

Minutes of the City Commission's January 12, 2023 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; 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, Marci Roberts, Kathy Shepard, Shea Neal, Barb Emert, Ned Stichman 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 Dean Hayse, seconded by Tim Emert, the Commission adopted the agenda with the addition of Item "F" under Items for Commission Action; Consider signing a statement for the county regarding the tax certification map.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. OLD BUSINESS - APPOINTMENTS

A. Independence Historic Preservation and Resource Commission (IHPRC) -- Two Positions Eligible for Reappointment

Breanna Sanford and Jason Rutledge's terms expired on January 1, 2023. They both replaced members who had resigned, so they are serving unexpired terms. Members with expired terms continue to serve until they are reappointed or replaced. They are eligible to serve an additional term.

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Historic Preservation Resource Commission (Certified Local Government) (3 year terms – 7 members)			
Members	Term	Expires	Appointed/Eligible
Bill Gour	1st term	1/1/2024	Appointed 1/14/20
Darin Axthelm (History Major)	1st term	1/1/2024	Reappointed 1/14/20; Appointed 1/8/20
Breanna Sanford (History and Anthropology)	Unexpired	1/1/2023	Appointed 06/09/20
Tim White	Unexpired	1/1/2024	Appointed 08/11/20
Gary Hogsett (Engineer)	Unexpired	1/1/2025	Appointed 06/09/20
Jason Rutledge	Unexpired	1/1/2023	Appointed 08/11/20
John George	Unexpired	1/1/2025	Appointed 08/25/20
*Previously served an unexpired term.			
Meeting Place: Memorial Hall Meeting Date: Last Monday Meeting Time: 12 p.m.			

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission reappointed Breanna Sanford and Jason Rutledge to 1st terms on the Independence Historic Preservation Resource Commission ending on January 1, 2026.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Planning Commission -- Three Positions Eligible for Reappointment

Kendall Neill, Lisa Richard and Rachel Lyon's terms expired on January 1, 2023. Members with expired terms continue to serve until they are reappointed or replaced. They are all eligible to serve an additional term. Lisa Richard and Rachel Lyon would like to be reappointed. Kendall Neill would not like to be reappointed. Applications are being received for Kendall Neill's open position through noon on Friday, January 20, 2023. For more information, visit this link: [Planning Commission Opening \(Inside City Limits\)](#)

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PLANNING & ZONING COMMISSION (3 year terms – 9 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Mary Jo (Dancer) Meier	2nd term*	January 1, 2025	
Kendall Neill	1st term	January 1, 2023	January 23, 2020
Chair			
Brent Littleton**	2nd term	January 1, 2025	January 25, 2019
Tony Royse	2nd term	January 1, 2025	March 28, 2019
Andy McLenon**	2nd term*	January 1, 2024	October 26, 2016 January 8, 2018
Michelle Avery	1st term*	January 1, 2024	June 28, 2018
Tim Haynes Secretary	Unexpired	January 1, 2024	February 24, 2022
Lisa Richard	1st term*	January 1, 2023	August 8, 2019 December 19, 2019
Rachel Lyon Vice Chair	1st term	January 1, 2023	May 14, 2020
*Served an unexpired term.			
**Outside City Appointment. Not on Board of Zoning Appeals.			
Meeting Place: Veterans Room, Memorial Hall			
Meeting Date: First Tuesday			
Meeting Time: 5:30 p.m.			

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission reappointed Lisa Richard and Rachel Lyon to 2nd terms on the Planning Commission ending on January 1, 2026.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

C. Economic Development Advisory Board -- One Resignation

Paul Yarowski has resigned from the Economic Development Advisory Board. Applications are being received through noon on Friday, January 20, 2023 for this opening. For more information visit this link: [Economic Development Advisory Board Opening](#).

III. NEW BUSINESS -- REORGANIZATION

A. Reorganization of the Commission

1. Election of Mayor
2. Election of Vice Mayor
3. Designation of Official City Newspaper
4. Designation of Official City Depository
5. Consider changing the day of week and time for Commission meetings

Each year the Commission reorganizes. Regarding the election of Mayor or Vice Mayor, in non-election years, typically the Commissioner who is starting their second year of their two-year term serves as Mayor. The following year, the Commissioner who is starting their third year of their four-year term serves as Mayor. The purpose of this is to allow every elected Commissioner, whether elected to a two-year term or four-year term, to have the opportunity to serve as Mayor once per term. However, the Commission may choose anyone they wish, and they do not have to follow this tradition.

Each year the Official City Newspaper and Official City Depository are named. Staff is recommending that the Independence Daily Reporter and the Community National Bank continue to serve in these two roles respectfully.

For planning purposes, the 2023 City Commission schedule was previously adopted on December 22, 2022. However, with the reorganization of the Commission, it is formally adopted. Staff recommends that the 2022 City Commission schedule be affirmed, which generally consists of the 2nd and 4th Thursdays at 5:30 PM and the 3rd Wednesday at 9 AM for work sessions, with the exceptions noted in green.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission nominated Louis Ysusi as Mayor.

Aye: Tim Emert, Dean Hayse

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission nominated Dean Hayse as Vice Mayor.

Aye: Tim Emert, Dean Hayse

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Nay: None

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission designated Independence Daily Reporter as the Official City Newspaper.

Aye: Tim Emert, Dean Hayse

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission designated Community National Bank as the Official City Depository.

Aye: Tim Emert, Dean Hayse

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted the 2023 City Commission Meeting schedule as previously approved.

Aye: Tim Emert, Dean Hayse

Nay: None

IV.

CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Tim Emert the Commission adopted the consent agenda..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

A. Consider renewing a fire protection agreement with SMP.

The City and Standard Motor Products entered into a Fire Protection Agreement that is renewed annually. This is due to the fact that SMP is not in the City limits; however, they wish to enjoy the protection of the City of Independence Fire Department. Previously, the agreement required the City to calculate the amount by September 1st with the amount due by November 1st. Due to the budget adoption dates being modified over the years, it is recommended to calculate the fee by January 1st, with payment due by March 1st.

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Suggested Motion:

I move to approve the annual fire protection fee with SMP.

- B. Consider authorizing an agreement with Shift-S3ector, LLC to hold a racing event at Independence Municipal Airport on June 10 and 11, 2023.

Shift-S3ctor, LLC has requested use of the Independence Municipal Airport from June 10-11, 2023 for the purpose of holding a racing event. This is a similar request as has been granted in 2020, 2021, and 2022. It is felt that this event brings significant exposure to the City as well as providing a revenue opportunity for local businesses. This event will require FAA approval.

Textron Aviation has indicated that they find the event acceptable from a business standpoint and that it will not interrupt their planned operations. It is anticipated that the agreements, though not yet received, will be substantially similar to previous agreements.

Suggested Motion:

I move to allow Shift S3ctor, LLC to hold the event as described, pending FAA approval, and authorize the execution of any necessary documents pending City Attorney approval.

V. ITEMS FOR COMMISSION ACTION

- A. Consider proclaiming January 15, 2023 as Dr. Martin Luther King, Jr. Commemoration Day, and consider funding the recording and live streaming of the program.

Kathy Shepard, representing the Diversity Taskforce, is requesting that the City authorize a proclamation in honor of Dr. Martin Luther King, Jr. Commemoration Day, and urge that every citizen of Independence joins me in extending recognition and honor to the memory of this great leader of humankind by attending the local celebration "It Starts With Me: Cultivating A Beloved Community Mindset to Transform Unjust Systems" on Sunday, January 15, 2023 at 3 PM at the Independence High School Performing Arts Center. Please note there are three versions of the proclamation since the election of the Mayor will not take place until just prior to this agenda item.

In addition, Kathy asked if the City would fund the recording and live streaming of the program on the City's Facebook page by Larry McHugh.

Motion:

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On the motion of Tim Emert, seconded by Dean Hayse, the Commission proclaimed January 15, 2023, as Dr. Martin Luther King, Jr. Commemoration Day; and authorized funding the recording and live streaming of this community event .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider adopting a Resolution pledging commitment to a Multimodal Transportation and Enhanced Trail Project Policy for the City of Independence regarding the use of *Pathways to a Healthy Kansas*, Blue Cross and Blue Shield of Kansas grant dollars.

The *Pathways* initiative, known as *Pathways to a Healthy Kansas*, is the largest community grant initiative ever funded by Blue Cross and Blue Shield of Kansas. It combines community-wide, evidence-based solutions and practices to help Kansas communities improve active living, healthy eating, and tobacco prevention. The initiative provides community coalitions with the tools and resources needed to engage their communities and remove barriers to healthy living. *Pathways* started in 2016 with eight communities; in 2020, the *Pathways* initiative started a second phase of work with a total of 24 communities – 12 new and 12 returning communities from across the BCBSKS service area. Blue Cross provides each community with technical assistance for planning, evaluation, communications and measurement through partnerships with Wichita State University's Community Engagement Institute, Kansas Health Institute, Seed 2 Roots and other organizations.

The Grow Labette and Montgomery County Wellness Coalition is a *Pathway* Community working towards a healthier community. With the adoption of this Resolution, Independence recognizes its commitment and efforts towards removing barriers and promoting health and wellness in Independence. Specifically, this Resolution affirms the City's intention to build a trail at the Central Park Sports Complex. With the adoption of this Resolution, the City of Independence, in partnership with the Independence Recreation Commission, will seek \$50,000 of funding through a *Pathways* implementation grant to fund lighting for the 1.1-mile trail circling the sports complex.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted Resolution No. 2023-001 pledging commitment to a Multimodal Transportation and Enhanced Trail Project Policy for the City of Independence regarding the use of *Pathways to a Healthy Kansas*, a Blue Cross and Blue

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Shield of Kansas grant dollars and for City Staff to submit and accept said grant for the Central Park Sports Complex.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

C. Consider authorizing a change order to the Maple Street Contract.

There is no change in scope for this change order. This is a reconciliation of actual quantities versus the initial quantities on the unit price bid. In this case, there was an error in the tabulation of the initial bid quantity in one item (Line Item 35, Concrete Paving). This error resulted in an under projection of the total cost of this item of \$106,797.10, approximately 4% of the total project cost.

The overall change order is \$124,649.06, which is a reconciliation of quantities known to date. There are anticipated to be two final change orders, which will encompass work related to storm sewer piping under the railroad and other railroad-related work.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized the change order for the quantity reconciliation on Maple Street and the execution of any necessary documents .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

D. Consider approval of Downtown Building Grants.

Trident Partnership is investing over 10 million dollars in downtown upper-story apartments and retail business space in our Historic Downtown. For more information on their projects in Independence, visit this link: <https://tridentpartnerships.com/independencesks/>

Trident Partnerships has applied for two building renovations in the Downtown Historic District. The Downtown Building Grant committee met on December 08, 2022, and discussed the applications. It was the recommendation of the committee to request approval of \$50,000.00 for these two applications.

Motion:

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

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approved Downtown Building Grant applications for 113 E. Main St. and 113 W. Laurel Street for \$25,000 each.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider adopting ordinances amending and supplementing Appendix D regarding building permit fees and regulating building trades.**

The City implemented a new ordinance in August 2022 regulating the building trades and licensing. The building trade ordinance sets the fees for contractors and we need to amend the fee schedule to reflect that change. The attached Fee Schedule Ordinance and Building Trade Ordinances reflect those changes.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted Ordinance 4426, amending Appendix D regarding building permit fees and Ordinance 4427, amending the Building Trades Licensing.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider Tax Certification Map.**

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized the mayor to sign a statement for the County regarding the tax certification map.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. REPORTS

- A. City Board Minutes**

- B. CRS 2022 Annual Report & 2023 Recertification**

Commissioner Hayse complimented Assistant City Manager Cowan on the continued effort to gain compliance and keep compliance with this item.

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C. Congressional Direct Spending Award

Chief Harrison reported on federal funding for new cameras for patrol cars and body cameras and new tasers.

D. 2022 Sales Tax Report

Director Lies reported on this item.

VII. CITY MANAGER'S COMMENTS

City Manager Passauer announced that City Hall would be closed on Monday January 16th for MLK day, the City's annual planning retreat would be on Wednesday January 18th at the Independence Country Club, Myrtle St from 6th Street to the alley would be closed for the week of January 23rd for utility work and a presentation was made to the County Commission on a comprehensive plan grant.

VIII. COMMISSIONERS' COMMENTS

None

IX. PUBLIC CONCERNS

None

X. EXECUTIVE SESSION

A. Data relating to financial affairs or trade secrets of second parties.

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission recessed for an executive session concerning confidential data relating to financial affairs and/or trade secrets of a company pursuant to the exception found at K.S.A. 75-4319(b)(4). The open meeting will resume at 6:35 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 6:35 p.m. with no action taken.

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XI.

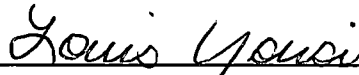
ADJOURNMENT

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None



Louis Ysusi, Mayor



Dean A. Hayse , Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer