

Minutes of the City Commission's May 26, 2022 Meeting

I. REGULAR SESSION

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

City Staff Present: Jeff Chubb, City Attorney; David Cowan, Assistant City Manager; Kelly Passauer, City Manager; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; Jerry Harrison, Chief of Police; April Nutt, Director of Housing Authority and John Garriss, City Engineer/Director of Public Works and Utilities.

Visitors Present: Larry McHugh, Brea Sanford 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 Tim Emert, seconded by Louis Ysusi the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. IHPRC -- Received one application for two positions -- Applications have been extended to June 3, 2022

B. Tree Board -- Two Positions -- Applications due by noon on June 3, 2022.

C. Park Board -- One Inside City Position -- Applications due by noon on June 17, 2022.

D. Recreation Commission -- One Position -- Applications due by noon on June 17, 2022.

III. CONSENT AGENDA

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- A. Consider approving City Commission minutes from March 10 and 24, 2022.

Suggested Motion:

I move to approve City Commission minutes from March 10 and 24, 2022.

- B. Consider adopting a resolution establishing a Street Lighting Policy.

The existing street lighting policy (attached) was written in 1979. A suggested revision is also attached. Changes to the policy include:

- **addition of a background and purpose to describe the policy,**
- **provision for lighting to be installed based on security needs,**
- **minor changes in locations that provide greater specificity as to where lights would normally be installed, and**
- **provides an explicit procedure for approval of standard and non-standard lighting locations.**

Suggested Motion:

I move to approve the resolution adopting the revised street lighting policy as attached.

- C. Consider revising the Capital Improvement Plan for submittal to the Federal Aviation Administration.

Annually, the City works with Lochner to prepare and provide a Capital Improvement Plan (CIP) for the Federal Aviation Administration (FAA).

During the review, the FAA noted that executing the planned pavement rehabilitation work as a single project instead of splitting it up into separate projects would minimize the impact on airport users, save on mobilization costs, and save on traffic control costs. Outside of the potential for project

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cost escalation, there are no incremental additional costs that would be required to make this change.

This would push the 2023 construction into 2024, and at this point there is no projected deterioration that would require the earlier work. The total cost projected would be unchanged at \$700,000, of which the City share would be \$70,000, most likely between 10/1/2023 and 10/1/2024.

Suggested Motion:

I move to amend the Capital Improvement Plan for submittal to the Federal Aviation Administration.

IV. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 317 S. 2nd Street as dangerous and unsafe.

The structure at 317 S. 2nd was involved in a fire on October 14, 2021 that extended into the attic space and did substantial damage to the roof structure. The owner has been in contact with the building department and is attempting to put the needed finances in order to make repairs. City Staff recommends adjourning until 5:30 PM on July 28, 2022.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission adjourned the Public Hearing for 317 S. 2nd Street until July 28, 2022 at 5:30 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. ITEMS FOR COMMISSION ACTION

- A. Consider setting the date for a Public Hearing to consider the condemnation of 1109 W. Myrtle Street as dangerous and unsafe.

City Staff received a complaint about the residence at 1109 W. Myrtle. On May 12, 2022, City staff did an inspection of the property and found the property is in disrepair with open or broken windows, overgrown vegetation and trees, and has been abandoned and without utilities since 2018. The building department has sent the attached letter to the owner and will report any updates at the meeting. City staff recommends setting the date of

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August 11, 2022 at 5:30 p.m. for a Public Hearing to consider the condemnation of 1109 W. Myrtle as dangerous and unsafe.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission moved to set the date of August 11, 2022, at 5:30 p.m. for a Public Hearing to consider the condemnation of 1109 W. Myrtle Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider setting the date for a Public Hearing to consider the condemnation of 515 S. 10th Street as dangerous and unsafe.**

The City of Independence was contacted about the residence at 515 S. 10th and the condition of the structure. The City conducted an outside inspection on May 12, 2022 and found the property to be in violation of the City Code. The property is in disrepair with open or broken windows, overgrown vegetation and trees, and has been abandoned and without utilities since 2013. The building department has sent the attached letter to the owner and will report any updates at the meeting. City staff recommends setting the date of August 11, 2022 at 5:30 PM for a Public Hearing to consider the condemnation of 515 S. 10th Street as dangerous and unsafe.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission moved to set the date of August 11, 2022, at 5:30 p.m. for a Public Hearing to consider the condemnation of 515 S. 10th Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider setting the date for a Public Hearing to consider condemnation of 1117 W. Laurel Street as dangerous and unsafe.**

City staff received a complaint about the structure at 1117 W. Laurel. On May 12, 2022, City staff did an inspection of the property and found the property is in disrepair with open or broken windows, overgrown vegetation, and trees, and has been abandoned and without utilities since 2016. The building department has sent the attached letter to the owner and will report any updates at the meeting. City staff recommends setting the date of August 11, 2022, at 5:30 p.m. for a Public Hearing to consider the condemnation of 1117

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W. Laurel as dangerous and unsafe.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission moved to set the date of August 11, 2022, at 5:30 p.m. for a Public Hearing to consider the condemnation 1117 W. Laurel as dangerous and unsafe .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider setting the date for a Public Hearing to consider condemnation of 1105 W. Myrtle Street as dangerous and unsafe.

The City of Independence received a complaint about the condition of a structure at 1105 W. Myrtle Street. On May 12, 2022, City staff did an inspection of the property and found the property is in disrepair with open or broken windows, overgrown vegetation, and trees, and has been abandoned and without utilities since 2009. The building department has sent the attached letter to the owner and will report any updates at the meeting. City staff recommends setting the date of August 11, 2022 at 5:30 p.m. for a Public Hearing to consider the condemnation of 1105 W. Myrtle.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission moved to set the date of August 11, 2022, at 5:30 p.m. for a Public Hearing to consider the condemnation of 1105 W. Myrtle as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider setting the date for a Public Hearing to consider condemnation of 712 S. 6th as dangerous and unsafe.

On Friday, May 20, 2022, the structure located at 712 S 6th was involved in a fire that destroyed the house and made it inhabitable. The building department has sent the owner the attached letter to determine insurance and plans for demolition. If the owner releases the structure for removal, City Staff will work to obtain quotes and remove the structure. If the owner does not respond, the City Staff would request a Public Hearing on August 11, 2022, at 5:30 p.m. to consider condemnation of 712 S 6th as dangerous and unsafe.

Motion:

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On the motion of Louis Ysusi, seconded by Tim Emert the Commission moved to set the date of August 11, 2022, at 5:30 p.m. for a Public Hearing to consider the condemnation of 712 S. 6th Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider awarding the CDBG portion of the 2022 sewer improvement projects to Tri Star Utilities.

On April 19, a single bid was received for the CDBG portion of the 2022 sewer improvement projects, which includes the replacement lift station near the Country Club area. This bid was considered to be responsive, and was within 8% of the most recent engineer's estimate for the work.

The bid has been evaluated and recommended for award in the amount of \$1,728,831.80.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission awarded the CDBG-funded portion of the 2022 sewer improvement projects at a cost of \$1,728,831.80 and allowed execution of all required documents for this award and for project funding.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider adopting Resolution 2022-023 setting a public hearing to establish Rural Housing Incentive Districts (RHIDs).

A Housing Needs Analysis has been conducted and the governing body has determined the following:

1. There is a shortage of quality housing of various price ranges in the City despite the best efforts of public and private housing developers.
2. The shortage of quality housing can be expected to persist and additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in the City.
3. The shortage of quality housing is a substantial deterrent to the future economic growth and development of the City.

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4. The future economic well-being of the City depends on the Governing Body providing additional incentives for the construction or renovation of quality housing in the City.

The City of Independence approved Resolution 2022-004 for submission to the Kansas Secretary of Commerce along with the approved Housing Needs Analysis, taking the first step in establishing Rural Housing Incentive Districts for the City of Independence.

The Kansas Secretary of Commerce agreed with the findings of the City of Independence, Kansas's Housing Needs Analysis and Resolution 2022-004 in a letter dated March 22, 2022.

The next step in establishing Independence's RHIDs is approving Resolution 2022-023 setting a date and time for a public hearing to consider establishing one or more Rural Housing Incentive Districts (RHIDs).

Establishing Rural Housing Incentive Districts will aid the City of Independence in building housing within the community. The Independence Housing Authority has been working to establish several Rural Housing Incentive Districts for the purpose of developing housing within the City of Independence, Kansas.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted Resolution 2022-023 setting the date of July 14, 2022 at 5:30 PM for a public hearing to consider establishing one or more Rural Housing Incentive Districts.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider authorizing a contract with Reece Nichols to market 811 W. Laurel Street.

The City of Independence did a request for proposals to market Building "D" at 811 W. Laurel Street. The City of Independence received a proposal from Reece Nichols of Wichita, Kansas. Reece Nichols provided the City with information on their qualifications, marketing strategy and pricing. The City staff has met with Tim and Ryan Kerr and was able to provide a tour of the building and grounds that would be marketed. It was the recommendation of City Staff to enter into an agreement with them to market the building. The City Attorney has reviewed the agreement.

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Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized the Mayor to sign a contract with Reece Nichols to market 811 W. Laurel Street subject to the City Attorney's review.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. ITEMS FOR DISCUSSION

- A. Discuss the process for handling change orders related to the Fire/EMS and 1916 City Hall projects.

At the May 12, 2022 meeting there was a discussion on how to handle change orders regarding the Fire/EMS and 1916 City Hall Projects. Typically, change orders have been placed on the agenda.

Per the Section 6 of the procurement policy change orders are to be handled as follows:

6.1 General

All change orders for approved projects will come before the Governing Body for approval.

6.2 Emergency Situations

In certain limited emergency situations or due to the state of construction in progress, to prevent a lengthy delay in a project, safety concerns, and the protection of City assets and resources, the City Manager, with notification to the Governing Body, can authorize a change order in an amount not to exceed \$25,000, but not in excess of the overall project budget, whichever is less. After authorizing the change order, the change order is prepared and submitted to the Governing Body for ratification. These change orders may involve such issues as cost changes and extensions of time.

6.3 Exception

Notwithstanding the above, any change order resulting in a decrease of any amount related to any construction, reconstruction, of a project for the City may be approved by the City Manager without further action by the Governing Body.

Unless directed differently by the majority of the Commission, staff will be

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processing change orders per the attached procurement policy.

VII. REPORTS

A. Capital Projects Report.

Engineer Garris presented the report.

B. Sales Tax Reports for March, April and May.

VIII. CITY MANAGER'S COMMENTS

City Manager Passauer informed the Commission about the employee Health Fair on June 7 and invited the Commissioners to attend.

City Manager Passauer reminded everyone that City Hall would be closed on Memorial Day and trash services would be moved back a day.

IX. COMMISSIONERS' COMMENTS

Commissioner Emert commended City Manager Passauer for posting weekly progress reports on the Fire/EMS construction..

Commissioner Ysusi believed that the demolition hearings held today would clean up the neighborhood in that area.

X. PUBLIC CONCERNS

None

XI. ADJOURNMENT

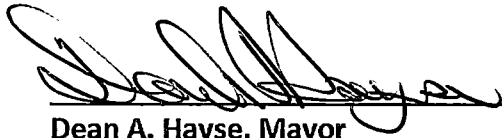
Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi the Commission adjourn the meeting.

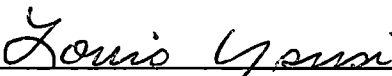
Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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Dean A. Hayse, Mayor



Louis Ysusi, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer