

Minutes of the City Commission's August 25, 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; Lacey Lies, Director of Finance; John Garris, City Engineer/Director of Public Works and Utilities; Brian McHugh, Memorial Hall Supervisor; and Jerry Harrison, Chief of Police.

Visitors Present: Larry McHugh, Brea Sanford, Cassidy Sanford, Mike Flood, Sheila Mitchell 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) -- One Opening -- Two Applications

Julie Dunham resigned from the IHRPC due to a scheduling conflict with her current employment. Two applications were received for this opening by the deadline.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission appointed John George to the IHRPC for an unexpired term ending on January

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1, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Park Board -- One Opening -- Four Applications

Alix Oreck resigned from the Park Board due to relocating. Four applications were received for this opening by the deadline.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi the Commission appointed Jill Warford to the Park Board for an unexpired term ending on July 1, 2023.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

C. Tree Board -- One Opening -- Applications Due by noon on September 1, 2022.

We currently have openings on the Tree Board. The purpose of this division is to honor the city's rich history of enjoying and preserving local natural resources, and to promote and protect public health, safety and general welfare by providing for the development of a community forestry plan to address the planting, maintenance and removal of trees located on public property, or which encroach upon public property, and to enhance the natural beauty of the community. For more information, contact Scott Patton at ScottS@IndependenceKs.gov or 620-332-2512; or visit this link: [Tree Board Information](#)

Applications are due by Noon on September 1, 2022. If you have trouble with the online form, please contact KellyP@IndependenceKs.gov or 620-332-2506 for a paper version.

III. CONSENT AGENDA

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None

- A. Consider approving City Commission minutes from July 13, 14 and 28, 2022.

Suggested Motion:

I move to approve the City Commission minutes from July 13th, 14th and 28th, 2022.

- B. Consider approving the following Cereal Malt Beverage License: Pete's of Erie, Inc.
- 401 W Main

Suggested Motion:

I move to approve a cereal malt beverage license for Pete's of Erie, Inc. at 401 W Main Street.

- C. Consider approval of compacted fill at 300 N. 8th Street.

The proposed plans are for a future parking area at 300 N. 8th and to avoid future excavation and costs to install the proper fill with compaction. The fill would be monitored by TranSystems to ensure it meets specifications. The fill cost is \$8,200.00 plus \$1,000.00 for the compaction inspections to meet specified standards.

Suggested Motion:

I move to approve the compacted fill for the former basement area of 300 N. 8th Street as part of the demolition.

- D. Consider approving bidding for the Southeast Lift Station construction.

In late 2021, the Commission approved TranSystems to conduct engineering for the reliability improvements at the Southeast Lift Station. The engineering is complete and documents are attached.

The primary purpose of the project is to increase the reliability of the station by making use of higher-reliability pumps as well as making the necessary mechanical changes so the station can be properly cleaned for maintenance.

Suggested Motion:

I move to allow bidding for the Southeast Lift Station modifications with bids due at 2:00pm on Thursday, September 15, 2022.

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- E. Consider placing Stop Signs at the Intersection of Enterprise and Hackney.

Currently, the intersection of Enterprise and Hackney is not a controlled intersection, since prior to the construction of the new Fedex facility and the Precision expansion, little to no traffic was seen that would require stop signs. Now that Enterprise will be open for traffic, it is suggested that stop signs be placed on Enterprise in order to control the intersection and avoid the potential for traffic accidents.

Suggested Motion:

I move to approve the placement of two new traffic signs as shown at the intersection of Enterprise and Hackney.

- F. Consider authorizing TranSystems to prepare and submit a KDOT Off-System Bridge grant applications for the Cherry Street Bridge.

Kansas Department of Transportation (KDOT) Off-System Bridge applications for the fall 2022 round are due on September 2, 2022.

The City has submitted Cherry Street for this grant before, as the bridge has been evaluated and the time for replacement is near.

Suggested Motion:

I move to authorize TranSystems to prepare an application for KDOT's Off-System Bridge Program for the Cherry Street Bridge and to submit the application to KDOT.

- G. Consider approving the Third Amendment to the City Manager's Employment Agreement.

The City Manager's Employment Agreement requires residency to be established within the corporate boundaries of the City of Independence within a specified timeframe unless otherwise excused. The City Manager has purchased a house within the corporate boundaries of the City of Independence. However, additional repairs are needed before the structure is in a livable condition. After review, the Commission discussed extending the timeframe to relocate from two years to two and a half years, which is reflected in the attached Third Amendment to the Employment Agreement.

Suggested Motion:

I move to adopt the Third Amendment to the City Manager's Employment Agreement.

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- H. Consider authorizing the KAN-OKLA 100-Mile Highway Sale on Friday, September 9th and Saturday, September 10th, 2022.

This annual event is celebrating its 15th year. If approved, the City would partner with the Independence Chamber of Commerce Convention and Visitors Bureau. The City's participation would consist of waiving garage sale permit fees, authorizing the use of the City parking lot behind the I-Mall, and allowing temporary signs in the rights-of-way on the days of the sale only. Please note that although the fees are waived for this event, garage sale permits are still required.

This activity will encourage residents and visitors to participate in the event, thus generating additional revenue for local businesses and the City via increased sales tax receipts.

Suggested Motion:

I move to partner with the Chamber for the KAN-OKLA 100-Mile Highway Sale on Friday, September 9th and Saturday, September 10th, 2022; which includes waiving garage sale permit fees, authorizing the use of the City parking lot behind the I-Mall and allowing temporary signs in the rights-of-way on the days of the sale only.

IV. PRESENTATION

- A. Consider a proclamation celebrating the Community Access Center's 15th Anniversary.

The Community Access Center is celebrating its 15th Anniversary, and it is recommended that the Commission adopt a proclamation celebrating this milestone.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission proclaimed that the Community Access Center of Independence is formally recognized for outstanding community service upon its 15th Anniversary of operations.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. ITEMS FOR COMMISSION ACTION

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- A. Consider approval of a Downtown Grant Application for sewer line repair at 101 N. Penn Ave.

The City of Independence received a grant application from George Nicely, owner of 101 N. Pennsylvania. The applicant requests \$3,651.50 in grant funding for a \$14,606.00 plumbing repair at 101 N. Penn Ave. Anthony Vaughn, property manager, informed the grant committee that they began having issues with sewer smells in the 1st-floor commercial building spaces this summer. Investigation of the odor and they discovered the cast iron sewer piping in the basement was rusted and broken open. They are working with a local plumber and contractor to abandon and install new sewer lines in the basement of the building. 101 N. Penn Ave previously had a Downtown Grant and was reimbursed \$7,500 for a new roof. The Downtown Grant allows \$25,000.00 per downtown building.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission approved a Downtown Grant for \$3,651.50 for sewer line repair at 101 N. Penn Ave..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider approval of the Ordinance Regulating the Building Trades Licensing and 2018 Fire Code.

The Ordinance Regulating Building Trade licenses sets standards and requirements for all classifications of contractors in the City of Independence. The purpose of this Ordinance is to enforce the building codes of the City and ensure contractors are properly licensed and following the code. The Ordinance also allows citizens the ability to check and ensure the contractor they have hired is licensed and insured. The provisions of this articles shall not apply to:

1. Maintenance, operation or repair of equipment and accessories used for production or processing by manufacturing or processing plants, or public utilities, or commercial enterprises or governmental agencies.
2. Installation, operation and maintenance of equipment used for the production, generation, transmission or generation of a product or service by a public utility, when such work is done by employees of a public utility upon equipment owned or controlled by such utility.
3. Routine maintenance and repair of a building, including the mechanical, plumbing and electrical systems thereof, by any entity mentioned in

subsection (1) of this Section, if such maintenance or repair is minor, does not require the issuance of a building permit, and is done by a person regularly employed by the public utility to perform the work of that type.

4. Work performed upon a one-family or two-family dwelling, including usual accessory buildings or quarters, in compliance with all of the following:

1. The person performing the work is the owner of such a dwelling;
2. The person occupies the dwelling;
3. The owner personally purchases all materials and performs the labor in connection with such work; and
4. The owner certifies that he will occupy the dwelling for one year from the date the work is completed.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission approved Ordinance 4407 Regulating the Building Trade licensing, Ordinance 4408 adopting the 2018 Fire Code, and Ordinance 4409 establishing the fire permit fees.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider adopting a resolution for a conditional use permit for single-family and multi-family dwellings in the C-3, Central Business District at 103 North Pennsylvania Avenue.

On August 2, 2022 the Planning Commission continued a public hearing which had been originally adjourned from the April 5, 2022 meeting and again from the July 5, 2022 meeting. The Planning Commission voted to recommend a conditional use permit for a single-family dwelling in the C-3, Central Business District in the lower level of 103 North Penn Avenue.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted Resolution No. 2022-043 for a conditional use permit for a single-family dwelling at 103 North Penn Avenue with conditions as recommended by the Planning Commission.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider adopting a resolution setting a public hearing for September 8, 2022 at 5:30 PM to consider adopting a Neighborhood Revitalization Plan for the Airport.

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City staff has been working on a potential industrial expansion at the airport and, as part of this initiative, recommends establishing a neighborhood revitalization plan at the Independence Municipal Airport.

The neighborhood revitalization program encourages the redevelopment of property by providing an opportunity for a percentage of property tax rebates due to the increased property values over a ten-year period. This program has been successful in other areas of the City, and it is recommended to expand this program to the Independence Municipal Airport, which is also a City industrial park.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted Resolution No. 2022-044 setting a public hearing for September 8, 2022 at 5:30 PM to consider adopting a Neighborhood Revitalization Plan for the Airport.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider adopting an ordinance for text amendments to Appendix B-Zoning of the City Code relating to Recreational Vehicles and Mobile Home Parks.

On August 2, 2022 the Planning Commission recommended text amendments to the zoning code relating to recreational vehicles.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted Ordinance No. 4410 amending certain portions of the Zoning Code pertaining to Recreational Vehicles and Mobile Home Parks.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. REPORTS

- A. City Board Minutes
- B. July 2022 Sales Tax Report
- C. Public Works Monthly Report

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Engineer Garris presented the report and announced that the City had hired Aaron Shrader as the new manager for the airport.

VII. CITY MANAGER'S COMMENTS

Assistant City Manager Cowan gave an update on the Fire/EMS Building.

City Manager Passauer revealed the budget software on the City's website.

VIII. COMMISSIONERS' COMMENTS

Commissioner Emert mentioned an article about the budget in the newspaper.

Commissioner Ysusi gave an update on the park and zoo electrical upgrades.

IX. PUBLIC CONCERNS

None

X. ADJOURNMENT

Motion:

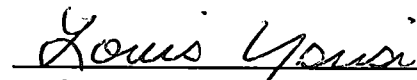
On the motion of Dean Hayse, seconded by Tim Emert, the Commission adjourned.

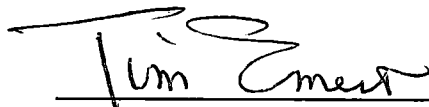
Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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Dean A. Hayse, Mayor


Louis Ysusi, Commissioner


Tim Emert, Commissioner

Attest:


City Clerk/Treasurer