

## **Minutes of the City Commission's June 23, 2022 Meeting**

### **I. REGULAR SESSION**

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

**City Staff Present:** 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 by phone; and John Garriss, City Engineer/Director of Public Works and Utilities.

**Visitors Present:** Larry McHugh, Brent Littleton, Carl Cristlieb, Ray Rothgeb, Babs Emert, Josiah Edings, Ashten Chaney, Jim Tallman 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. Park Board -- One Inside City Position**

**Motion:**

**On the motion of Dean Hayse, seconded by Louis Ysusi the Commission appointed Edward Epp to a first term on the Park Board expiring July 1, 2025.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

#### **B. Recreation Commission -- One Position**

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### **Motion:**

**On the motion of Dean Hayse, seconded by Tim Emert the Commission appointed Joseph Housel to a first term on the Recreation Commission expiring on July 1, 2026 as a City representative.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

### **C. Economic Development Advisory Board -- One Vacancy**

### **Motion:**

**On the motion of Dean Hayse, seconded by Louis Ysusi the Commission appointed Jim Kelly to an unexpired term on the Economic Development Advisory Board expiring on January 1, 2024.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

## **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 closing off traffic to the Park Oval on August 11, 2022 during the Indy Goes Back to School Event.**

**Indy Goes Back to School is an annual event sponsored by USD 446 Public Schools and the USD 446 Education Foundation. The event is designed to instill excitement in parents and students about the start of the school year. It is also utilized to make connections between parents and community organizations that support families and children. The event is well attended and requires the use of the entire Park Oval and all surrounding shelters and buildings. It also requires that the Park Oval is closed off to traffic from 5:00 p.m. to 8:00 p.m.**

- B. Consider renewing Precision Aviation Control's ground lease at the Independence Municipal Airport.**

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**The City of Independence has a Ground Lease Agreement with Precision Aviation Controls that includes an option to renew for five additional years. The City of Independence received a request from James Robertson, President, to exercise their option to renew the ground lease (retroactive back to April 1, 2022) for an additional five years.**

- C. Consider approving an agreement with MCR to re-coat and re-point a water-damaged area at Memorial Hall.

**The Civic Center entrance foyer has sustained water damage from a leak from the stairway above. A review by Sean Clapp identified the issue as the stairway coating and crack sealing above the entrance. MCR has presented a proposal to re-coat and re-point the area to stop the water leakage. MCR will schedule the work this fall, as the high heat does not allow for a proper cure of the product.**

- D. Consider a request from Montgomery Place Skilled Nursing Facility to close the 600 block of South 8th on July 1, 2022 from 6 - 10 PM for a fireworks display for their residents.

**Montgomery Place Skilled Nursing Facility has a fireworks display for its residents on July 1, 2022, from 6 p.m. to 10 p.m. They are requesting City permission to close 8th Street during that time. A residential house is located on the west side of the street, at 601 S. 8th, and staff recommends that approval be conditioned upon the nursing home working with this resident to ensure access to their property.**

- E. Consider a request from the Independence Historical Museum for two two-hour parking stalls in the 100 block of North 8th Street adjacent to the Museum.

**The City of Independence was contacted by the Independence Historical Museum and they are requesting two stalls in front of the museum have two-hour parking limit signs be installed. The intent is to provide some parking for visitors at the museum and to keep downtown workers from filling up the parking stalls in front of the museum. By placing the two-hour signs, we believe at least two stalls will be available to visitors at the museum throughout the day.**

- F. Consider authorizing the installation of 15-minute parking signs downtown.

**After an evaluation in 2012 by world-renowned community development**

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expert Roger Brooks, the City removed the two-hour parking limitations downtown. Any limited parking approved after that was done on a case-by-case basis after being placed on the agenda. During the pandemic, when many stores were closed for in-person dining and/or shopping the City authorized the Chamber of Commerce Leadership Independence as a class project to place temporary parking signs in the downtown business district to allow for the quick and safe pick-up of food or retail purchases. The project was very successful, and we had more requests for signs than were available. Although the restrictions have since been lifted, the City and Chamber continue to receive requests for 15-minute parking stalls for the convenience of citizens wanting to quickly carry out services in the downtown business district. Our vibrant downtown often has limited parking stalls available due to employees, events, and lunch and dinner time rush hours. The current temporary signs are in poor condition, and City staff would like to replace them with permanent signs. Working with the Chamber of Commerce President Lisa Wilson, the City is proposing the placement of (1) 15-minute sign on each side of the street for the 100 block through the 300 block of Pennsylvania Ave (total of 6), (1) 15-minute sign on each side of the 100 block of East and West Main Street (total of 4), (1) 15-minute sign on East Myrtle, and (1) 15-minute sign on East and West Laurel (total of 2). A total of (13) 15-minute signs would be installed in the downtown business district. The signs would be placed towards the middle of the blocks.

- G. Consider authorizing submittal of the Tenant Based Rental Assistance (TBRA) Grant.

The Independence Housing Authority (IHA) has administered a Tenant Based Rental Assistance Grant since 1998. Since that time, almost \$2.8 million has been received to assist some of our most vulnerable community members.

- H. Consider adopting an ordinance amending City Code Section 106-28 dealing with connections to the water main, service lines, connecting lines, and water meters.

City Code Section 106-28 does not properly reflect past Water Department practices or previous actions taken with respect to meters currently located in non-standard locations. This change grandfathers in existing non-standard locations but clarifies a boundary for responsibility and liability in keeping with past City practices.

- I. Consider approving a Cereal Malt Beverage license for the Indy Cruiser event that is being held at the park oval located at 400 Mickey Mantle Way on June 25, 2022.

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**On June 9, 2022 the City Commission authorized food vendors to set up on the Park Oval during the Indy Cruisers' "Cruising for a Cause" event. This event is being sponsored by the Indy Cruisers Motor Club to benefit FORPAZ on June 25, 2022. The event will include a car show, beer garden, and cornhole tournament. In order to have a beer garden they will need a Cereal Malt Beverage license for this special event.**

### **IV. PUBLIC HEARING**

- A. Public Hearing to consider condemnation of 1010 West Myrtle Street as dangerous and unsafe.**

**The residence at 1010 W. Myrtle was initially started in the condemnation process on June 25, 2020. The residence has changed owners several times and now belongs to Chris Linker. The Building Department last had no contact with Chris. There has been no progress or work done on the structure and the residence has been without utilities for more than 10-years.**

**Motion:**

**On the motion of Tim Emert, seconded by Louis Ysusi the Commission condemned the structures at 1010 West Myrtle Street as dangerous and unsafe.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- B. Public Hearing to consider condemnation of 1020 West Myrtle Street as dangerous and unsafe.**

**The residence at 1020 West Myrtle Street was started in the condemnation process on June 25, 2020. The residence has had several owners and now belongs to Chris Linker. The property last had utilities in 2010 and is in a state of disrepair and considered dangerous and unsafe.**

**Motion:**

**On the motion of Louis Ysusi, seconded by Tim Emert the Commission condemned 1020 West Myrtle Street as dangerous and unsafe.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

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- C. Public Hearing to consider condemnation of 1102 West Myrtle Street as dangerous and unsafe.

**The residence located at 1102 West Myrtle is vacant and in a state of disrepair. The residence is unsecured, windows missing and a large second-story window has fallen into the structure. The building department has had no contact from the owner. The owner has been notified of the Public Hearing.**

**Motion:**

**On the motion of Tim Emert, seconded by Louis Ysusi the Commission condemned 1102 W. Myrtle as dangerous and unsafe.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- D. Public Hearing to consider condemnation of 1809 N. 9th Street as dangerous and unsafe.

**The City Building Department has received numerous complaints about the condition of this structure, rodent and bug infestation, and smells coming from the residence. The owner of the property is deceased and the property last had City utilities in 2014. The property owner's son has been contacted and has no interest in the property. Carl Williams AKA Carl Christlieb relocated into the structure after the death of the owner and after the trailer he was occupying on S. 24th Street was fire damaged. Mr. Williams has sent emails threatening City Staff if we proceed with the condemnation and has a past history of threatening emails to the utility department. Mr. Williams is aware that we are proceeding with condemnation of this structure.**

**Motion:**

**On the motion of Tim Emert, seconded by Louis Ysusi the Commission condemned 1809 N. 9th Street as dangerous and unsafe.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

V. **ITEMS FOR COMMISSION ACTION**

- A. Consider a request from the Housing Authority to authorize the sale of properties located at 401 and 405 South 6th and 500, 504, and 512 South Penn to Shane and Maggie Harris.

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**The Independence Housing Authority purchased and the City has ownership of five vacant lots for the purpose of future housing development. These lots were purchased by the Housing Authority as a group purchase in order to obtain the lots at 400, 404, and 408 South Penn for the development of Wesley Park. The Housing Authority cannot own property, which is why the lots are in the City's name.**

**Motion:**

**On the motion of Louis Ysusi, seconded by Tim Emert the Commission authorized the sale of five vacant lots located at 401 and 405 South 6th and 500,504, and 512 South Penn to Shane and Maggie Harris.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- B. Consider adopting an ordinance amending current ordinances which address fencing requirements and adding a permit requirement for fences; and consider adopting an ordinance amending Appendix D, Fee Schedule, to add a new fence permit fee.**

**The City of Independence Building and Code Enforcement Departments requested amendments to our current fencing ordinance to require a building permit and the ability to issue violation notices for illegal fences. The Building and Code Enforcement offices receive complaints and concerns about illegal fences and neighbor disputes. Code Enforcement also deals with illegal fences constructed out of debris and other material not allowed by the current ordinance. The City of Independence flood ordinance currently requires a building permit for any fencing in the AE flood zone, and this ordinance will make fencing requirements the same throughout the City limits. These code amendments will assist us in our efforts to beautify the City, which is an initiative of the Community Based Strategic Plan and the Citizen Beautification Committee. The Building Department will work with public relations to inform the citizens of the recent changes in the code related to scrapping and now fencing.**

**Motion:**

**On the motion of Tim Emert, seconded by Louis Ysusi the Commission approved Ordinance 4394 amending fencing requirements and Ordinance 4395 amending Appendix D, Fee Schedule to add a new fence permit fee.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

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**Nay: None**

- C. Consider adopting an ordinance rezoning a tract of land at 1320 West Maple Street from M-2, heavy industrial district to C-2, commercial services district.

**The Planning Commission held a public hearing on June 7, 2022 to receive comments to consider rezoning a tract of land at 1320 West Maple Street from M-2, heavy industrial district to C-2, commercial services district. There were no comments from the public. The applicant Joseiah Edings was present and reviewed his plan to modify the operations of his existing small business to add repairing, rebuilding, and selling vehicles at 1320 W Maple St. The Planning Commission unanimously supported his rezoning request.**

**Motion:**

**On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted an ordinance rezoning a tract of land at 1320 West Maple Street from M-2, heavy industrial district to C-2, commercial services district.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- D. Consider bidding evidence storage renovation.

**The Police Department, in conjunction with Echelon Architecture, has completed the design of the new Evidence Storage Building. The Advertisement for Bids, Project Manual, and "For Bid" set of Project Drawings are attached. There will be an issued addendum that will have a revised set of drawings that will incorporate several cost savings ideas that may lower the bid price.**

**The City Attorney is currently reviewing the bid documents and they will only be issued upon either his approval or after any changes he requires are made.**

**Bid time is scheduled at 2pm on the 21<sup>st</sup> of July, 2022.**

**Motion:**

**On the motion of Tim Emert, seconded by Louis Ysusi the Commission approve bidding of the Evidence Storage Building..**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

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- E. Consider a request from Brent Littleton representing Dairy Queen regarding a request to receive City property taxes back due to an issue with the Neighborhood Revitalization Program.

The City has been contacted by Brent Littleton representing Dairy Queen. Dairy Queen applied to be part of the Neighborhood Revitalization Program when they constructed the new DQ. This program is managed by the County. One of the stipulations of the program is that property taxes have to be kept up to date. The property taxes were not paid by the May 10th due date and the County has denied the rebate. The business owner has indicated that the taxes were not paid on time because he believed the due date was May 20th and he paid the taxes on May 18th. It should be noted that whatever decision is made would set a precedence for future similar situations. If the Commission decides to authorize this rebate, they may wish to reconsider the Sonic request on April 14, 2022 in which the taxes were paid on January 11th approximately three weeks late. The motion regarding Sonic's property taxes rebate failed to pass on a 1-2 vote.

Below is the section in the Neighborhood Revitalization Plan for the North Penn Area that addresses this situation:

*f. For purposes of determining initial eligibility for participation in the Neighborhood Revitalization Plan, any taxpayer that is delinquent on a real estate tax payment or special assessment payment on any property located in Montgomery County, Kansas, shall not be eligible to participate in the plan. After becoming eligible for participation, any taxpayer that is delinquent in payment of real estate taxes or special assessments on any property owned by the taxpayer in Montgomery County, Kansas, shall not be eligible for the tax rebate under the plan for that tax year only. Any rebate lost for a specific year due to a delinquent payment cannot be retroactively restored. If a taxpayer cures the delinquency, the taxpayer shall be eligible for tax rebates under the plan in future years. The rebate plan is for a 10-year term. Loss of eligibility for any year shall not cause the term of the plan to be extended. The taxpayer may only be reinstated into the rebate program one time and must pay a reapplication fee as set by the County. A reinstatement fee of \$100 will be paid by the taxpayer before becoming eligible after delinquency is cured.*

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized the County to rebate whatever the amount is in City property taxes to Brent Littleton (Dairy Queen) that were not previously rebated as part of the Neighborhood Revitalization Program due to the late payment of property taxes because the applicant indicated he thought the

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**due date was May 20, 2022 and paid the taxes on May 18, 2022.**

**Aye: Tim Emert, Louis Ysusi**

**Nay: Dean Hayse**

### **VI. REPORTS**

**A. City Board Minutes**

**B. 1st Quarter Treasurer's Report**

**Director Lies presented the report.**

**C. Public Works Report.**

**Engineer Garris presented the report.**

### **VII. CITY MANAGER'S COMMENTS**

City Manager Passauer noted the new City Hall office hours will be 8 a.m. - 4 p.m. Monday -Thursday and 8 a.m. - noon on Friday. City Hall will be closed on Saturday and Sunday.

City Manager Passauer announced that a retirement party for Richard Hawk will be held on June 30, 2022 from 1 p.m. - 2:30 p.m. in the City Hall Lobby.

### **VIII. COMMISSIONERS' COMMENTS**

Commissioner Emert issued an apology to the commission for his request for information concerning the parking lot at 1916 City Hall.

### **IX. PUBLIC CONCERNS**

Jim Tallman asked about a rumor that the Commission was shutting down all trailer parks.

### **X. ADJOURNMENT**

**Motion:**

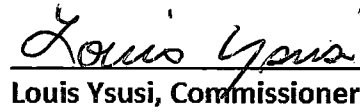
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Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

A handwritten signature in black ink, appearing to read "Dean A. Hayse", written over a horizontal line.

Dean A. Hayse, Mayor

A handwritten signature in black ink, appearing to read "Louis Ysusi", written over a horizontal line.

Louis Ysusi, Commissioner

A handwritten signature in black ink, appearing to read "Tim Emert", written over a horizontal line.

Tim Emert, Commissioner

Attest:

A handwritten signature in black ink, appearing to read "Daniel Schum", written over a horizontal line.

City Clerk/Treasurer