

Minutes of the City Commission's December 8, 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; Scott Patton, Park and Zoo Director and Jerry Harrison, Chief of Police

Visitors Present: Larry McHugh, Brea Sanford, Cassidy Sanford, Dorcas Sutton, Kale Groff, Karma Roth, Ned Stichman, Babs Emert, Jade Umloff, Julian Garrison and Tyler Stair

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. 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 November 10, 16, and 17, 2022.

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Suggested Motion:

I move to approve the City Commission Minutes from November 10, 16, and 17, 2022.

- B. Consider a resolution exempting the City from GAAP (Generally Accepted Accounting Principles) requirements.

Each year the Commission adopts a resolution exempting the City from all requirements of GAAP. The GAAP requirement provides for a fixed asset accounting system in lieu of just an inventory system, as well as other financial reporting requirements. This action is taken based on past recommendations of the auditors that the GAAP requirements would cost the City additional funds to prepare the City audit and would not provide any additional benefit to the City.

Suggested Motion:

I move to adopt Resolution No. 2022-058, waiving the requirements of K.S.A. 75-1120a(a) as they apply to the City of Independence, Kansas for the year ended December 31, 2022.

- C. Consider adopting an ordinance approving the appropriations for 2023 authorized expenditures.

The purpose of this ordinance is to allow for transactions to be fully processed through to payment in a timely manner, up to the budgeted authority in each fund or as otherwise previously authorized by Commission approved contract. Approving one ordinance authorizing payment up to previously approved amounts will allow for a more streamlined process as it will save staff time re-preparing ordinances, as well as allow the City to pay its vendors, reconcile accounts, and operate in a more efficient manner. In addition to accounts payable, this will also allow for the processing of payroll. All payment records would still be provided to the Commission as a report on a monthly basis at either the first or second monthly Commission meeting. As always, procurement policies must also be followed.

Suggested Motion:

I move to adopt Ordinance 4414, approving appropriations for 2023 authorized and budgeted expenditures.

- D. Consider authorizing award of the Concrete Patching Bid.

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The City requires concrete patching work to be completed at various locations due to utility repair activity and required pavement maintenance (including pavement flow lines). Additionally, pricing for sidewalk work is required both for our new Sidewalk Policy as well as incidental repairs. Adding in ADA ramps and curb and gutter completes the work that we would generally need to do for small repairs around the City.

The City requested bids for these four categories of work, and received one response from J. Graham Construction, Inc, who did not bid on the work last year. Three other competent contractors were contacted, but declined to bid.

For management purposes, four unit price contracts will be created, one for each of the bid items, and they will be tracked singly for data gathering as well as the ability to charge to the proper City account.

Suggested Motion:

I move to authorize award of four contracts for J. Graham Construction, Inc., one for each bid item, at the unit costs as specified on the bid documents.

- E. Consider authorizing the Mayor to sign the 2022 Tree City USA Application for Certification.

On February 25th, 2016 the City Commission approved Ordinance # 4214 creating a Tree Board 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.

The attached application completes the certification for the 2022 calendar year.

Suggested Motion:

I move to sign the Tree City USA Applications for Certification for 2022.

III. PUBLIC HEARING

- A. Public hearing to amend the 2022 Budget.

This request is to amend the 2022 Budget for the following funds:

1. Education Sales Tax - to account for the increase in sales tax revenue collections that are then passed through to USD 446.
2. Special Use Sales Tax - to account for the increase in sales tax revenue collections that are then distributed to allocated areas (General Fund, Building & Facilities, Street, ADA).
3. Airport - to accommodate higher sales and purchases of fuel at the Independence Municipal Airport.
4. Bond & Interest - due to 2022 Bond Issuance
5. General Fund - to show reimbursement to the General Fund for ARPA dollars received under the Revenue Loss Rule and subsequent transfer of funds to the Economic Development Fund.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted the 2022 amended budget.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

IV. ITEMS FOR COMMISSION ACTION

A. Consider adoption of the Zoo Master Plan.

After recognizing that there is a significant amount of work to be done due to aging infrastructure at Ralph Mitchell Zoo, the Commission authorized the creation of a Zoo Master Plan to guide the operational philosophy and identify capital spending required to provide Zoo staff with the facilities necessary to provide adequate animal care, increase tourism, and improve the overall aesthetic appeal of the Zoo. PGAV Architects was engaged as the contractor for this plan.

A steering committee was assembled that included members of the city staff, FORPAZ, and the Park Board to help guide the decision-making process. Over the course of several months, the Zoo was studied and versions of the plan were reviewed by operational staff so that the goals of the plan were met.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted the Zoo Master Plan.

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Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider approving construction of a Sensory Garden area in Riverside Park playground

At Zoo Brew 2021, FORPAZ raised money for playground improvements in Riverside Park. The FORPAZ Board decided they would like to use the money to construct a play area designed specifically for use by children with physical and mental disabilities. Referred to as a "Sensory Garden," this area will mainly feature musical elements which are scientifically proven to be therapeutic for children with Autism Spectrum Disorders (ASD). This play area will be ADA-accessible and CPSI (Certified Playground Safety Inspector) compliant. The area would be located on the north side of the Corythosaurus dinosaur statue in the playground. This would require the removal of one set of outdated swings from that area. This project is being funded entirely by FORPAZ and would require no investment from the City.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission approved the construction of a Sensory Garden play area in the Riverside Park playground.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider accepting a Trail Builder Grant from the Sunflower Foundation.

In November of 2021, the City applied for a Trail Builder Grant through the Sunflower Foundation. The Sunflower Foundation's mission is "To serve as a catalyst for improving the health of Kansans." They seek partnerships with organizations and communities that focus on similar goals.

The City of Independence and the Independence Recreation Commission are dedicated to focusing efforts on improving Independence and Montgomery County's unhealthy statistics through strategic implementation of new avenues of recreation, such as trail systems. We believe that a key to promoting equitable opportunities for all is establishing free access to physical activity. Trails provide this access and provide immense benefits for emotional and mental health, as well as physical health.

The 1.1-mile concrete trail to be located at the Central Park Sports Complex

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will assist us in reaching our goals of improving the health, both mental and physical, of not only Independence, but Montgomery County residents and visitors.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission accepted the Sunflower Foundation's Trail Builder Grant.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider setting a Public Hearing to consider the condemnation of 618 S. 1st Street.

On November 30, 2022, the residence at 618 S. 1st Street was involved in a structure fire that did extensive damage to the structure. The building department is requesting the City Commission set a Public Hearing to consider condemnation of the structure for February 23, 2023 at 5:30 p.m.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission set a Public Hearing to consider the condemnation of 618 S. 1st Street as dangerous and unsafe on February 23, 2023 at 5:30 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider adopting a resolution rescinding condemnation proceedings for 813 S. 17th.

On September 18, 2022, the structure at 813 S. 17th was involved in a fire resulting in extensive damage. The owner of the property has contracted with MEGA and cleared the lot per City specifications. The City Staff recommends rescinding the condemnation proceedings that were initiated and returning the insurance proceeds currently being held by the City.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted a resolution rescinding a previous resolution setting a date to consider condemnation of 813 S. 17th Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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- F. Consider a resolution authorizing the abatement of unhealthy and unsafe exterior conditions at 1201 W. Pine St.

Code Enforcement Officer Erin Musgrove has dealt with multiple nuisance issues at 1201 W. Pine Street for the last several years. Recently, the occupant brought in an RV camper and stripped the vehicle in the back yard along with other debris scattered about the yard. The Code Enforcement Officer has sent multiple notices and issued a citation on 11/21/22. City Staff is receiving weekly calls from neighbors about the neighborhood's nuisances and hazards. City Staff does not believe the occupant has the means to abate the nuisance and therefore is asking the Commission to approve the Resolution giving us the authority to abate the nuisance in 20 days.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted a resolution authorizing the abatement of unhealthy and unsafe conditions at 1201 W. Pine Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider purchasing a new sanitation truck.

After approval, the City advertised for bids on a new sanitation truck and the bids were received in November. This advertisement for bids was for a different type of sanitation truck than has been traditionally purchased by the City:

The bid documents specified a truck incorporating the "Curotto Can" technology. This front-loading, automated technology has been shown to provide quicker service as well as require less manpower to operate.

A rough analysis was performed on the incremental cost to purchase the truck, since it was anticipated to cost twice what a standard rear-loading truck would cost.

It was assumed that the truck required more maintenance due to the automated technology, but it was also assumed that the truck would be able to be operated by two people instead of three. There was no assumption included that the truck would speed up pickup, though it is likely that there will be fewer landfill trips as well as faster individual house service with the system.

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It was assumed that the truck (outside of the automated mechanism) would require approximately the same maintenance as a standard truck. Based on those assumptions, the truck shows a rate of return of approximately 7% on the additional money spent without considering productivity.

A single bid was received from Elliott Equipment Co. for \$403,137.00. After bidding, Elliott notified us that they could lower the bid price if we chose to use a slightly different model, at a savings of \$7,500, leaving the net bid, with deduction, of \$395,637.00.

Time from order to delivery is anticipated at 330 days.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission approved the purchase of a new sanitation truck from Elliott Equipment Co. for \$395,637.00.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider setting a Public Hearing for the submission of a CDBG Grant for 106 N. 8th Street for December 22, 2022.

Trident Partners LLC requests the City of Independence approve the submission of a Commercial Rehabilitation Community Development Block Grant for 106 North 8th Street. The purpose of Commercial Rehabilitation grants is to help cities improve the quality of their downtown commercial districts by assisting private property owners in the rehabilitation of blighted buildings. It is hoped that strategic investment of grant funds will help prevent the spread of blighted conditions to other nearby structures. The grant will be submitted for the maximum grant allowed of \$250,000 with a 25% required match. The City of Independence would serve as a pass-through entity, with the building owner being responsible for meeting the grant guidelines and will be held responsible if they are not met.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission set a Public Hearing for the submission of a Commercial Rehabilitation CDBG Grant for 106 N. 8th Street for December 22, 2022 at 5:30 PM.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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- I. Consider adopting an ordinance rezoning a tract of land at 2500 W Laurel St from C-4, highway commercial district to M-2, heavy industrial district.

On September 6, 2022, the Planning Commission recommended rezoning this parcel from C-4, highway commercial district, to M-2, heavy industrial district.

adopt an ordinance rezoning a tract of land at 2500 W Laurel St from C-4, highway commercial district to M-2, heavy industrial district.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adopted an ordinance rezoning a tract of land at 2500 W Laurel St from C-4, highway commercial district to M-2, heavy industrial district.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- J. Consider adopting a resolution modifying the 2023 pay plan.

The City's pay plan is updated each year to keep pace with inflation and the labor market. Last year the pay plan was adjusted by 2%, although the rate of inflation at that time, according to the Urban Wage Earners CPI index (November 2021) was 6.8%. Currently, the Urban Wage Earners CPI index for all items (October 2022) is 7.7%. In addition, Montgomery County is currently increasing its wage scale by approximately 8%, and it is becoming difficult to compete with similar local governmental positions, i.e., police officers, dispatchers, public works, etc. Therefore, it is recommended to combine the budgeted 2% Cost of Living Adjustment and 2% Merit to increase the pay scale by 4%. We are currently evaluating alternative incentives for those employees who perform above average on their evaluations.

It should be noted that the position of Airport Supervisor was changed to Airport and Building Maintenance Supervisor, and the pay range was modified from a Grade 20 to a Grade 21.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission adopted a resolution authorizing the 2023 pay plan resolution.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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K. Consider the 2023 City Commission and City holiday schedule.

Each year during reorganization, which is scheduled for January 12, 2023, the City Commission considers modifying the date and times of meetings. However, since reorganization starts after the year begins, it is recommended to move forward with the approval of the 2023 City Commission Meeting and City Holiday Schedule for planning purposes. The Commission meeting schedule generally consists of the 2nd and 4th Thursdays at 5:30 PM and the 3rd Wednesday at 9 AM for work sessions. The Commission may wish to consider deleting the 3rd Wednesday meeting on June 21, 2023 to avoid back-to-back meetings. This meeting date is highlighted on the Draft Schedule.

The Commission is aware of the current retention and recruiting challenges that many employers, including the City, are currently struggling with. In order to meet our goal of becoming an employer of choice, we have reviewed other governmental entity holidays, including other cities. Based on our review, it is recommended to add the following City holidays:

- Monday, February 20, 2023 -- President's Day - Federal Holiday
- Friday, April 7, 2023 -- Good Friday
- Monday, October 9, 2023 -- Indigenous Peoples Day (Formerly Columbus Day - Federal Holiday)

In addition to the above, it is recommended to add the following administrative holidays for 2023:

- Monday, July 3, 2023
- Tuesday, December 26, 2023

The additional holidays for 2023 are highlighted on the attached schedule.

We make this recommendation as part of our recruitment and retention efforts and to stay competitive with other employers.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission tabled the item.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. REPORTS

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- A. City Board Minutes
- B. November Sales Tax Report

VI. CITY MANAGER'S COMMENTS

City Manager Passauer reminded the Commissioners about the employee luncheon the next day and she reported about a letter that was received from the county.

Finance Director Lies reported on the recent water billing concerns.

VII. COMMISSIONERS' COMMENTS

None

VIII. PUBLIC CONCERNS

None

IX. ADJOURNMENT

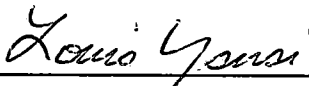
Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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Louis Ysusi, Mayor

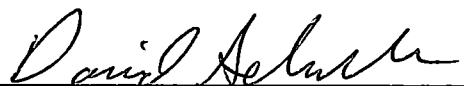


Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer