

Minutes of the City Commission's May 12, 2022 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Dean Hayse, Vice-Mayor Tim Emert, Commissioner Louis Ysusi

City Staff Present: Dan Reynolds, City Attorney; David Cowan, Assistant City Manager; Kelly Passauer, City Manager; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; Brian McHugh, Memorial Hall Supervisor; Lacey Lies, Director of Finance; Jerry Harrison, Chief of Police; April Nutt, Director of Housing Authority; Mike DeVore, Memorial Hall Maintenance; Keith Copithke, Captain/EMT; Jaracia Brown, Firefighter/Paramedic; Brian Bennett, Firefighter/EMT; Alex Martin, Firefighter/Paramedic; Kayla Baugher, Firefighter/EMT; Malcom Raynor, Firefighter/EMT and Sandra Alspaugh, Firefighter/Paramedic.

Visitors Present: Larry McHugh, Brea Sanford, Lori Johnson, Sherii Farmer, Kari West, Ashley Schmitt. Robert Cain, Clara Stark, Bill Caflisch, Tannae Kuring, Jordin Schmitt, Babs Emert, Dana Darbro, LaVeta Darbro. Lora Banning, Windy Adams, Rick Whitson, Ray Woods, David Schmitt, Graysin Schmitt 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 Louis Ysusi, seconded by Tim Emert the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. PRESENTATIONS

A. Presentation of Lifesaving Awards for Keenan Fyfe and Jordan Schmidt.

On April 8, 2022 Fire/EMS was dispatched to a structure fire located on South

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14th Street. Upon arrival, heavy smoke and flames were visible. When advised of a potential victim still inside, Lt. Keenan Fyfe and Rural Firefighter Jordan Schmidt entered the structure for an initial search and located the victim in a bedroom, and moved the victim outside to an awaiting ambulance.

III. CONSENT AGENDA

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- A. Consider approving City Commission minutes from February 1, 10, 16 and 24, 2022.**

Suggested Motion:

I move to approve City Commission minutes from February 1, 10, 16 and 24, 2022.

- B. Consider authorizing a maintenance agreement with the Gun Club.**

The City of Independence renewed the Independence Gun Club Skeet lease on September 8, 2022. Having lease agreements in place with established rates is a requirement of the FAA. The City had negotiated a maintenance agreement with the Gun Club to take care of maintenance and cleaning of the shooting berm at the airport. The Gun Club lease was for \$121.59 a month, and the maintenance agreement would have paid the Gun Club \$121.59. The Gun Club attempted to find lawn service but could not afford any bids received. The City has continued to maintain the berm and mow, and the Gun Club has been making a \$121.59 per month lease payment.

The Gun Club has contacted us and is willing to sign a new agreement to maintain the berm without the mowing responsibility. The Gun Club is also willing to work with the City on possible improvements to the berm in the future.

Suggested Motion:

I move to approve the maintenance agreement with the gun club for the

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shooting berm.

- C. Consider a right-of-way agreement with Kansas Fiber Network.

The City of Independence has been working with the City Attorney and Penny Speake on updating our right-of-way agreements. The attached agreement is with Kansas Fiber Network and allows access to the City rights-of-way. The agreement sets an annual fee of \$3,979.66 with an increase of 3% each year for 10 years with an automatic one-year renewal thereafter unless a 180-day notification is given to terminate the agreement.

Suggested Motion:

I move to approve the Right-of-Way License agreement with Kansas Fiber Network Services, LLC

- D. Consider authorizing a Greenbush Energy Group Participation Agreement & Hedging Authorization, and Woodriver Energy Base Agreement to acquire natural gas.

City staff has been working with Greenbush Energy Group for approximately six years for the acquisition of Natural Gas for Building D and Memorial Hall. This agreement kept the price volatility of February 2021's unprecedented winter storm from having a significant impact on the budget. However, we have received a recommendation from David Banks who manages the Greenbush Energy Group that members engage Woodriver Energy as their supplier of natural gas for the term of July 1, 2022, through June 30, 2025. The vendor margins, terms and conditions for purchase, transport and delivery are similar to current agreements in place with Encore with the exception swing volume price is protected at 100%. Market prices continue to increase at an alarming rate since the February 2021 Storm. Those market increases will be reflected in the final pricing. It is requested the participation/hedging authorization be signed and returned as quickly as possible as we engage the necessary procedures to change suppliers. The City should expect to be contacted by Woodriver Energy with a transaction confirmation agreement which will require a signature before service can begin July 1, 2022. Greenbush Energy Group is doing everything possible to obtain an agreement with adequate risk management provisions at a suitable market price, and they expect to finalize suppliers and contract language by May 10, 2022.

For the Greenbush Energy Group Participation Agreement, there is a participation fee of \$450 annually plus a service cost fee of five cents per Mcf per year based on the previous year's usage. For the Woodriver Energy

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transaction agreement, David Banks recommends the cost of commodity plus LDC delivery services for 2022/2023 budget purposes be \$11.00/Mcf. This is a significant increase from the recommended \$6.25 in 2021/2022 due to increases in market price and higher costs for appropriate risk management terms.

Suggested Motion:

I move to authorize the City Manager to sign a Greenbush Energy Group Participation Agreement & Hedging Authorization, and to sign a Woodriver Energy Transaction Confirmation Agreement to acquire natural gas.

- E. Consider assigning a lease with Regional Medical Labs to Laboratory Corporation of America Holdings**

Regional Medical Laboratory, Inc, an affiliate of Ascension, has contacted the City and is requesting to assign its lease at City Hall, 811 West Laurel, to Laboratory Corporation of America Holdings. They purchased the business and the sales transaction will be closing on May 31, 2022. The City Attorney has reviewed the agreement and will be available to answer any questions the Commissioners may have.

Suggested Motion:

I move to approve assigning the lease to Laboratory Corporation of America Holdings.

- F. Consider adopting an ordinance repealing certain provisions of the City Weed Ordinance and setting forth vegetation height at 8 inches.**

The Code Enforcement Department is currently enforcing a vegetation violation starting at 12 inches. The Ordinance requires the officer to send a letter to the owner, giving them a week to correct the violation. The Code Enforcement officer then must return and inspect the yard. She then turns in a work order to mow the yard if it has not been mowed. The mowing crew often is mowing grass between 16 inches to 24 inches tall by the time they arrive at the location.

The Code Enforcement Officer has checked with other cities and discovered they send a violation notice when the vegetation is between 6 to 10-inch tall. The Code Enforcement officer reviewed this issue with the Beautification Committee, and they recommended amending the Ordinance to establish 8 inches high vegetation as a violation.

Suggested Motion:

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I move to approve Ordinance 4387 repealing City Code 42-181 through 42-188 and replacing it with the change of vegetation height to 8 inches.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider proclaiming May 22, 2022 as "Harold R. Andrews American Legion Auxiliary Unit 139 Centennial Day"; and consider proclaiming May 27, 2022 as National Poppy Day.

The American Legion Auxillary has requested that the City proclaim May 22, 2022 as "Harold R. Andrews American Legion Auxiliary Unit 139 Centennial Day"; and proclaim May 27, 2022 as National Poppy Day.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission proclaimed May 22, 2022 as "Harold R. Andrews American Legion Auxiliary Unit 139 Centennial Day"; and proclaimed May 27, 2022 as National Poppy Day.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider proclaiming May 15th through 21st as EMS Week.

In 1974, President Gerald Ford authorized EMS Week to celebrate EMS practitioners and the important work they do in our nation's communities. Back then, EMS was a new profession, and EMS practitioners had only just started to be recognized as a critical component of emergency medicine and the public health safety net. Today, things have surely changed as our EMS professionals are on the front-line of the COVID-19 crisis—planning, adapting and responding every day to take care of the communities that we serve.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission proclaimed the week of May 15th through 21st as EMS Week.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider City Board Appointments.

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- 1. Library Board of Trustees -- Rachel Koszalka and Michelle Anderson are eligible to serve an additional term and they would both like to be reappointed.**
- 2. Housing Authority -- Rita Ortolani and Eddie Rodgers are eligible to serve an additional term and would both like to be reappointed.**
- 3. Landbank -- Jeri Hammerschmidt and Lisa Richard are eligible to serve an additional term and they both would like to be reappointed.**
- 4. Park Board -- Steve McBride and Jim Hogan are eligible to serve an additional term and they would both like to be reappointed. Val DeFever has served two full terms and we would like to thank her for her service. Applications will be received for this opening until noon on June 17, 2022. Ms. DeFever will continue to serve on the board until she is replaced.**
- 5. Tree Board -- Tim Haynes is eligible to serve an additional term, however, he does not wish to be reappointed. Twila Hawthorne has served two full terms and we would like to thank her and Tim for their service. Applications will be received for this opening until noon on June 3, 2022.. Mr. Haynes and Ms. Hawthorne will continue to serve on the board until they are replaced.**
- 6. Recreation Commission -- Tony Turner has served two full terms and we would like to thank him for his service. Applications will be received for this opening until noon on June 17, 2022. Mr. Turner will continue to serve on the board until he is replaced.**
- 7. Historic Preservation Resource Commission (Certified Local Government) -- We have two vacancies on this board. Applications are due by Noon on May 20, 2022.**

Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission reappointed Rachel Koszalka to a 1st term and Michelle Anderson to a 2nd term on the Independence Library District Board of Trustees.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi the Commission reappointed Rita Ortolani to a 1st term and Eddie Rodgers to a 2nd term on the Independence Housing Authority.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission reappoint Jeri Hammerschmidt to a 1st term and Lisa Richard to a 2nd term on the Independence Landbank Board.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi the Commission reappointed Steve McBride to a 1st term and Jim Hogan to a 2nd term on the Independence Park Board.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider accepting a land donation from Evergy for the Central Park Sports Complex Project**

The City of Independence has been working with Evergy to help support the renovation and expansion of the sporting complex on Park Blvd, to be known as the Central Park Sports Complex. Evergy has agreed to donate land to the east of the current baseball field that they no longer utilize, to support the expansion of a future baseball field and trail.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission accepted with appreciation the donation of land outlined in the Evergy Donation Agreement pending City Attorney approval.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider approving Change Orders for the Fire-EMS project.**

Two change orders, PCCOR #005 and PCCOR #006 have been submitted to the City by McCown Gordon.

PCCOR #005 consists of:

- a deductive change to the paint (savings of \$7,948.65)**

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- a change to interior door hardware for security (additional cost of \$313.50),
- an additional stem wall added near the patio at a cost of \$6,589.47, and
- addition of \$386.61 to the owner contingency.

Of the constituents, the stem wall was not requested by the City. This stem wall was necessary due to the grades surrounding the northern patio to ensure future building integrity due to outside moisture. Although the engineering necessity of the change is not currently disputed, the cost is still being examined. It is requested that the change order be approved at this point to not interfere with building construction timelines, but that this number is subject to additional verification.

PCCOR #006 consists of a single item, namely the addition of approximately 40 cubic yards of additional foundation concrete and steel required due to the load analysis on the building. Unanticipated aerodynamic uplift forces due to wind loads required a heavier foundation than would be normally anticipated. The pricing of this work at \$14,040.32 has been analyzed and is favorable to the City. It is requested that the change order be approved.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission approved PCCOR #005 and PCCOR #006.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider adopting a Resolution of Support for a Transportation Alternatives Program Application and Maintenance Commitment.

This proposed transportation alternative project is aimed at creating equitable and accessible transportation routes to key areas of town. While the goal of these routes will be a safe, connected transportation system that accommodates all users, we are confident that they will also be widely used for recreation and will connect citizens with work and education opportunities, access to food and shopping, and healthcare services, which in turn will promote our goal of creating a healthier community.

The City has progressively developed to the West along Main Street (US 75), with the modern shopping/business district being located near the intersection of Peter Pan and West Main. Development in this area includes Wal-Mart, Orschelns, several mini-malls, Independence Community College's West Campus facility, and the recently constructed Labette Health facility,

which replaced the recently closed Hospital in Independence.

Currently, Main Street west of 21st Street is not a walkable thoroughfare. The existing pedestrian pathway on West Main that originally served the City now ends at 21st Street, well short of Peter Pan/West Main intersection. A substantial amount of pedestrian traffic continues west of 21st Street to reach the commercial area and Labette Health, as well as Four County Mental Health west of Peter Pan. This undefined pathway goes under a railroad overpass (rail over road) on West Main. Pedestrians in this area either walk the edge of the highway, or in the grass at the edge of the highway. This is incredibly dangerous for both pedestrians and motorists.

On Peter Pan, ramps exist at the intersection. However, no sidewalk exists to the recently constructed Labette Health Center, which provides a 24-hour Emergency Room, Clinic, and Cancer Treatment Center.

On Laurel Street, no sidewalk exists west of the railroad tracks leading to the same area (Hospital and Wal-Mart). The sidewalk ends short of the SKO Railroad and is needed to connect residential neighborhoods with the targeted commercial area. Several sections of the existing sidewalk on Laurel Street are also missing or dilapidated in the residential area.

To accommodate bicycles and multi-modal transportation methods, such as mobility scooters, in addition to pedestrians, a 10-ft wide multi-use path is proposed on Main Street. This will provide a safer means for bicycle traffic to reach the desired area than having a bicycle lane, or shared lane, on Main Street (US 75). On Laurel and Peter Pan, 8-foot-wide sidewalks are proposed to accommodate pedestrians and mobility scooters. A marked bike lane is proposed on Laurel St. from 10th to Main to support cyclists along this route. The City intends to seek additional input from the community on a City-Wide bicycle and trails plan. These West Main and Laurel Street improvements would serve as major connections to other auxiliary paths throughout town.

West Main and Laurel Street were strategically selected for a transportation alternative project because numerous pedestrians travel in these locations and either utilize the roadway or the grass at the edge of the road, which is a huge safety concern. These proposed paths will serve as connections from our most underserved areas to the commercial districts where citizens work, shop, dine, and receive health and mental care services. Access to this area of town, especially via alternative transportation, means would be a huge win in our community.

Motion:

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On the motion of Tim Emert, seconded by Louis Ysusi the Commission adopted Resolution No. 2022-16 supporting a Transportation Alternatives Program Application and Maintenance Commitment.

**Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None**

- G. Consider adopting an ordinance defining an Upper Story Dwelling, and an ordinance establishing a moratorium against the enforcement of a portion of the zoning code.

At your last regular Commission meeting, you approved adopting an ordinance establishing a moratorium to obtain a conditional use permit for Upper Story Dwellings on the 2nd-floor story and above in the C-3, Central Business District for a period of 24 months from the adoption of the ordinance. At the time of the meeting, the City Attorney had not yet had an opportunity to prepare the ordinance. In further review by the City Attorney, it was determined that an Upper Story Dwelling needed to be defined in a separate ordinance from the moratorium. Both ordinances have been prepared and are attached.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission adopted ordinance #4388 a City ordinance for upper story definition defining the Upper Story Dwelling.

**Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None**

Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission adopted ordinance #4389 establishing a moratorium against the enforcement of a portion of the zoning code.

**Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None**

V. REPORTS

- A. Reminder of May 18, 2022 Special Commission Meeting.

Director Lies reminded the Commission of the upcoming meeting on

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Wednesday May 18, 2022 at 9:00 a.m.

VI. CITY MANAGER'S COMMENTS

City Manager Passauer reminded the Commission of the upcoming Health Fair on June 7, 2022 at 7 a.m.

VII. COMMISSIONERS' COMMENTS

None

VIII. PUBLIC CONCERNS

None

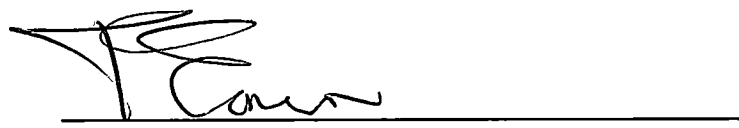
IX. ADJOURNMENT

Motion:

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

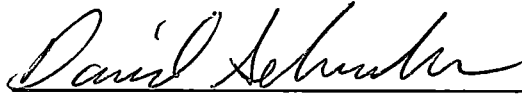
Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None


Dean A. Hayse, Mayor
Louis Ysusi, Commissioner
Tim Emert, Commissioner

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Attest:

A handwritten signature in cursive script, appearing to read "David Schuster", written in black ink.

City Clerk/Treasurer