Minutes of the City Commission's November 10, 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; John Garris, City Engineer/Director of Public Works and Utilities; Brian McHugh, Memorial Hall Supervisor; Shawn Wallis, Fire/EMS Chief; Lacey Lies, Director of Finance; April Nutt, Director of Housing Authority and Jerry Harrison, Chief of Police

Visitors Present: Larry McHugh, Brea Sanford, Cassidy Sanford, Ethel Landis, Trenton Pendleton, Arron Thomas, Ned Stichman, Babs Emert, Jose Mavers, Jerry Mattes, Mason Messanger and Tim Janak

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 with the modification that item "G" be removed from the consent agenda and moved to Items for Commission Action.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

II. APPOINTMENTS

A. Library Board -- One Opening -- Applications Due by noon on November 10, 2022

Bill Kelly has served on the library board since May 27, 2021. He is relocating in December and has submitted his resignation. He is willing to serve until replaced. Applications are being accepted until noon on November 10, 2022 for an unexpired term ending on May 1, 2025.

Below are the current members:

INDEPENDENCE LIBRARY DISTRICT BOARD OF TRUSTEES 4 year terms – 7 members			
Members	**Term**	**Expires**	**Appointed**
Tom Sewell	2nd term*	May 1, 2025	11/22/2016 6/8/2017
Michelle Anderson	2nd term	May 1, 2026	4/26/2018
Bill Kelly	1st term	May 1, 2025	Appointed 05/27/2021 Replaced Carolyn Torrance
Rachel Koszalka	1st term*	May 1, 2026	9/24/2020 Replaced Jana Shaver
Ronald Schwatken	1st term USD 446 Rep	May 1, 2025	7/13/2020
James Reed	Unexpired Elk City Rep	May 1, 2023	2/10/2020
Tom Richardson	3rd term USD 446 Rep	May 1, 2025	
* Previously served unexpired term			
Meeting Place: Centennial Room, Library Meeting Date: Third Wednesday Meeting time: 4:15 p.m.			

Click here for an online application.

Applications received thus far are attached. Staff will report at the meeting if any additional applications are received by the deadline.

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, the Commission appointed Carolyn Torrance to an unexpired term on the Library Board ending on May 1, 2025.

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 with the exception of item "G" which was moved to Items for Commission Action.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

A. Consider approving City Commission minutes from October 7th, 13th, 19th and 26th, 2022.

Suggested Motion:
I move to approve the City Commission Minutes from October 7, 13, 19, and 26, 2022.

B. Consider adding a streetlight on American Way.

There has been a request to the City to add a streetlight on American Way. There are no current lights in the area. At the request of the City, Evergy conducted an evaluation and provided the attached recommendation. This light would cost $7.83 per month, plus applicable fees. A new pole would be needed, which would cost $3.50 per month.

It is requested that the Commission approve the light as noted.

Suggested Motion:
I move to approve the new streetlight as shown in the attached Evergy proposal, dated October 24, 2022.

C. Consider authorizing bidding for a new sewer pump.

As part of the effort to increase reliability of City infrastructure, the Southeast Lift Station has been reviewed. After the bids on the revisions to Southeast were found to be uneconomical, a secondary plan was created. A pump has been in use for some time that will fill the need for emergency service, plus allow the Southeast Lift Station to be properly maintained. This pump is sufficient for most needs that the City would have, and could be used in a variety of locations. The pump specified has proven to be acceptable in this service.

Bids would be due on December 1, 2022.

Suggested Motion:
I move to approve bidding a new sewer pump.

D. Consider approving bidding for concrete patching of utility cuts, new sidewalks, ADA ramps, and curb and gutter.

Last year, utility patching was bid. As this work has progressed well, it is requested that the City be allowed to bid for utility patching as well as sidewalk replacement, ADA ramps, and replacement curb and gutter. This will allow work in the City to take place routinely, and provide a base price

for the Sidewalk Improvement Program. If approved, bids will be opened at 2 pm on December 1, 2022.

Suggested Motion:
I move to issue bids for concrete work for 2023.

E. Consider approval of the 2023 BCBS Renewal.

Currently, the City contracts with Blue Cross Blue Shield of Kansas to provide employee health insurance. All full-time regular employees are eligible to enroll in health insurance benefits during the annual enrollment period. City staff worked closely with IMA Corp to successfully negotiate 2023 calendar year BCBS renewal rates.

The attached document illustrates an outline of IMA Corp's proposal as it relates to Health Insurance, Dental, and Vision. The City's 2023 budget included a projected 7% increase in health insurance rates. Our original proposal from BCBS came back at a 14% increase. City Staff negotiated that increase down to a 10.3% increase, and IMA Corp was able to further negotiate down to a 2.7% increase.

Because we were able to keep our costs down, staff recommends keeping the employee contributions the same as last year and increasing the employer contributions for each plan to reflect the 2.7% increase. This is shown on page 4 of the document.

Suggested Motion:
I move to approve the renewal rates for the 2023 contract year with Blue Cross Blue Shield and authorize staff to sign any related documents.

F. Consider approving contract amendment for Sanitary Sewer design and inspection.

TranSystems was the original engineering firm that has designed the 1st and Birch sanitary sewer project that is pending before KDHE. It has been discovered that additional houses may need to be added to this project. As TranSystems has done this work in this area on the sanitary sewer systems in the past, TranSystems has a good understanding of the scope as well as the existing installation and is recommended for this work.

Suggested Motion:
I move to allow execution of the amended contract for design and inspection

of the 1st and Birch Sanitary Sewer modifications, adding $41,000 to the contract previously awarded to TranSystems Corporation.

G. Consider approval of change order for City Hall Phase II project.

This item was removed from the Consent Agenda and moved to Items for Commission Action.

The City Hall renovation project is now underway with demolition and waterproofing portions of the remodel. City Staff has been working with McCown Gordon and TreanorHL on cost-saving items and items noted by the contractors. The following change orders will be paid for from contingency funds.

1. **CH - PR-001 - adding a drain in the sally port bathroom used by prisoners. The City staff and the police department feel it is imperative to add a drain in this bathroom to prevent potential flooding issues. CO cost: $2,775.77**
2. **CH - PR-002 - is the dumbwaiter to move storage items to the third floor. CO is for painting the skylight to help control the temperature in the space and stay within manufacturer requirements. The City will install a fan for air movement for the equipment. CO cost: $2,021.00**
3. **CH-PR003 - is some plumbing, electrical changes and ADA sinks. CO cost: 579.98**
4. **ASI-01 - cost saving achieved by review with City Staff, McCownGordon & TreanorHL. CO cost: ($1,530.23)**

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi, the Commission authorized change orders PR-001, PR-002, PR-003 and ASI-01 with McCown Gordon.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

H. Consider an ordinance amending previous boundary ordinances and establishing the legal boundaries for the City of Independence.

Since the last time the City adopted a boundary ordinance, a new form of transmitting information was adopted. The revised description was prepared by TranSystems.

Suggested Motion:
I move to adopt an ordinance amending previous boundary ordinances and establishing the legal boundaries.

I. Consider authorizing the City Manager to sign an engagement letter with Tanner LLC for the facilitation of the January 18, 2023 Annual City Commission/City Staff Planning Retreat.

The first step towards planning for the 2024 budget is to hold a planning retreat with the Commission and City staff. For the last few years, this has been facilitated by Tanner LLC, who prepared the City's strategic plan. Mackey Smith with Tanner LLC is available to facilitate this retreat on January 18, 2023 (the third Wednesday).

The fees for Tanner LLC to facilitate will not exceed $3,000 plus out-of-pocket costs (anticipated to be less than $1,000). Please note that this pricing reflects increases of $500 and $250, respectively, over last year's pricing.

Suggested Motion:
I move to authorize the City Manager to sign an engagement letter with Tanner LLC for the facilitation of the January 18, 2023 Annual City Commission/City Staff Planning Retreat.

IV. PUBLIC HEARING

A. Public hearing to consider condemnation of 200 ARCO Place as Dangerous and Unsafe.

On September 08, 2022 City Staff recommended setting a Public Hearing to consider the condemnation of 200 Arco Place due to the condition of the building with broken out windows, homeless citizens staying in the building, vandalism, and complaints from citizens. The building has been without utility services since 2019 and Code Enforcement has dealt with tall grass and debris since 2019.

Mr. Janak met with the City Staff after the September 08, 2022 Commission meeting and has accomplished the following at the building. The 1st-floor windows that were broken out have all been boarded up. Mr. Janak went entirely through the building to ensure people were out of the building. He has a company coming to finish shutting all the windows, cleaning up debris, and removing the fallen tree by the November 10, 2022 meeting. Mr. Janak has informed me he is actively trying to sell the building and has toured the

building with potential parties, and looking at funding options to assist any potential buyer.

The staff recommends that we adjourn the public hearing for six months to allow Mr. Janak an opportunity to sell the building but with the stipulation that he continues to monitor the building to ensure it is secure and not creating a nuisance or safety concern for the community.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adjourned the Public Hearing until May 25, 2023 at 5:30 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

B. Public Hearing to consider establishing a Rural Housing Incentive District for Downtown Central Business Development District Part I and Jefferson Subdivision Development District.

On September 29, 2022, the City Commission, by Resolution 2022-049, set the date of November 10, 2022 to conduct a public hearing for the purpose of establishing a Rural Housing Incentive District for Downtown Central Business Development District Part I and Jefferson Subdivision Development District.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved Ordinance No. 4415 establishing a Rural Housing Incentive District for Downtown Central Business Development District Part I and Jefferson Subdivision Development District.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

V. ITEMS FOR COMMISSION ACTION

A. Consider a donation of land from the Faye Bradley Estate.

The City of Independence was contacted by Kathy Diekman of Triplett Woolf Garretson,LLC of Wichita,Ks. The estate of Faye Bradley would like to donate 313 S. Earl in Independence to the City of Independence. According to April

Nutt, the Landbank is not interested in the property. Since the Landbank denied the donation, we placed the item on the agenda for Commission consideration. City staff has reviewed the property, does not see any uses for the property, and does not recommend accepting the donation.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert, the Commission denied the request to accept a land donation at 313 S. Earl.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

B. Consider accepting a Land and Water Conservation Grant from the National Park Services

A few years ago, the Independence Recreation Commission approached the City Commission regarding the placement of soccer fields in the previously designed "Central Park." The City entered into an agreement with Indigo Designs, who originally designed the proposed "Central Park." A committee consisting of City staff, one Commissioner, the Recreation Commission Director, the Recreation Commission Chair, and the School Superintendent worked with Indigo Designs for several months on a revised design to include not only the new soccer fields but other improvements to serve the community's future recreation needs.

In September of 2021, the City applied for a Land and Water Conservation Grant through the Kansas Department of Wildlife and Parks. This is a federal grant made possible through the National Park Services. This highly competitive grant focuses on helping communities invest in large recreation projects that they believe will have a highly positive impact on their population and that align with the State's Comprehensive Outdoor Recreation Plan. Since 1965, Kansas has received over $50 million and funded approximately 700 LWCF projects.

The Independence Recreation Commission, in partnership with the City of Independence, is investing in a new Central Park Sports Complex, to expand and improve upon the current complex, consisting of four baseball/softball fields, a concession stand, a restroom facility, and a basketball court. These improvements submitted are driven by several primary community needs and goals.

Layout
The current sports field layout needs to be addressed to improve safety and

access to support services and conveniences. The backstops of each field do not meet up, so it requires additional staff to supervise, requires participants to walk through traffic-congested areas to access support services and fields, and does not lend itself well to support families with multiple children playing simultaneously. The oldest field was built in the 1940's and has served our community well over the last 8 decades. The new layout fourplex design will align with our communities' current and future needs for decades to come.

Parking
The available parking is underdeveloped and unstructured, raising major safety issues and concerns. This new plan incorporates paved and marked ADA accessible parking areas and pathways to features that will alleviate much of the traffic congestion due to cars being parked on North Park Blvd, and significantly reduces a serious safety concern.

Programming
There is an increased need to incorporate soccer fields within the Central Park Sports Complex, including support services for parking and restrooms/concessions. Since there are not dedicated fields for each sport, soccer and flag football are also played on the current four baseball fields. This is particularly troublesome because the playing surfaces do not get adequate down time to recoup from each sport's season. This significantly drives up the cost of maintenance and the potential for injury of sports participants. Other issues arise when one sport begins while the next is still underway. Addressing dedicated fields for each sport will also increase participation for both youth and adults. The new plan allows for an increase of one ball field for a total of 5 baseball/softball, 5 dedicated soccer fields, and a multi-use field.

Flood Mitigation
The existing ball fields need to be moved to higher elevations to reduce the impact of flood-prone areas. Due to a major flooding event in 2019, there are currently no lights on the fields, further limiting availability for field usage. Additionally, the electrical infrastructure is not safely located outside of the floodplain and needs to be completely redone and moved to higher ground before it is put back into use. This serious safety concern will be addressed in the new Central Park Sports Complex.

Healthy Habits
Montgomery County, Kansas is the 4th unhealthiest county in Kansas according to the 2019 County Health Rankings. Throughout the project design phases, this has been a focal point of concern. This centralized

sporting complex, easily accessible by pedestrians, cyclists, and motorists, would provide opportunities this community has not had access to before, such as a 1-mile perimeter walking trail, batting cages, pickleball courts, additional basketball courts, and an outdoor fitness court. Additionally, completion of this project will provide safe parking and ADA accessibility to all sporting fields, allowing kids and spectators to safely walk throughout the complex without worry of vehicular traffic. Fields will finally be accessible to those with disabilities; participants, coaches, and spectators, a long-awaited improvement for this community.
The revitalized and transformed complex will serve as a community-focused and family-oriented venue, maximizing the opportunities for participation in sports and free fitness.

Independence's application for the Central Park Sports Complex project was selected for a Phase I award of $2,000,110. This 50% matching grant is for site demolition and earthwork, soccer complex and supporting facilities construction, 4-plex construction, a fitness court, lighting, and parking improvements. An amendment to the Phase I grant has also been submitted for the completion of the 1.1-mile trail portion of the project. Phase II of the project will include the build-out of the east baseball fields, basketball courts, pickleball courts, batting cages, and ancillary parking near those features.

The project will be put out to bid on November 16, 2022 and bids will be received on December 21, 2022. The estimated project groundbreaking is March 2023.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission accepted the National Park Services Grant for Phase I of the Central Park Sports Complex.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

C. Consider an agreement with Precision Railway Company.

The City must be the party that enters into the written grant agreement with KDOT. This agreement between the City and Precision is to transfer and convey unto Precision all the City's rights, duties, and responsibilities under the agreement with KDOT to Precision. With this agreement, Precision agrees to be bound by all requirements set forth in the said agreement as if being performed by the City itself.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert, the Commission entered into an agreement with Precision Railway Company outlining the responsibilities and expectations of each party related to the KDOT Economic Development Agreement.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

D. Consider accepting an Economic Development Grant from KDOT for Rail Improvements.

Earlier this year, the City submitted an Economic Development Grant application on behalf of Precision Railway Company for certain rail improvements related to their recent expansion at the West Laurel Industrial Park. The Kansas Department of Transportation has awarded the project an Economic Development Grant in the amount of $842,775.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi, the Commission accepted the KDOT Economic Development Grant.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

E. Consider authorizing the Mayor to sign the State Historic Preservation Officer agreement for Historic review by the IHPRC and City Staff; and to adopt an ordinance amending Ordinance No. 3888.

Under K.S.A. 75-2724 the City of Independence has an agreement with the State Historic Preservation Office for the administration of project reviews in the Downtown Historic District and Historic structures within the City of Independence. The City agreement was signed in 2017 and requires Commission approval to renew for five more years. The agreement allows the building dept. to approve minor projects in the historic district that do not warrant a full review of the board and require the board to review all projects in contributor and non-contributor buildings in the District or historic structures. When making decisions, the Board will utilize the Secretary of Interior's Standards for the Treatment of Historic Properties and the Guidelines for Rehabilitating historical buildings. The local board's decisions can be appealed to the City Commission for final approval should the applicant disagree with the findings of the IHPRC.

In reviewing this agreement signed in 2017 related to KSA 75-2724 City Staff is asking to amend Ordinance 3888 to reflect the changes in State Law and the agreement signed with SHPO.

The City Staff is working with the Chamber of Commerce, the Chamber BEST committee, Main Street, Housing, and City Staff to inform our downtown business owners and prospective businesses in the Historic District that all work in the District requires a Building Permit at a minimum and possibly review by the IHPRC Board. Our goal is to preserve the Historic District and make our processes easy for owners and prospective businesses to access.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert, the Commission authorized the Mayor to sign the SHPO agreement for Historic review by the IHPRC and City Staff.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert, the Commission amended Ordinance No. 3888 Section VI pertaining to review procedures for Historic Preservation Applications for Certificate of Appropriateness and repealing Article VI of Ordinance No. 3888.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

F. Consider a location for a utility payment drop box.

Several locations for placing a utility payment drop box have been requested for analysis. They are:

1. **In front of City Hall (Location A).**
2. **Along Myrtle Street, north of City Hall (Location B).**
3. **Along 6th Street, adjacent to the parking lot north of City Hall (Location C).**
4. **At Memorial Hall (Location D).**

There is a drawing of each of these locations attached. Locations A, B, and C will each cost a similar amount of money, with Location A having the

strongest likelihood of having additional costs related to sidewalk modification. Projected costs for these areas are in the $20,000 range.

Location B would be less disruptive than Location A or Location C, provided that there are no buried utilities in the area.

Location C would have to be adjusted from the drawing somewhat south, or an existing streetlight will have to be moved. Location C is also incompatible with some configurations that have been considered for the north of City Hall parking lot.

Location D would have negligible costs associated with the placement and would be placed in an area that is currently covered by a security camera. Location D would be field adjusted from the location shown for optimal drive-up access.

Motion:
On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission approved to place a utility payment drop box at Location D.

Aye: Dean Hayse, Louis Ysusi
Nay: Tim Emert

VI. REPORTS

A. City Board Minutes

1. October 4, 2022 Planning and Zoning Commission/Boardof Zoning Appeals.
2. October 19, 2022 Recreation Commission.

B. 2022 Q3 Treasurers Report

Director Lies answered questions from the Commission about the report.

C. October Sales Tax Report

Director Lies presented the report.

VII. CITY MANAGER'S COMMENTS

Chief Harrison reported that the City did not receive the C.O.P.S. grant.

City Manager Passauer reminded everyone about the weekly updates that are posted on the City's website.

Chief Wallace reported that he is working on a resolution to lift the burn ban.

City Manager Passauer informed everyone that City Hall would be closed for Veterans Day and the employee banquet will be on Dec 9th.

Engineer Garris presented a picture of the new sanitation truck.

VIII. COMMISSIONERS' COMMENTS

Commissioner Emert praised the sanitation and street departments for their work.

Commissioner Ysusi commended the sanitation employees for their hard work during Neewollah.

Mayor Hayse commended the memorial hall employees for their work during Neewollah.

IX. PUBLIC CONCERNS

None.

X. ADJOURNMENT

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, 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