

Minutes of the City Commission's January 26, 2023 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Louis Ysusi, Vice-Mayor Dean Hayse, Commissioner Tim Emert

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; John Garris, City Engineer/Director of Public Works and Utilities; Shawn Wallis, Fire/EMS Chief; Lacey Lies, Director of Finance; Brian McHugh, Memorial Hall Supervisor and Jerry Harrison, Chief of Police

Visitors Present: Larry McHugh, Brea Sanford

A. Call to Order

Mayor Ysusi 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.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. Planning Commission -- One Resignation

Kendall Neill's term expired on January 1, 2023. Kendall Neill would not like to be reappointed. Applications are being received for Kendall Neill's open position through noon on Friday, February 3, 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
Brent Littleton**	2nd term	January 1, 2025	Resigned 01/03/2023 January 25, 2019
Tony Royse Secretary	2nd term	January 1, 2025	March 28, 2019
Andy McLendon**	2nd term*	January 1, 2024	October 26, 2016 January 8, 2018
Michelle Avery	1st term*	January 1, 2024	June 28, 2018
Tim Haynes Chair	Unexpired	January 1, 2024	February 24, 2022
Lisa Richard	2nd term*	January 1, 2026	August 8, 2019 December 19, 2019
Rachel Lyon Vice Chair	2nd term	January 1, 2026	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.			

B. Economic Development Advisory Board -- One Resignation

Paul Yarowski has resigned from the Economic Development Advisory Board. Two applications were received by the Friday, January 20, 2023 deadline from Karl Johnson and Keith Stone.

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ECONOMIC DEVELOPMENT ADVISORY BOARD (3 year terms – 7 members)			
Members	Term	Expires	Appointed
Paul Yaroslaski	1st term*	January 1, 2025	October 10, 2019 Resigned 01/03/2023
Chuck Goad, Chair	1st term*	January 1, 2025	October 10, 2019
Wayne Stephany, Vice Chair	1st term*	January 1, 2025	October 10, 2019
Rod Zinn	1st term	January 1, 2025	January 13, 2022 Replaced Brian Hight
Lori Kelley	1st term*	January 1, 2024	October 10, 2019
Jason Curtis, Secretary	1st term*	January 1, 2024	October 10, 2019
Jim Kelly	Unexpired	January 1, 2024	June 23, 2022
Ex-Officio:			
Lisa Wilson, Director Independence Chamber of Commerce		Riley Lukomski, Director Montgomery County Action Council	
Tabatha Snodgrass, Director Independence Main Street		April Nutt, Director Housing Authority	
Meeting Place: Memorial Hall Meeting Date: First Tuesday Meeting Time: 3:30 PM			

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission appointed Keith Stone to an unexpired term on the Economic Development Advisory Board ending on January 1, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. PRESENTATIONS

A. Presentation by Chief Harrison regarding Independence's 911 PSAP.

Chief Harrison made a presentation to the City Commission regarding the Independence 911 Dispatch Center.

IV. CONSENT AGENDA

Motion:

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

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Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- A. Consider approving City Commission minutes from December 8 and 22, 2022.

Suggested Motion:

I move to approve the City Commission minutes from December 8th and 22nd, 2022.

- B. Consider authorizing rebidding of two new fuel bowzers.

Historically, the City has purchased integrated mobile fueling trucks as a means to sell and dispense fuel to aircraft. The new Airport Manager, Aaron Shrader, has significant experience in aviation and suggested the use of fueling bowzers, or trailers that are capable of being affixed to the back of a pickup truck. These bowzers have self-contained engines for pumping, and are in used in many locations.

Individual trucks are convenient, but have the drawback of being three to four times the cost of a fuel bowser. The Airport has had a capital schedule for a new fueling vehicle for over a year, which would only replace one vehicle, and that likely with funding only sufficient to purchase a used vehicle. With the same amount of funding, it is likely that two new fuel bowzers can be built, replacing trucks that date back to the late 1970s and mid 1980s that are currently nearing the end of life and use the existing pickup trucks at the airport to move the fuel bowzers.

The project had a bid opening date of January 12, 2023. There was only one bid for one of the fuel types. It is felt, based on our observations of the market, that this single bid was not economically competitive. As such, it is recommended that the City rebid the bowzers. We had initially reached out to one company (who did not bid, as the employee we were working with resigned) and will reach out to them and several others to ensure that we have competitive bids.

Suggested Motion:

I move to authorize rebidding of the 100LL fuel bowser and jet A bowser as described in the attached documents.

- C. Consider awarding disposal of the Water Treatment Plant residuals.

As a part of the Water Treatment Plant's processes, a sediment is generated. Since this sediment exits the process after the water treatment

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has begun (i.e., chemicals are introduced), it cannot be reintroduced back into the water. This sediment ("residuals") is stored in basins prior to being appropriately disposed of. These basins are nearly full of accumulated residuals.

A bid opening for this work was held on January 12, 2023. The low bid of the three was from MEGA, LLC for \$72,600. This contractor has done this type of work before and is familiar with our basins. It is recommended that we award the bid to this contractor.

Suggested Motion:

I move to approve awarding of the Water Treatment Plant residual disposal for \$72,600 to MEGA, LLC.

- D. Consider authorizing the street closure at Riverside Park on May 6, 2023 from 8:00 a.m. to 10:30 a.m. for the first annual Run4Fun 5K.

In 2023, a group of running enthusiasts received a \$6,000 grant to start a running club in Independence. Called "Run4Fun", the group is focused on encouraging kids and their parents to pursue running together. The group has requested consent to host a 5K fun run at Riverside Park, which is anticipated to be the first of an annual event. The run will follow the same 5K route as the Neewollah 5K, which requires closure of all streets in Riverside Park, and North 5th Street, from Oak Street to Morningside PL.

Suggested Motion:

I move to authorize the request to close streets at Riverside Park on May 6th, 2023 from 8:00 a.m. to 10:30 a.m. for the first annual Run4Fun 5K.

V. ITEMS FOR COMMISSION ACTION

- A. Consider converting Independence Public Safety to UHF-Digital.

With the remodel of 1916 City Hall, IPD will be moving its entire operation back to 1916 City Hall. This will require IPD Dispatch to move its communications system and the NG911 call handling system to 1916 City Hall. IPD's current VHF radio system is failing and creating a danger to police officers. After working with TUSA Radio Consultants, City staff has elected to move IFD-EMS and IPD from their current radio systems (UHF for Fire, VHF for Police) to a UHF Digital System in use by all other public safety agencies in Montgomery County. IPD and IFD-EMS will be trading in all serviceable old radio equipment to defray costs on this project. Action Communications has

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agreed to wipe programming from all traded equipment at no cost to the city. Scott Eckberg, Executive Director of the Kansas 911 Coordinating Council, has committed to moving the 911 call handling equipment at a cost not to exceed \$20,000.

Action Communications provided written notice in an email that they will accept trade-in of the old mobile radios they remove in lieu of labor for the installation of each mobile. This was not included in the quote.

Action Communications provided written notice in an email that there is a \$2,000 maintenance fee annually effective 1-1-23. This fee covers 16 hours of labor for any issues with the system that require on-site resolutions. There will be no pro-rated fee for 2022.

The radio portion of the project qualifies as a sole source purchase as the local network is a proprietary Kenwood NextEdge network owned, operated, and maintained by Action Communications. The equipment to move to UHF Digital is estimated to arrive by early November, and the move to the network is estimated to be completed by late November.

The NG911 portion of the project qualifies as a sole source purchase as the City leases the call handling equipment from the Kansas 911 Coordinating Council and/or the Council's vendor.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized City staff to engage with Action Communications for the work as presented this evening.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider authorizing changes to the Maple Street Contract for stormwater and final paving work near the railroad.

After bidding and awarding of the Maple Street Contract, a review of the storm sewer downstream of the connection point showed that there was ballast (large stone) from the railroad bed above inside the stormwater pipe. The implication is that the stormwater pipe has been breached in the vicinity of the Union Pacific railroad bed and that the stormwater system has the potential to impact the integrity of the rail bed over time. As such, drilling a new stormwater pipe is recommended to replace this existing line.

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After getting the permit details from Union Pacific, the contractor, Bettis Asphalt & Construction, Inc., prepared a change order in the amount of \$353,748.00. After reviewing with Shawn Turner from TranSystems, the recommendation is to accept this change order as it is felt there would be minimal advantage in bidding this work separately. This is attached as Change Order 005.

Change Order 006 is to change the scope of work to asphalt paving near the railroad, per the direction of Union Pacific. This change totals \$19,287.50. It is likewise recommended by TranSystems that this change be approved.

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider adopting an ordinance amending the requirements for an apprentice plumber.

The Plumbing Board approved a change to Section 18-197 regarding apprentice plumbers' allowed activity. An apprentice plumber currently cannot work without a journeyman or master plumber on the job site. Allowing an apprentice to do routine plumbing work will allow the three current local licensed plumbers the ability to complete more jobs and to train new potential plumbers to join the profession.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted an ordinance amending the requirements for an apprentice plumber.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider adopting a resolution for a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 North 11th Street.

On January 3, 2023 the Planning Commission held a public hearing to consider a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 514 North 11th Street. The preschool is being constructed

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by the school district. On an 8-0 vote, the Planning Commission recommended approving the request with the conditions recommended by City staff.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution for a conditional use permit for "Schools-preprimary" in an R-2, single-family dwelling district at 517 North 10th Street, also known as 514 N. 11th Street, with the conditions as recommended by City staff.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider adopting an ordinance rezoning a tract of land at 800 North 21st Street to M-1, industrial services district.

On January 3, 2023, the Planning Commission held a public hearing to consider rezoning a tract of land at 800 North 21st Street to M-1, industrial services district. On an 8-0 vote, the Planning Commission recommended approving the rezoning.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted an ordinance rezoning a tract of land at 800 North 21st Street to M-1, industrial services district.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider setting a Public Hearing to consider the condemnation of 1000 W. Chestnut as dangerous and unsafe.

On January 20, 2023 the residence at 1000 W. Chestnut was involved in a structure fire that did significant damage to the structure. City Staff are recommending setting the date of March 23, 2023 at 5:30 p.m. to conduct a public hearing to consider condemnation as dangerous and unsafe.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution setting a Public Hearing to consider the condemnation of 1000 W. Chestnut for March 23, 2023, at 5:30 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None

- G. Consider requesting an extension of time for the CDBG sewer improvement project.

The initially projected schedule for the final completion and payment of the CDBG sewer improvement project was planned for February 28, 2023. Due to contractor and material availability, this date has slipped, and project completion and final payment would be planned for June 30, 2023. There is a requirement to request for an extension as a part of the grant, but there is no impact to either final project scope or cost.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved the request for the extension of time for the CDBG project, and authorized execution of any necessary documents.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. REPORTS

A. City Board Minutes

B. Monthly Capital Project and Public Works Report

VII. CITY MANAGER'S COMMENTS

City Manager Passauer reported that Myrtle St from 6th to the alley will be closed for one week beginning on February 6th and the Fire/EMS Department will have an open house on Feb. 9th for the public to see their new building.

VIII. COMMISSIONERS' COMMENTS

None.

IX. PUBLIC CONCERNS

None.

X. EXECUTIVE SESSION

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

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, 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 6:48 p.m. Attending the meeting will be the Commission, City Manager, City Attorney, Housing Director, Assistant City Manager, City Engineer and City Finance Director.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 6:48 p.m. with no action taken.

B. Personnel matters of non-elected personnel.

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception found at K.S.A. 75-4319(b)(1). The open meeting will resume at 7:08 p.m. in the Civic Center of Memorial Hall. In the executive session will be the Commission, City Manager, Assistant City Manager, Fire Chief and Police Chief .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 7:08 p.m.

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception found at K.S.A. 75-4319(b)(1). The open meeting will resume at 7:15 p.m. in the Civic Center of Memorial Hall.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 7:15 p.m. with no action taken.

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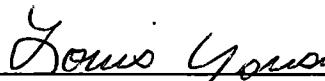
XI. ADJOURNMENT

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, 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