting

I. REGULAR 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; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; John Garris, City Engineer/Director of Public Works; Jimmy Holt, Assistant Police Chief; Kayla Schabel, Administrative Assistant to the City Manager; and April Nutt, Director of Housing Authority.

Visitors Present: Larry McHugh, Breanna Sanford, Sherri Garris, Eric Bennett and Ned Stichman.

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 Tim White, the Commission adopted the agenda.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

II. APPOINTMENTS

A. Consider appointing two new members to a first term on the Landbank Board expiring on June 1, 2029.

The Independence Land Bank Board of Trustees currently has two openings due to the term completions of Shelley Hudson and Mary Jo Wallis. Both have served two full terms and are not eligible for reappointment. Staff would like to thank Ms. Hudson and Ms. Wallis for their service, time, and commitment to the Independence Land Bank and its work to return vacant, abandoned, tax-foreclosed, and otherwise underutilized properties to productive use.

The Independence Land Bank Board is composed of seven members, all of whom must be residents of the City. Board members are appointed by the Governing Body, and vacancies are filled by appointment. Following the initial staggered terms, board members serve three-year terms.

The City advertised the two openings and stated that preferred candidates should have experience in law, finance, real estate, and/or construction. Applications were due by noon on May 21, 2026. The City received two applications in response to the notice.

The following individuals submitted applications for consideration:

1. Patty Ann Sandborn

Ms. Sandborn is a resident of Independence and applied to serve on the Independence Land Bank Board. Her application notes prior board service with United Way, Neosho County Memorial Hospital Board, Safari Museum Board, Coffey County Chamber Board, and other organizations. She also stated that she has worked closely on housing committees throughout Southeast Kansas and would like the opportunity to give back to the community where she grew up.

2. Malinda McGowan

Ms. McGowan is a resident of Independence and applied to serve on the Land Bank Board. Her application notes 15 years of committee experience in education, grant writing experience through a National Science Foundation grant, program development experience, and work creating partnerships with private industry. She stated that she wants to be more involved in the community and help create a sustainable and bright future for the next generation.

The Land Bank plays an important role in the City's housing, neighborhood revitalization, demolition, and redevelopment efforts. Board members are responsible for helping guide the acquisition, management, maintenance, and disposition of properties held by the Land Bank. The Board's duties include evaluating potential uses for property, maintaining property inventories, planning for the sale or disposition of property, and keeping records related to Land Bank activities.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission appointed Patty Ann Sandborn and Malinda McGowan to the Independence Land Bank Board of Trustees for first three-year terms expiring on June 1, 2029.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

III. CONSENT AGENDA

Motion:

On the motion of Tim White, seconded by Scott Smith, the Commission adopted the consent agenda.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

- A. Consider approving the minutes of the regular and special meetings on May 14 and 20, 2026.

Suggested Motion:

I move to approve the minutes of the regular and special meetings held on May 14th and 20th, 2026.

- B. Consider waiving notice for lease extension from EAA Chapter #980.

The EAA (Experimental Aircraft Association) chapter has had a lease on a clubhouse at the Independence Municipal Airport since at least 2016. This is a not-for-profit organization. The lease that became effective on January 1, 2016 contained provisions for three extensions of five years each on the initial lease period of five years, which would provide them with a lease potentially lasting until December 31, 2035.

However, the lease requires that the EAA provide notice that they are going to exercise their option to renew by sending a letter at least sixty days prior to the end date of the lease. Because of an oversight, they did not do so for this renewal period, but they have indicated they would like to continue the lease. As the EAA is a club previously recognized for their positive civic impact, it is requested that the commission waive notice and allow the EAA's lease to continue uninterrupted as if the option to renew had been provided on time.

Suggested Motion:

I move to waive notice for lease extension from EAA Chapter #980 and continue the contract as if such notice had been received in a timely fashion.

- C. Consider allowing specified items to be auctioned on eBay.

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The attached list of items has been selected as potentially having enough value for sale by auction. We have been using Purple Wave, but due to the nature of equipment sold, it is unlikely that these items will find a market on that platform. The items 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, if any.

It is recommended that these items be placed for auction on eBay, for disposal with net proceeds of the auction returning to the City. Only a few items at a time will be sold until staff becomes experienced with the process. Items not sold will be scrapped or recycled.

Location Item Estimated Worth

Memorial Hall 1997 Peavey XR-400 4 Channel Mixer Amp \$150
Lowell Amplifier \$200
Tascam CC-222 MKII Analog CD Recorder / Cassette Deck \$300
Tascam CD-A500 CD Player & Cassette Combo Deck \$100
Biamp TI-2 Audia Flex Digital Sound Processor \$75
Biamp Nexia Conferencing Mixer Digital Signal Processor \$100
Capio Plus CP20HP ILS-CM-HP-20 Dimmer Module \$100
ViewSonic LS810 DLP WXGA Projector \$2,000
Park/Zoo Cage \$50/each
Projector \$100.00
X-Ray Light Box \$150.00
Stainless Steel Sink \$100/each
Exam Table \$300/each
Pond Inserts \$300/each
Shop Light \$50.00
Flower Pots \$5/each
Cart \$20.00
Small Sink \$50.00
Cast Iron Bell \$250.00
Aquarium Accessories \$50/each
Refrigerator \$50.00
Double Stainless Steel Sink \$200.00
Box & 1/2 of tile .25/each
4-Stall Animal Cage \$300.00
Four Compartment Stainless Steel Sink \$1,000.00
Commercial Sink - 3 Compartment \$500.00

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Suggested Motion:

I move to authorize the sale of items listed on the attachment on eBay.

- D. Consider adding two ADA parking spots on North 14th Street between Myrtle and Laurel Streets.

With the completion of the new Kansas State Extension Office, their leadership has requested that two parking spots be converted to ADA spots. This would be near the location of the old hospital helipad, as shown on the attachment.



Suggested Motion:

I move to authorize the addition of the two ADA spots on 14th Street between Myrtle and Laurel Streets.

- E. Consider bidding for construction of containment at the Airport.

The City's plan for Spill Prevention, Control, and Countermeasures (SPCC) requires that we meet federal standards for containment at the airport fuel tanks. This project will be a part of the required containment for our airport fueling system. At this point, only the tank is being bid in an attempt to find the most competitive cost for the City. Bids would be opened at 10AM on July 9, 2026. This is a rebid and specifications and contracting provisions have been changed to entice tank manufacturers to bid.

Suggested Motion:

I move to allow bidding for construction of containment.

- F. Consider a short-term lease during construction of the Transportation Alternatives project.

The contractor doing the work associated with the Transportation Alternatives project has requested the use of City-owned property on a temporary basis to allow for more seamless construction of the planned sidewalk. An area owned by the City but otherwise unusable due to the property being in the floodplain was selected for this use.

Suggested Motion:

I move to authorize the execution of a short-term lease during the construction of the Transportation Alternatives project.

- G. Consider adopting a resolution authorizing the execution of closing documents.

On May 14, 2026, the City Commission approved acquisition of property from Rodney W. Musgrove and Erin L. Musgrove for future economic development purposes utilizing Economic Development Funds.

As part of the closing process, the title company has requested formal authorization identifying the City representatives authorized to attend closing and execute all necessary closing documents on behalf of the City of Independence.

The attached resolution authorizes any of the following City representatives to be present at closing and to execute all necessary documents related to the transaction:

- Kelly Passauer, City Manager
- David Cowan, Assistant City Manager
- David W. Schwenker, City Clerk
- Jeffrey A. Chubb, City Attorney

Suggested Motion:

I move to approve the resolution authorizing designated City representatives to execute closing documents related to the previously approved property acquisition for future economic development purposes.

IV. PUBLIC HEARING

- A. Public Hearing to consider the condemnation of 314 N. 5th Street as dangerous and unsafe.

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On January 22, 2026, the City Commission voted to adjourn the condemnation hearing to May 28, 2026, at 5:30 p.m. The property owner was directed to meet with David Cowan, submit an updated timeline for proposed repairs, and initiate either the repair or removal of the structure. The owner subsequently submitted the attached repair timeline:

- By March 2026 – Complete roof repairs, remove debris and fencing, and install shingles on the porch roof.
- By April 2026 – Complete exterior repairs to the home and repair or remove the garage.
- By May 28, 2026 – Complete any remaining interior work and list the home for sale.

City staff conducted a site inspection on May 18, 2026, and took the attached photographs. At the time of inspection, the owner had begun roof repairs on the structure; however, no other substantial work appeared to have been completed. The owner should be available to visit with the commission at the meeting.

Motion:

On the motion of Tim White, seconded by Scott Smith, the Commission adjourned the public hearing to consider condemnation of 314 N. 5th Street as dangerous and unsafe until August 27th, 2026 at 5:30 p.m.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

- B. Public Hearing to consider the condemnation of 401 S. 2nd Street as dangerous and unsafe.

On May 3, 2025, the structure located at 401 S. 2nd Street sustained extensive damage as the result of a fire. The incident caused significant fire damage to the second floor and substantial water damage throughout both the first and second floors. At the time of the fire, the structure was uninsured.

The property has since been sold; however, the new owner, Jose Reyes, has failed to contact the City or commence repair or removal of the structure. A site inspection conducted on May 18, 2026, found that no repair work had

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been initiated and identified additional concerns, including a fallen tree and overgrown vegetation on the property.

The new owner was given 120 days to commence repair or removal of the structure on January 22, 2026.

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

Motion:

On the motion of Scott Smith, seconded by Tim White, the Commission adopted a resolution condemning 401 S. 2nd Street as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

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

The property located at 721 Washington Street has previously been reported to the City for concerns involving the condition of the primary structure, debris accumulation, and other code enforcement violations. Upon inspection, City staff observed that both structures on the property are in significant disrepair, pose safety hazards, and have not had active city utility services since May 4, 2020.

On February 12, 2026, the City Commission granted the property owner 90 days to commence repair or removal of the structure. To date, no work has been completed. The structure remains in a deteriorated condition, including an air conditioning unit that has fallen from a window, unsecured openings, and overgrown vegetation with collapsed trees present on the property.

Staff recommends that the structure be condemned as dangerous and unsafe.

Motion:

On the motion of Scott Smith, seconded by Tim White, the Commission adopted a resolution condemning 721 Washington Street as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

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- D. Public Hearing to consider the condemnation of 814 W. Chestnut Street as dangerous and unsafe.

The property located at 814 W. Chestnut Street has previously been reported to the City for concerns related to the condition of the primary structure, accumulation of debris, and other code enforcement issues. Upon inspection, City staff observed that both structures on the property are in significant disrepair, pose safety hazards, and are currently being used for storage purposes.

Hannah's House has applied for a building permit and submitted plans to remodel the property for use as a thrift store. Building Permit No. 025.221 was approved on December 2, 2025.

On January 22, 2026, the City Commission voted to adjourn the public hearing until May 28, 2026, and directed the owner to diligently pursue repairs to the structure. Since that time, Hannah's House has completed exterior improvements to the property; however, it does not appear that substantial interior work has occurred.

Staff will provide an additional update at the meeting. It is anticipated that Lisa Druemmeller will either provide a response or be present to answer any questions the Commission may have.

Motion:

On the motion of Tim White, seconded by Scott Smith, the Commission adjourned the Public Hearing to consider condemnation of 814 W. Chestnut Street until August 27, 2026, at 5:30 pm.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

- E. Public Hearing to consider the condemnation of 817 W. Cottonwood Street as dangerous and unsafe.

On January 22, 2026, the City Commission adjourned the hearing to allow the owner to continue work on the structure. The owner continues to work with the building inspector as he makes repairs. The owner is making repairs because he has the funds to purchase the necessary materials. The building inspector said progress continues but is continuing but funding is an issue. The building inspector recommends adjourning the hearing for 90 or 120 days.

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Motion:

On the motion of Scott Smith, seconded by Tim White, the Commission adjourned the public hearing to consider condemnation of 817 W. Cottonwood Street as dangerous and unsafe until September 24, 2026, at 5:30 p.m.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

V. ITEMS FOR COMMISSION ACTION

- A. Consider setting a Public Hearing to consider the condemnation of 604 1/2 N. 17th Street as dangerous and unsafe.

On May 9, 2026, the structure located at 604 1/2 N. 17th Street was involved in a fire that gutted the entire building. City staff recommends setting the date of July 23, 2026 at 5:30 pm for a Public Hearing to consider the condemnation of 604 1/2 N. 17th as dangerous and unsafe.

Motion:

On the motion of Tim White, seconded by Scott Smith, the Commission adopted a resolution setting the date of July 23, 2026, at 5:30 pm for a Public Hearing to consider the condemnation of 604 1/2 N. 17th as dangerous and unsafe.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

- B. Consider awarding bids to remove 21 structures previously condemned as dangerous and unsafe.

The City advertised the demolition of 25 houses and received three bids. The three lowest individual bids are shown below. The structures located at 1018 E. Birch and 705 Washington have both applied for building permits and submitted repair timelines. Additionally, the owner of 1014 W. Beech has contracted to have the fire-damaged structure removed. City staff did not initially account for the fact that two of the structures are classified as commercial properties and are therefore subject to specific State demolition requirements. Staff has since conducted asbestos sampling on these two structures and will contract separately for asbestos abatement prior to demolition. The demolition contractor will remain responsible for

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handling asbestos-related requirements for the remaining residential properties.

City staff recommends awarding the demolition of the following structures to Mega, LLC in the amount of \$139,890, removing 1018 E. Birch and 705

Washington

1.821 E. Maple	4,890.00
2.908 E. Maple	4,190.00
3.700 N. 12th	4,190.00
4.417 N. 2nd	7,690.00
5.509 N. 13th	2,990.00
6.208 S. Earl	4,490.00
7.108 S. Wald	7,690.00
8.214 S. 12th	7,790.00
9.1020 W. Chestnut	4,490.00
10.707 W. Cottonwood	3,890.00
11.828 W. Cottonwood	4,890.00
12.212 W. Laurel	11,890.00
13.1100 W. Laurel	4,090.00
14.720 W. Maple	4,190.00
15.805 W. Sycamore	5,490.00
16.917 W. Sycamore	5,390.00
17.800 W. Chestnut	16,890.00
18.733 Washington	8,890.00
19.300 Westminster	8,890.00
20.1014 W. Beech	0.00
21.1123 W. Main	8,490.00
22.1208 W. Myrtle	8,490.00
Total	\$139,890.00

Motion:

On the motion of Scott Smith, seconded by Tim White, the Commission awarded the individual demolition bids to Mega, LLC in the amount of \$139,890.00 for 21 structures previously condemned as dangerous and unsafe, as listed in the staff report.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

- C. Consider a resolution approving a conditional use permit for multi-family dwellings in an existing nonresidential structure at 201 N. Penn in the C-3 District.

The applicant, 201 Investors, LLC, is requesting a Conditional Use Permit to allow multi-family residential use within an existing non-residential building

in the C-3 General Commercial District. The applicant proposes to use approximately 6,000 square feet of the ground floor for residential use, with 1,500 square feet reserved for commercial use fronting Pennsylvania Avenue.

The Planning and Zoning Board considered this request at its April 7, 2026 meeting, at which time the item was tabled to allow staff and the applicant additional time to reach agreement on a ground-floor window privacy screening condition. A revised condition was negotiated and the item was brought back at the May 5, 2026 meeting, where the Board voted 6-1 to recommend approval.

CONDITIONS OF APPROVAL. The attached resolution includes the following conditions:

1. The permit is issued solely to the applicant and is not transferable.
2. At least 20% of the ground floor, including the Penn Avenue frontage, shall be reserved for non-residential use.
3. Upper-story units must meet applicable life safety and building code requirements.
4. Historic Preservation Commission approval and a building permit are required prior to commencement of work.
5. Ground-floor units must maintain interior window coverings. Exterior window screening is not required upfront but may be imposed later if documented incidents warrant Planning Commission review.

Motion:

On the motion of Tim White, seconded by Scott Smith, the Commission approved Resolution No. 2026-061 authorizing a Conditional Use Permit to allow multi-family residential use within a non-residential building in the C-3 district at 201 N. Pennsylvania Avenue, subject to the conditions set forth therein.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

- D. Consider authorizing acceptance for a Safe Streets for All (SS4A) grant contract from the Federal Highway Administration.

The City was selected by the Federal Highway Administration (FHWA) for a SS4A grant. As a part of the application, KDOT approved the matching funds required by the FHWA for the City in the amount of \$321,000.00. The City has previously signed that contract with KDOT.

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Now, the FHWA has finalized the grant paperwork for the project. As it has been some time since the original grant application was approved (July, 2023) by the Commission, and announced by the FHWA (December, 2023), a restatement of the scope is:

1. Provide greater visibility of delineation of edges of roadways
2. Improve visibility of intersections and traffic control devices
3. Install traffic calming roadway sections
4. Install Rectangular Rapid Flashing Beacons (RRFD)
5. Collect pedestrian data
6. Add radar speed feedback signs
7. Add a multi-lane trail from 10th to the Overpass along Main Street.

Motion:

On the motion of Scott Smith, seconded by Tim White, the Commission authorized acceptance of the Federal Highway Administration grant for the SS4A Grant Program and to allow the execution of any necessary documents.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

VI. REPORTS

A. Monthly Projects and Public Works Report

Engineer Garris presented the report.

VII. CITY MANAGER'S COMMENTS

City Manager Passauer reviewed upcoming Commission meetings, the health fair will on June 8th from 7:00 a.m. to 8:30 a.m., the 67th anniversary of Miss Able's space flight will be on Saturday June 6th with many activities planned at Riverside Park and Zoo.

VIII. COMMISSIONERS' COMMENTS

Commissioner Hayse thanked the American Legion and American Legion Auxiliary for their help in the dedication of the gold star memorial.

IX. PUBLIC CONCERNS

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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 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 6:23 p.m. in the Commission Room of City Hall.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

The open meeting resumed at 6:23 p.m. with no action taken.

XI. ADJOURNMENT

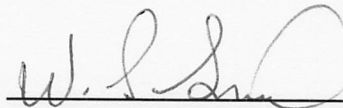
Motion:

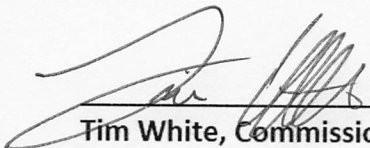
On the motion of Dean Hayse, seconded by Scott Smith, the Commission adjourned the meeting.

Aye: Dean Hayse, Scott Smith, Tim White

Nay: None

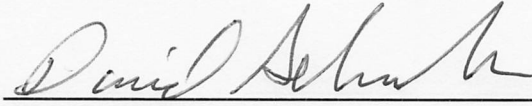


Dean A. Hayse, Mayor

W. Scott Smith, Commissioner

Tim White, Commissioner

Attest:

A handwritten signature in dark ink, appearing to read "David A. Schuch", is written over a horizontal line.

City Clerk/Treasurer