

Minutes of the City Commission's August 11, 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; and Jerry Harrison, Chief of Police.

Visitors Present: Larry McHugh, Brea Sanford, Shelley Cooley, Joe Cooley, Dylan Cooley, Jeri Hopkins, Lori Kelly, Eric Vogel, Joan Terry, Paul Yaroslaski, Jason Clubine 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 Louis Ysusi, seconded by Tim Emert, the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. Independence Historic Preservation and Resource Commission (IHRPC) -- Three Openings -- Two Applications -- Applications due by noon on August 19, 2022

There are three openings on the IHRPC due to resignations for unexpired terms. We have received two applications by the previous deadline. The application period has been reopened to end on August 19, 2022 at noon.

Below is some information regarding the IHRPC:

The Independence Historic Preservation and Resource Commission shall consist of seven members who shall be appointed by the mayor subject to

confirmation by a majority vote of the governing body of the city. Members whose terms have expired shall continue to serve until their successors have been appointed. The following qualifications shall apply to appointees to the IHPRC:

1. All appointees shall be residents of the city.
2. All appointees shall be persons who have demonstrated interest, knowledge or training in fields closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, archeology, planning, real estate, law, finance, building trades, urban design and geography.
3. Not less than three appointees shall be composed of persons who are engaged in or retired from preservation-related professions such as archeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic preservation planning, historic preservation and history; provided, however, that upon a demonstration that the required number of positions for preservation-related professionals could not be filled despite a reasonable effort to do so, the governing body may waive this requirement. What constitutes a reasonable effort to fill such positions shall take into consideration the possibility that the absence of certain preservation-related professions on the IHPRC may necessitate the retaining of consultants.

More information regarding this opening can be found at this link: <http://www.independenceks.gov/CivicAlerts.aspx?AID=415>

Applications can be submitted at this link: <http://www.independenceks.gov/FormCenter/Board-Application-7/Board-Application-47>

Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission appointed Jason Rutledge to an unexpired term ending on January 1, 2023.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi the Commission appointed Tim White to an unexpired term ending on January 1, 2024.

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Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Park Board -- One Opening -- Applications due by noon on August 19, 2022

We have had a resignation from the Park Board. Applications are being received through noon on August 19, 2022. City code provides that the Independence Park Board shall consist of nine members. Members shall be appointed by the Mayor subject to confirmation by a majority vote of the Governing Body of the City. Six members must be residents of the City. There is no residency requirement for the remaining three members. The purpose of the Independence Park Board is to act as an advisory board to the Governing Body of the City concerning all matters pertaining to the municipally owned zoo and parks.

For more information, visit this

link: <https://www.independencexs.gov/CivicAlerts.aspx?AID=416>

To apply, visit this

link: <https://www.independencexs.gov/FormCenter/Board-Application-7/Board-Application-47>

C. Board of Examiners - Plumbers -- Four positions expire on August 15, 2022 -- No applications received by the August 3, 2022 deadline

Four terms are expiring on August 15, 2022. Plumbing Board Applications were due by 12 PM on August 3, 2022. Applicants must have a current City plumbing license to apply. No applications were received by the deadline. It is recommended to reappoint the existing members who hold current City plumbing licenses.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission appointed Pat Howe to a 9th term on the board of Examiners - Plumbers expiring on August 15, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission appointed Wayne Sundquist to a 9th term on the Board of Examiners - Plumbers expiring on August 15, 2025.

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Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission appointed Doug Rinck to an 8th term on the Board of Examiners - Plumbers expiring on August 15, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission appointed Paul Lemon to a 4th term on the Board of Examiners - Plumbers expiring on August 15, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. PRESENTATIONS

- A. Presentation of 2023 Library Budget request.

Jeri Hopkins presented the library budget.

IV. CONSENT AGENDA

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- A. Consider authorizing the use of traffic barricades during the 15th annual Yona Strong 5K Run at Riverside Park.

The Yona Strong 5K Run is an annual event held at Riverside Park in memory of Yona Julian, who was a well known member of the Independence Community. This will be the event's 15th year.

Suggested Motion:

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I move to authorize the use of traffic barricades at Riverside Park on September 10th from 7:00 A.M. to 11:00 A.M. during the 15th Annual Yona Strong 5K Run.

- B. Consider a request from Four County to waive the fees for the Health On Purpose Health Fair on September 30, 2022 at the Independence Memorial Hall.

Four County Mental Health is sponsoring the Health On Purpose Health Fair on September 30, 2022 at the Independence Memorial Hall. The Health on Purpose initiative moves around yearly in the three county areas and provides access to health fair screening at discounted rates. The fair is supported by multiple agencies and services that provide their services at a discounted or no fee to the participants. They've requested the City to waive the fees, and the City has waived these fees for past events at Memorial Hall. They will be setting up on September 29, 2022.

Suggested Motion:

I move to waive the rental fees at Memorial Hall for the HOP Health Fair on September 29 and 30, 2022.

- C. Consider rescinding authorization for Graham to construct an ADA curb ramp at 4th and Beech Streets due to planned work in that area by Atmos.

The City of Independence was contacted by Atmos Energy regarding the ADA ramp on the northwest corner of 4th and Beech. A gas line is running underneath the northwest corner, and Atmos Energy is planning on replacing gas lines in that area in the spring of 2023. Atmos Energy has agreed to install the ADA ramp when the gas line is replaced in the spring of 2023. I visited Mr. Folk and discussed the request, and he agreed that waiting until the spring and doing all the work at once was the correct approach.

Suggested Motion:

I move to rescind the 4th and Beech ADA ramp approved to Graham Construction for \$9,573.00 and allow Atmos Energy to install the ramp to ADA standards in the spring of 2023.

- D. Consider Participating in Airport Pavement Treatment Research at the Independence Municipal Airport.

The FAA, as part of a surface treatment research project is looking for airports to participate. These airports would receive free surface treatments over a portion of runway/taxiway to allow the FAA to review the

performance of the surface treatment over time. The advantage to the City is that the life of the pavement will certainly be extended by these surface treatments.

Subject primarily to technical considerations (for instance, if, over time, the differing treatments oxidize and change the color of the pavement significantly and change the appearance, will the FAA pay to have this section re-sealed to provide a uniform appearance), it is thought that this would provide a way to extend the life of the airport with zero capital cost. The City would also make sure that this research did not significantly impact the Textron business or runway operations.

Suggested Motion:

I move to approve expressing interest in the pavement surface treatment research project with the FAA, subject to the work being technically satisfactory and impacting airport operations minimally.

- E. Consider adopting Amended Resolution 2022-034 for a conditional use permit for a day care at 436 Pearl Avenue.

The City Attorney has advised that the legal was incorrect in the previously adopted resolution. He is recommending adopting an amended resolution to correct this.

Suggested Motion:

I move to adopt Amended Resolution 2022-034 for a conditional use permit for a day care at 436 Pearl Avenue.

V. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 515 South 10th Street as dangerous and unsafe.

The City of Independence has attempted to contact the registered owner and the lien holder, Bank of America. The City of Independence has not received any responses from them. This structure was involved in the 2007 flood and City records show the current owner opened a utility account in 2013 but disconnected it in October of 2013, and the house has been abandoned since that time. The structure is in disrepair, and the staff recommends condemnation as dangerous and unsafe.

Motion:

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On the motion of Tim Emert, seconded by Louis Ysusi the Commission adopted Resolution No. 2022-038 to condemn 515 S. 10th Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Public Hearing to consider condemnation of 1117 West Laurel Street as dangerous and unsafe.**

City Staff has received multiple complaints about this structure related to the condition of the structure and activity occurring at the property. The building department has found the structure to be in disrepair with holes in the roof, windows missing, and open and uninhabitable. The City has not been contacted by the owner regarding the condition or the intentions to repair or remove the structure. The structure last had City utilities in January 2017. Staff recommends condemnation as dangerous and unsafe.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted Resolution No. 2022-039 to condemn 1117 West Laurel Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Public Hearing to consider condemnation of 1105 West Myrtle Street as dangerous and unsafe.**

City staff has received multiple complaints about 1105 W. Myrtle regarding activity occurring at the property and the condition of the property. City staff have attempted to contact the property owner and have not received any communication regarding the current condition and the activity occurring. The only response the City has received is from Morningstar Properties, which has a lien on the property and previously acquired this property in a tax sale. City staff recommends condemnation as dangerous and unsafe as the house is uninhabitable and unsafe.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission adopted Resolution No. 2022-040 condemning 1105 W. Myrtle Street as dangerous and unsafe.

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Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Public Hearing to consider condemnation of 1109 West Myrtle as dangerous and unsafe.

City staff has received multiple complaints about 1109 W. Myrtle regarding activity occurring at the property and the condition of the property. City staff have attempted to contact the property owner and have not received any communication regarding the current condition and the activity occurring. The only response the City has received is from Morningstar Properties, which has a lien on the property and previously acquired this property in a tax sale. City staff recommend condemnation as dangerous and unsafe as the house is uninhabitable and unsafe.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted Resolution No. 2022-041 condemning 1109 W. Myrtle as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. ITEMS FOR COMMISSION ACTION

- A. Consider broadband expansion incentive.

The Independence Economic Development Advisory Board's Broadband Subcommittee has been working on opportunities to expand broadband within the community. Representatives of the committee will address the Commission at the meeting and recommend any potential action.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved an incentive amount of up to \$150,000, including cash and/or in-kind, for broadband expansion.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider adopting the following ordinances:

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1. An Ordinance adopting the 2018 Edition of the International Residential Code with amendments and deletions;
2. An ordinance adopting the 2018 Edition of the International Building Code with amendments and deletions;
3. An ordinance adopting the 2020 Edition of the National Electric Code with amendments and deletions;
4. An ordinance adopting the 2018 Edition of the Uniform Public Plumbing Code with amendments and deletions;
5. An ordinance adopting the 2018 Edition of the Uniform Swimming Pool, Spa, & Hot Tub Code;
6. An ordinance adopting the 2018 Edition of the International Existing Building Code;
7. An ordinance adopting the 2018 Edition of the Uniform Mechanical Code with amendments and deletions; and
8. An ordinance amending and supplementing Appendix D regarding Building Permit Fees.

Attached are the updated codes to be included in Chapter 18 of the City Code, Buildings and Building Regulations with amendments and deletions that are recommended for adoption. The results of this recommendation were in partnership with the Plumbing Board, the Building Inspector, the Electrical Board, the City Attorney, and Miranda Bruening. The City made an update in 2017, moving building codes from 1990's to 2000's and should be keeping our codes within 3-5 years of the current nationally approved codes. The City's ISO rating in 2021 noted our failure to keep the building codes current and staff has been working with the boards for the past year to accomplish this update.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted the ordinances as printed.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The Ordinances are listed as follows:

1. An Ordinance adopting the 2018 Edition of the International Residential Code with amendments and deletions;
2. An ordinance adopting the 2018 Edition of the International Building Code with amendments and deletions;
3. An ordinance adopting the 2020 Edition of the National Electric Code with amendments and deletions;

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- 4. An ordinance adopting the 2018 Edition of the Uniform Public Plumbing Code with amendments and deletions;**
- 5. An ordinance adopting the 2018 Edition of the Uniform Swimming Pool, Spa, & Hot Tub Code;**
- 6. An ordinance adopting the 2018 Edition of the International Existing Building Code;**
- 7. An ordinance adopting the 2018 Edition of the Uniform Mechanical Code with amendments and deletions; and**
- 8. An ordinance amending and supplementing Appendix D regarding Building Permit Fees.**

- C. Consider adopting a resolution rescinding condemnation action for 712 South 6th Street.**

This structure was involved in a fire that caused extensive damage. The owner hired JRB to remove the structure and clear the lot. The lot has passed inspection, and funding held by the City will be returned to the property owner.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission authorized the Mayor to sign a resolution rescinding the condemnation of 712 South 6th Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider approval of demolition bids.**

City staff advertised the demolition of four houses and only received one bid for \$38,500.00 or a combined bid for all the houses of \$37,000.00 by JRB. There are additional houses in the condemnation process, but funding will not be sufficient until 2023 to remove those houses.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved JRB Industries bid for \$37,000.00 to remove 1010 W. Myrtle, 1020 W. Myrtle, 1102 W. Myrtle and 1809 N 9th Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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VII. REPORTS

- A. City Board Minutes
- B. Abatement of nuisances 314 South 4th Street and 521 South 15th Street.

Assistant City Manager Cowan reported on the progress of these abatements.

VIII. CITY MANAGER'S COMMENTS

City Manager Passauer talked about the first Friday presentations and talked about the strategic plan dashboard on the City's website.

Assistant City Manager Cowan gave a Fire/EMS building update and reported that activity was starting at City Hall.

IX. COMMISSIONERS' COMMENTS

Commissioner Emert stated that the First Friday presentation was phenomenal.

Commissioner Ysusi reported that meetings about the electrical plans at the zoo will be commencing soon.

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 regarding a legal issue pursuant to the attorney/client privilege exception found at KSA 75-4319(b)(2). The open meeting will resume at 6:39 pm.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None

The open meeting resumed at 6:39 pm with no action taken.

B. Personnel matters of non-elected personnel.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission recessed for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception found at KSA 75-4319(b)(1). The open meeting will resume at 6:55 PM.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 6:55 pm with no action taken.

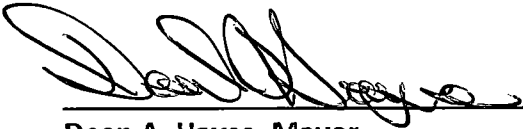
XII. ADJOURNMENT

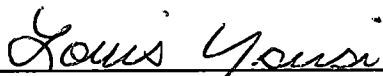
Motion:

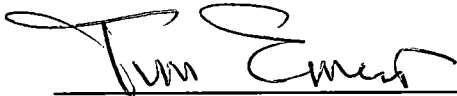
On the motion of Dean Hayse, seconded by Tim Emert, the Commission adjourned.

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 black ink, appearing to read "David J. Hudson", written over a horizontal line.

City Clerk/Treasurer