

Minutes of the City Commission's September 22, 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; John Garris, City Engineer/Director of Public Works and Utilities; April Nutt, Director of Housing Authority; Brian McHugh, Memorial Hall Supervisor; and Dustin Stafford, Police Officer.

Visitors Present: Larry McHugh, Brea Sanford 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. Tree Board -- One Opening -- Applications Due by noon on October 7, 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 the 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 ScottP@IndependenceKs.gov or 620-332-2512; or visit this

Minutes of the City Commission's September 22, 2022 Meeting

link: [Tree Board Information](#)

B. Electrical Board -- One Opening -- Applications Due by noon on October 7, 2022

We currently have an opening on the Electrical Board. Applications are due by Noon on October 7, 2022. Applicants must be licensed by the City as an electrician. The Electrical Board interprets the provisions of the National Electrical Code, and studies and recommends changes to such code when such matters are brought before the board. For more information contact Assistant City Manager, David Cowan at 620-332-2528 or DavidC@IndependenceKs.gov, or visit this link: [Electrical Board Information](#)

III. [CONSENT AGENDA](#)

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

A. Consider approving City Commission minutes from August 10th, 11th, and 25th, 2022.

Suggested Motion:

I move to approve City Commission minutes from August 10th, 11th, and 25th, 2022.

B. Consider authorizing a request for street closures during the Neewollah 5K/10K Fun Run and Chili Cook-Off on October 22, 2022 from 6:00 a.m. - 5:00 p.m.

As a part of the annual City wide Neewollah Celebration, Neewollah holds a 5K/10K Fun Run and Chili Cook-Off at Riverside Park. It is always held on the 4th Saturday of October. Festivities include the Fun Run, a chili tasting competition, a dessert tasting competition, and live entertainment. The event has been well attended in the past, with up to 5,000 attendees present. The event also brings a large number of visitors from other areas. In the interest of public safety for event participants and attendees, barricades are set up closing off the Park Oval from traffic, as well as the 5K/10K route, which includes Wells Drive and a portion of North 5th Street. On the day of the event, barricades are typically set up at approximately 6:00 a.m. The 5K/10K route is re-opened once the Fun Run concludes around 11:00 a.m. The barricades closing off the Park Oval remain up throughout the duration

Minutes of the City Commission's September 22, 2022 Meeting

of the event and are removed following event clean-up, which concludes at approximately 5:00 p.m.

Suggested Motion:

I move for approval of the request for street closures during the Neewollah 5K/10K Fun Run and Chili Cook-Off on October 22, 2022 from 6:00 a.m. - 5:00 p.m.

C. Consider adding and modifying streetlights at City Parking Lots.

There have been periodic requests to improve the lighting in city-owned parking lots in and near the downtown area. At the request of the City, Everygy conducted an evaluation of the lots and provided the attached recommendation. These lights would be in addition to our existing lighting, and would cost a total of \$112.15 per month, plus applicable fees. Note that some of the lights may require a new pole, which would cost \$3.50 per month per pole.

It is requested that the Commission approve the lights as noted, including upsizing the light at Chestnut and 8th with an LED that provides greater illumination. The addition of streetlights on the parking lot north of the Historic City Hall will be delayed if they interfere with the installation of the planned revisions to this parking lot.

Suggested Motion:

I move to approve the new lights as shown in the attached Everygy proposal, dated September 9, 2022.

D. Consider awarding the North Water Tower Maintenance Project.

The City's water towers require periodic maintenance, and the North Water Tower is due for this maintenance. Bids for this work were received on August 18, 2022. Maguire Iron, Inc. was the apparent low bidder. They identified additional items for work, and these were clarified with the three low bidders. The bid tabulation of the base bid and additional items is attached. Upon review of the revised pricing, Maguire Iron, Inc. was still the low bidder. It is recommended that this work be awarded to them. This work will take place in the spring of 2023.

Suggested Motion:

I move to award the North Water Tower maintenance project to Maguire Iron, Inc., for a contract price up to \$235,980.18 as shown on the attached

Minutes of the City Commission's September 22, 2022 Meeting

bid tabulation.

- E. Consider authorizing submission of Airport Grant Requests to KDOT.

Kansas Department of Transportation (KDOT) Kansas Airport Improvement Program (KAIP) is accepting applications for state fiscal year 2024/2025 and are due on September 30, 2022. The following project has been suggested for submission:

New Airport Beacon Engineering:

Estimated Cost	Estimated City Match
\$25,000	\$1,250

New Airport Beacon Construction:

Estimated Cost	Estimated City Match
\$125,000	\$12,500

The existing Airport Beacon is over twenty years old and is nearly inaccessible for maintenance since it is installed at the top of the existing water tower. Placing a new beacon in a new location, either on a purpose-built tower or on an existing structure, would provide a way to maintain this navigational device safely and at a reasonable cost.

Suggested Motion:

I move to authorize submittal of the application for the KAIP grants to KDOT.

- F. Consider an Agreement with IMA Corp for Insurance brokerage and support services.

IMA Corp's public sector practice offers a strategic approach and overall plan management aligned with the wants and needs of public sector organizations. This contract for services will be for the selection and negotiation of insurance offerings as well as data analytics, enrollment support, employee education, and communication. With these services, we hope to increase efficiencies, reduce operating costs, and reduce our overall medical plan costs.

Suggested Motion:

I move to approve an agreement with IMA Corp for consulting services.

Minutes of the City Commission's September 22, 2022 Meeting

- G. Consider setting the date of October 26, 2022 at 5:30 PM for a public hearing to consider the proposed vacation of easements and rights-of-ways as indicated on a proposed minor subdivision plat for Heckman Landing Addition, which is a replat of certain lots within the Regency West 2nd Addition Subdivision.

Recently, the City code was amended to allow minor subdivision replats which do not require having to go through the entire replatting process. Staff has reviewed the plat submitted and finds it to be in compliance with the exception of the plat was drawn to 1" = 50' rather than 1" = 100'. However, the County Zoning Administrator was contacted and indicated that the County would accept the plat drawn at the scale submitted.

The plat does propose vacation of easements or rights-of-way, which requires setting a public hearing at least 20 days prior to the date of the hearing.

The code regarding minor subdivision replats may be found at this link: [Minor Subdivision/Replat Code](#)

Suggested Motion:

I move to approve setting the date of October 26, 2022 at 5:30 PM for a public hearing to consider the proposed vacation of easements and rights-of-ways as indicated on a proposed minor subdivision plat for Heckman Landing Addition, which is a replat of certain lots within the Regency West 2nd Addition Subdivision.

- H. Consider change order for City Hall Generator.

The City Hall emergency generator was specified in the bid documents as a 230 KW generator. A 230 KW generator has over a 60-month lead time; the option was to drop to 200 KW or increase to 250 KW. Kelley Electric bid for a 200 KW generator. During the review by the electrical engineer, it was determined that the generator would not fully operate City Hall. City Staff had them review solutions, and a change order would be required to install special circuits and additional wiring to trip the AC unit breakers in the breaker panel, allowing the 200 KW generator to power the building. The breakers could then be turned back on manually, one at a time, until the max load of the generator was obtained. The 200 KW generator will not fully power the building. City Staff would also have to reset breakers any time the generator was tested or power loss that activates the generator. By increasing the size of the generator, the building's emergency power will function normally and power the building during emergencies without having to shut off AC units and then bring them back online one at a

time. The City has operated several times under emergency power for a few hours to several days. The need for power to ensure emergency services and City operations of our networks is essential in today's technology.

Suggested Motion:

I move to authorize a change order for the purchase of a 250 KW emergency generator for City Hall for \$13,000 from contingency funds.

IV. PUBLIC HEARING

A. Public Hearing to consider 414 S. 14th Street as dangerous and unsafe.

On April 08, 2022, a single-family residential structure located at 414 South 14th Street was involved in a fire that extensively damaged the dwelling, which is currently not habitable. City staff did visit the owner and discussed releasing the structure for demolition, but the owner refused to release the property for demolition. City staff is recommending condemnation as dangerous and unsafe.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted Resolution 2022-047 condemning 414 S. 14th Street as dangerous and unsafe..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Public Hearing to consider 920 W. Maple 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 he was working with an insurance company to settle the claim. The owner has not been in touch with the City since July 2022. City Staff will notify the owner of the hearing and attempt to determine his plans for the structure before the Public Hearing.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted Resolution 2022-048 condemning 920 W. Maple Street as dangerous and unsafe..

Minutes of the City Commission's September 22, 2022 Meeting

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Public Hearing to consider 217 S. Earl as dangerous and unsafe.

On June 08, 2022 the single-family residential structure located at 217 South Earl Street was involved in a fire that extensively damaged the dwelling, which is currently not habitable. Dennis Musgrove, owner of the property, does have insurance, and the City has received proceeds towards the demolition of the property. Mr. Musgrove hired James Beachner to remove the house and leave the garage. Mr. Musgrove sold the property on 9/9/22 to an out-of-state owner who plans to build a house on the lot. City staff recommends adjourning the P-H until December 22, 2022 to allow us time to work with the property's new owner.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adjourned the Public Hearing until December 22, 2022..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. ITEMS FOR COMMISSION ACTION

- A. Consider approval of data networking, door access, fire alarm, Courtroom/Commission Room video, and security infrastructure installation at 1916 City Hall.

The City of Independence is responsible for the networking, cabling, security, and air fiber relocations from Building D to the renovated City Hall, the new Fire-EMS station, and the evidence building. Technology is probably the critical item needed for a successful renovation and relocation of City Hall. Technology is a crucial component of the daily operations of all functions of the City Operations. The City received RFPs from 177,000 to 498,000 dollars. City Staff has reviewed the RFPs and references and recommended Gateway Wireless and CTI for \$249,318.60 to complete all the required work.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved staff recommendations for networking, video, security and

Courtroom/Commission Room audio/video equipment for \$249,318.60.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider a recommendation from the Planning Commission to rezone property recently annexed at the Independence Municipal Airport from County I-1, industrial to City M-2, heavy industrial district.

At the July 28, 2022 Commission Meeting the City Commission initiated a rezoning hearing before the Planning Commission to rezone this property from County I-1, Industrial to City M-2, heavy industrial. The reason for this rezoning is that the City has been working with an industrial company on potential future economic development projects at the Independence Municipal Airport. To qualify for certain incentives now or in the future, the property was annexed into the City. On September 6, 2022 the Planning Commission recommended approving this rezoning.

The Planning Commission recommends the City Commission rezone the recently annexed property at the Independence Municipal Airport from County I-1, industrial to City M-2, heavy industrial district.

POLICY EXPLANATION For Rezoning: 601.1. Authority: The governing body of Independence may, by ordinance, amend, supplement, change, modify or repeal these regulations and the district boundaries. No such amendment or change shall be adopted by the governing body until the planning commission has held a public hearing and submitted its recommendation.

LEGAL ADDRESS

TRACT 1: A tract of land located in a portion of the Southeast Quarter of Section 21, Township 33 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as written by William A. Booe, LS 1046, 5-5-2022: Commencing at the Southeast corner of the Southeast Quarter; thence S 88°15'13" W, along the South line of the Southeast Quarter a distance of 1655.78 feet; thence N 01°24'44" W, a distance of 1005.10 feet; thence S 88°35'16" W, a distance of 321.77 feet; thence S 89°35'39" W, a distance of 80.00 feet; thence S 88°47'00" W, a distance of 158.02 feet to the Point of Beginning; thence S 88°47'00" W, a distance of 128.21 feet; thence S 01°20'36" E, a distance of 128.32 feet; thence N 88°47'00" E, a distance of 128.53 feet; thence N 01°29'10" W, a distance of 128.32 feet to the Point of Beginning. Containing 0.378 acres.

TRACT 2: A tract of land located in a portion of the Southeast Quarter of

Minutes of the City Commission's September 22, 2022 Meeting

Section 21, Township 33 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as written by William A. Booe, LS 1046, 5-5-2022: Commencing at the Southeast corner of the Southeast Quarter; thence S 88°15'13" W, along the South line of the Southeast Quarter a distance of 1655.78 feet; thence N 01°24'44" W, a distance of 1005.10 feet; thence S 88°35'16" W, a distance of 321.77 feet; thence S 89°35'39" W, a distance of 80.00 feet to the point of beginning; thence S 88°47'00" W, a distance of 158.02 feet; thence S 01°29'10" E a distance of 128.32 feet; thence S 88°47'00" W a distance of 128.53 feet; thence S 01°20'36" E a distance of 380.38 feet; thence N 88°51'48" E a distance of 287.45 feet; thence N 01°28'49" W a distance of 509.10 feet to the point of beginning. Containing 2.973 acres.

DESCRIPTION OF TRACT(S) All that property not yet annexed into the City of Independence, located in the Independence Municipal Airport, being part of the SE/4 of Section 21, Township 33 South, Range 15 East, Montgomery County, Kansas, and located South of Freedom Drive and between First Avenue on the East and the taxi-way area on the West.

ZONING AND USES OF PROPERTY NEARBY M-2, heavy industrial district

CHARACTER OF THE NEIGHBORHOOD Heavy Industrial

SUITABILITY OF THE SUBJECT PROPERTY FOR THE USES TO WHICH IT HAS BEEN RESTRICTED Subject property has recently been annexed into the City and needs to be rezoned from County to City zoning.

LENGTH OF TIME THE PROPERTY HAS REMAINED VACANT AS ZONED The property is currently zoned County I-1. The property has remained undeveloped since the closure of the Army Airbase in the 1940's.

EXTENT TO WHICH REMOVAL OF RESTRICTIONS WILL DETRIMENTALLY AFFECT NEARBY PROPERTY Removing the restrictions will not detrimentally affect nearby property as the subject property is recommended to be rezoned to the same classification as nearby property. In addition, the property was already zoned Industrial by the County.

RELATIVE GAIN TO THE PUBLIC HEALTH, SAFETY AND WELFARE BY THE DESTRUCTION OF THE PETITIONER'S PROPERTY AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL LANDOWNERS There is no hardship to individual landowners as property is owned by the City of Independence and the facilities are owned by the companies operating as heavy industrial.

CONFORMANCE WITH THE COMPREHENSIVE PLAN Industrial goal is to provide sufficient opportunities for industrial development at locations with suitable access, adequate community facilities and favorable land use and environmental conditions. Objective I1. Target industrial development to locations which maximize efficient usage of the public and semi-public facilities necessary and minimize the costs of development. Policy I11. Sufficient areas with public facilities and environmental conditions suitable for industrial use should be reserved for industrial development. Policy I12. Industrial sites shall have access to arterial streets; preferably those leading directly to major highways.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted an ordinance rezoning the recently annexed property at the Independence Municipal Airport from County I-1, industrial to City M-2, heavy industrial district.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. REPORTS

A. City Board Minutes

- 1. August 2, 2022 Planning and Zoning Commission/Board of Zoning Appeals**
- 2. August 9, 2022 Planning and Zoning Commission/Board of Zoning Appeals**

B. Monthly Public Works and Project Report

Engineer Garris presented the report.

VII. CITY MANAGER'S COMMENTS

City Manager Passauer went to all taxing entities and got them all to sign the interlocal agreement for the Neighborhood Revitalization Plan for the Airport and those documents have been sent to the Attorney General's office for final approval.

City Manager Passauer expressed her thanks to ICC for helping to sponsor

the mental health speaker who spoke at the City safety meeting last week, she also wanted to report that the demolition of the former horse stables at 1916 City Hall is nearly complete and will be replaced with a new 911 call center.

Assistant City Manager Cowan reported that the waterproofing around 1916 City Hall will be starting within the next couple of weeks, as well as the lead abatement inside the building and the south parking lot fencing will be installed the first week in October for a staging area.

He also reported that in the first week of November the Fire/EMS building will be substantially complete and the City should get control of the building by mid November.

He also informed the Commission that a permit was issued for a new home and rehabilitating a multi-family housing structure.

Commissioner Ysusi asked for an update on the new buildings in the industrial park and Mr. Cowen provided an update.

VIII. COMMISSIONERS' COMMENTS

Commissioner Ysusi provided an update on the electrical upgrade at the park and zoo.

IX. PUBLIC CONCERNS

None

X. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission recessed for an executive session for discussion of possible acquisition of real estate for extension of public utilities pursuant to the preliminary discussion on acquisition of real estate exception (K. S. A. 75-4319(B)(6)). The open meeting will resume at 6:13 p.m. in the Civic Center of Memorial Hall.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Minutes of the City Commission's September 22, 2022 Meeting

The open meeting resumed at 6:13 p.m. with no action taken.

XI. ADJOURNMENT

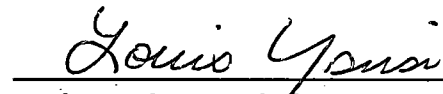
Motion:

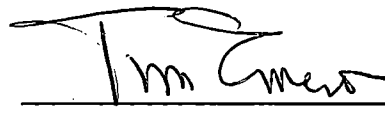
On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

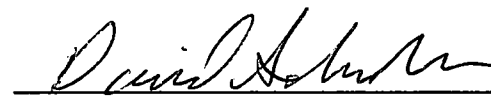


Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:



City Clerk/Treasurer