

Minutes of the City Commission's July 28, 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; Brian McHugh, Memorial Hall Supervisor; Lacey Lies, Director of Finance; April Nutt, Director of Housing Authority; John Garris, City Engineer/Director of Public Works and Utilities; Levi Lloyd, Intern; Mason Carter, Intern and Jerry Harrison, Chief of Police.

Visitors Present: Larry McHugh, Brea Sanford, Kenneth Kaiser, Tim Kaiser, Tim Haynes, Miles Kaiser, Lavonda Cotton and Babs Emert

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. City Board Vacancies:

1. Tree Board -- One Vacancy -- Applications Due by noon on August 3, 2022
2. Board of Examiners - Plumbers -- Four expired terms -- Applications due by noon on August 3, 2022
3. Electrical Board -- One Vacancy -- Applications due by noon on August 3, 2022
4. IHPRC -- Two Vacancies -- Applications due by noon on August 3, 2022

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III. PRESENTATIONS

A. Thank you to City Interns Mason Carter and Levi Lloyd.

Mason Carter and Levi Lloyd have been serving the City of Independence as High School Interns. During their time at the City they have accomplished the following:

Mason Carter has:

- **Ranked conditions on the roadways using the Pavement Condition Index**
- **Mapped the values of properties within the City**
- **Helped update the ordinances related to airport operations**
- **Helped implement our pending sanitation tracking software**
- **Imported multiple utility systems into our GIS system**
- **Reviewed the status of all of the stop signs in the City**
- **And much more**

Levi Lloyd has:

- **Supplemented the office staff in the Finance & Records Department**
- **Interacted with citizens by taking payments and setting up new accounts**
- **Completed projects like updating various forms used by the Water Office**
- **Cleaned up, optimized and compiled assorted data**
- **Designed a program to transfer serial numbers from a database to each individual account**
- **And much more**

We wish to thank Mason and Levi and wish them well on their next adventure.

IV. 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

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- A. Consider approving City Commission minutes from June 9, 15, 22 and 23, 2022.

Suggested Motion:

I move to approve the City Commission meeting minutes from June 9, 15, 22 and 23, 2022.

- B. Consider repealing Resolution No. 2022-008 and adopting Resolution No. 2022-035 to amend the requirements in the Demolition Cost Share Program.

The Demolition Cost Share Program was established by Resolution No. 2022-008 in 2022. Since the inception of the program, it has come to staff's attention that language requiring applicants to first submit and pay for a demolition using insurance proceeds was not included. The following language was added to the program requirements:

1.2 Eligibility

All property owners meeting the following criteria will be eligible to participate in the Cost Share Program for qualified demolition of blighted structures upon available funding.

- 1. Property must be located within the City of Independence.**
- 2. Property must be vacant, and all utilities should be disconnected and removed.**
- 3. The Property Real estate taxes must be paid and current.**
- 4. City utility bills must be current on all properties in the applicant's name or ownership.**
- 5. If insurance proceeds exist for demolition or debris removal, such insurance proceeds must first be applied to the cost of demolition before eligibility exists for the Cost Share Program.**
- 6. Demolition must be completed within 90 days of approval.**

In addition, to ensure fair and equitable distribution of funds, staff is recommending that the program guidelines also require at least two quotes for demolition, as outlined in the changes to Section 2.3.

2.3 Contracting a Licensed Contractor

The applicant must contract with a licensed Contractor in the City of Independence for the demolition of said property and must show proof of two or more bids/quotes.

Section 3. Payment Limits

3.1 General

Property owners qualifying as low-income will be eligible for 100% reimbursement of the applicant's cash

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expenditure for labor and materials related to demolition, up to \$6,000 per property in a 12-month period. Property owners that do not meet the low-income requirements will be eligible for 50% reimbursement of the applicant's cash expenditure for labor and materials related to demolition, up to \$3,000 per property in 12-month period. In no event shall the reimbursement amount exceed the property owner's actual cost or out of pocket expenditure after application of any insurance proceeds.

Suggested Motion:

I move to repeal Resolution No. 2022-008 and replace it with Resolution 2022-035, updating the requirements for the Demolition Cost Share Program.

- C. Consider authorizing bidding the North Water Tower Maintenance Project.**

The City's water towers require periodic maintenance, and the North Water Tower is due for this maintenance. Attached is a suggested bid document and scope of work that is substantially similar to the last work performed in 2019 at the Airport Water Tower. Bids would be received at 2pm on August 18, 2022. A copy has been circulated to the City Attorney, and if he finds any issues in the terms and conditions, they will be modified prior to issuance.

Suggested Motion:

I move to allow bidding for the North Water Tower maintenance project.

- D. Consider approving a contract for the replacement of the culvert on North 8th Street.**

Both the roadway and culvert on North 8th Street have failed. The culvert, (corrugated, galvanized metal) has rusted away along most of its length. The roadway has also failed because upstream waters have eroded the fill material above the culvert and below the roadway leaving a void under the road surface. The road has been closed since this was discovered.

Due to the relatively high volumes of work and relatively low volume of contractor interest, working with TranSystems a price was requested from J. Graham Construction, Inc. to replace the existing culvert with a new concrete culvert. The culvert chosen was found to be in stock. The price of this work is estimated at \$66,220.50.

If awarded to J. Graham, the project will likely be completed in 30-45 days (late August to early September). If the Commission would rather bid this

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work, it is likely that construction would not be completed until December at the earliest due to bidding cycle times, and additional cost would be necessary to develop stand-alone bid documentation.

It is suggested that this be awarded as a change to the existing Enterprise Drive contract with J. Graham, as those terms and conditions are beneficial to the City and would not impact that work. Although a change order to the existing contract, this work does not use the same unit pricing structure as the original contract.

TranSystems has reviewed the pricing and concluded that it is reasonable for the scope of work.

Suggested Motion:

I move to approve a change order to the existing Enterprise Drive contract with J. Graham Construction, Inc., in the amount of \$66,250.50.

V. PUBLIC HEARING

- A. Public Hearing establishing Rural Housing Incentive Districts; Jefferson Subdivision Development District, South Rainbow Development District, and Horizon Development District.**

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 Jefferson Subdivision Development District, South Rainbow Development District, and Horizon Development District.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted Resolution 2022-033 establishing Rural Housing Incentive Districts Jefferson Subdivision Development District, South Rainbow Development District, and Horizon Development District.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. ITEMS FOR COMMISSION ACTION

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- A. Consider authorizing the Eagle Rock Shredders to create a mountain bike trail system in the area behind the dog park adjacent to the Verdigris River, south of the future Central Park Sports Complex.

The City of Independence owns land on Park Blvd between Sycamore and Pine St. along the Verdigris. This land is in the floodplain and cannot be used for traditional development. A local group of mountain bike enthusiasts, the Eagle Rock Shredders, has asked for permission to build a mountain bike trail system in the unused area. The group has experience building exceptional trails in the area. Since 2019, with cooperation from the US Corps of Engineers, they have built 7 Mountain Bike Trails at Elk City Reservoir. The trailhead is located at the Outlet and all trails are free to the public and maintained by the volunteer group.

The group is asking for permission to build a 1 to 1.5 mile mountain bike trail in the area described. This would hopefully be phase I of a 3-phased project to connect our recreation facilities with Riverside Park.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission authorized the Eagle Rock Shredders to build a mountain bike trail in the area between Sycamore St. and Pine St., east of the Dog Park .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider recommendation from the Planning Commission to adopt a resolution issuing a conditional use permit for a daycare at 436 Pearl Avenue in an R-1, large lot single-family dwelling district.

The attached staff report to the Planning Commission includes the details regarding this request. All property owners within 200' were notified of the public hearing held on July 5, 2022. However, no public comments other than from the applicant were made at the hearing. After closing the public hearing, the Planning Commission recommended approval of a daycare at 436 Pearl Avenue.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted a resolution granting a conditional use permit for a daycare at 436 Pearl Avenue.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None

- C. Consider adopting an ordinance annexing land located at the Independence Municipal Airport, and consider initiating a public hearing to rezone such property from County I-1, Industrial to City M-2, heavy industrial zoning district.

The City has been working with VSE on potential future economic development projects at the Independence Municipal Airport. To qualify for certain incentives now or in the future, the property should be annexed into the City. Although the land is owned by the City, it is leased to VSE, who owns all the facilities on the property. The City Attorney has prepared the attached ordinance to accomplish this annexation.

In addition, City staff would like the City Commission to initiate a rezoning hearing before the Planning Commission to rezone this property from County I-1, Industrial to City M-2, heavy industrial.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted an ordinance annexing land located at the Independence Municipal Airport.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission initiated a public hearing to rezone land recently annexed located at the Independence Municipal Airport from County I-1, Industrial to City M-2, heavy industrial zoning district.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider a request from Rod Kirks to forgive a lien for demolition expenses at 409 S. 6th Street.

On July 18, the City received the following request from Rod Kirks requesting the abatement of demolition costs assessed on 409 S. 6th St. from a 2019 demolition.

To: Kelly Passauer

My name is Rod Kirks. I recently (July 2022) purchased a vacant lot at 409 S.

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6th from Samuel Hanby. Mr. Hanby bought the property at a Sherriff's auction. The property used to have a house on it. I was raised in that house and moved away in 1986. My parents sold the house about 30 years ago and the new owners let the house become a nuisance and it was torn down in 2019.

For some reason, I wanted to buy the property, although I have no plans for it. My mother recently passed away, so buying the old property seemed like a good thing. During a visit to Independence, I called the county to inquire about the property and to see if there were any taxes due. This was toward the end of October, 2021 during Neewollah. I was told by the county that there were no taxes due and the county gave me Mr. Hanby's name. I reached out to him and he also called the county and confirmed with a text on November 4th that he called the treasurer and there is "nothing owed against it".

The official Deed transfer was delayed because our first Deed transfer was handwritten and was not accepted by the county.

I am requesting that the city remove the lien for \$10,900. Please see the timeline of events in the email below.

I did my due diligence by checking with the county, having Mr. Hanby also check, and I also checked the county website within the past 30 days for any delinquent taxes. The lien just suddenly appeared. Neither myself or Mr. Hanby had any part in the house being condemned or the demolition.

The following is a timeline of relevant events concerning the property located at 409 South 6th:

November 2019—City demolished condemned home (\$10,900), owned by Annie M. Dreher and Jimmy C. True. At the time of demolition it had \$2,970,74 of back delinquent taxes (2014-2018)

December 2019—City paid invoice for demolition.

August 27, 2020—City Commission approved ordinance concerning charges to be placed as liens on properties.

September 1, 2020—This is the cutoff date for liens to be placed on the upcoming tax year.

September 2020 (after the 1st) - The City submitted the approved ordinance to the register of deeds placing charges as liens on properties

October 2021—Mr. Kirks contacted the county treasurer's office concerning any taxes being owed on the property and was told, "no".

November 1, 2021—The date the County places tax liens into the system.

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It is assumed that since the information was not provided to the county by the September 1st deadline, they did not enter anything until the following year's entry date of November 1, 2021 although they had the information since September 2020.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission abated the nuisance fees of \$10,900 for demolition costs assessed to 409 S. 6th Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider a request for an ADA Ramp at 4th and Beech.

Mr. Folk, who lives in the 1200 block of N. 4th Street, contacted the City of Independence regarding the need for an ADA curb ramp at 4th and Beech for wheelchair access for his wife. In reviewing this location with TranSystems, we currently do not have any curb ramps and, due to retaining walls and the slopes at the intersections, it will require replacing from the curb ramp with additional sidewalks to obtain the correct slope. The initial estimate was \$35,350.00 for the four ramps. After reviewing and visiting with Mr. Folk, the recommendation is to construct the Northwest corner of 4th and Beech in 2022 and transition on the other three corners over the next three years. The estimated cost to install the curb ramp on the NW corner is \$9,573.00. Shawn Turner will be present to answer any questions.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission authorized the construction of an ADA curb ramp on the NW corner of 4th and Beech and to place into a transition plan the other three ramps.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider setting the date of September 22, 2022 at 5:30 PM for a Public Hearing to consider the condemnation of 920 West Maple Street as dangerous and unsafe.

On July 12, 2022, the residence at 920 West Maple Street was struck by a vehicle. The building department and a local architect have inspected the building and determined the building is currently unsafe to occupy. The building department has been in contact with the owner and is

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recommending that we set September 22, 2022 for a Public Hearing to consider the condemnation of 920 W. Maple as dangerous and unsafe.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission set a Public Hearing to consider the condemnation of 920 W. Maple Street as dangerous and unsafe on September 22, 2022 at 5:30 PM.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

G. Consider awarding a contract for renovation of the Evidence Building.

Given the pending move from the Temporary City Hall back to the Historic City Hall, one area previously discussed with the Commission was the need for a location to securely store evidence. The project has been designed and bid, and the low bidder was Decker Construction at a bid price of \$149,900.00. The previous amount approved by the Commission was \$261,615.00. The lowered cost is due to a rigorous scope review to remove items from the building not necessary to meet the function as well as competitive bidding by local contractors.

The architect (Echelon) recommends award to Decker and has found them to be a competent contractor. Echelon further notes that, while there are currently some anticipated change orders due to late pricing on some items, those are not thought to be significant.

The Bid Tabulation is as follows:

Decker:	\$149,900
Tri-State:	\$169,400
Koehn:	\$180,445
Hofer & Hofer:	\$248,000

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission approved awarding a contract to Decker Construction in the amount of \$149,900.00 for renovation of the Evidence Building.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

H. Consider proclaiming August 8, 2022 as Jim Kelly Day.

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Jim Kelly has served the Independence community in multiple ways over the past 50+ years. Mr. Kelly will be honored at a reception on August 3, 2022 from 5 PM to 6:30 PM at the Independence Country Club, and the public is encouraged to attend. The attached proclamation documents just a few of Mr. Kelly's many contributions. We request the Commission authorize the Mayor to sign the proclamation. We further request that the Mayor read and present the proclamation to Mr. Kelly at the August 3, 2022 reception. The proclamation proclaims "Jim Kelly Day" on August 8th, which is Mr. Kelly's 75th Birthday.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission proclaimed August 8, 2022 as Jim Kelly Day.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VII. REPORTS

A. City Board Minutes

1. December 16, 2022 Plumbing Board
2. May 9, 2022 Electrical Board

B. Monthly Project and Public Works Report

Engineer Garris presented the report.

C. 2nd Quarter 2022 Treasurers Report

Director Lies presented the report.

VIII. CITY MANAGER'S COMMENTS

Director Lies requested to move the budget worksession from Aug 3rd to Aug 10th at 9AM.

City Manager Passauer thanked Sue Scoval for adding solar lights at the dog park and City employees will be speaking at the First Friday event about strategic planning, new city ordinances, active shooter response and city

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projects at the Aug 5th event.

City Manager Passauer gave a shout out to City employees for the work that they did.

IX. COMMISSIONERS' COMMENTS

None

X. PUBLIC CONCERNS

None

XI. 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 Tim Emert 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 KSA 75-4319(b)(2). The open meeting will resume at 6:47 PM in the Civic Center of Memorial Hall.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 6:47 PM.

XII. ADJOURNMENT

Motion:

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

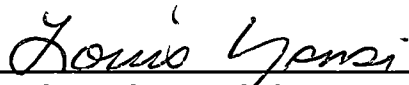
Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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Dean A. Hayse, Mayor



Louis Ysusi, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer