

Minutes of the City Commission's March 9, 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; Seth Jones, 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 by phone; April Nutt, Director of Housing Authority; Brian McHugh, Memorial Hall Supervisor and Jerry Harrison, Chief of Police

Visitors Present: Larry McHugh, Brea Sanford, Jim Kelly, Glenna Lawrence and Ron Lawrence

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. Tree Board -- One Expired Term

One term has expired on the Tree Board which has yet to be filled.

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TREE BOARD (2 year terms – 7 members)			
Members	Term	Expires	Appointed/Eligible
Twila Hawthorne	3rd term	6/1/2024	1/24/2019
Krystal Sumner	1st term	6/1/2024	6/9/2022
Michelle Avery	4th term	6/1/2023	6/8/2017
Amy Hilyard	Unexpired	6/1/2023	Appointed 10/13/2022
Leslie Fox	4th term	6/1/2023	6/8/2017
England Porter	3rd term	1/1/2025	3/28/2019
William MacRae	1st term	1/1/2023	3/11/2021
Meeting Place: Veterans Room, Memorial Hall			
Meeting Date: By appointment			
Meeting Time: By appointment			

The purpose of the Tree Board 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 ScottS@IndependenceKs.gov or 620-332-2512; or visit this link: [Tree Board City Code](#)

Applications were due by March 3, 2023 for one position. We received one application from Leslie Woods.

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission appointed Leslie Woods to a 1st term on the Tree Board ending on January 1, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. CONSENT AGENDA

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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- A. Consider donating surplus beds to a Community Crisis Team.

Mercy hospital left some patient beds used for sleep studies when they vacated the hospital. I would like to donate these beds to a Community Crisis team led by Vic Gorman for his crew to supply them to people in the community who need beds.

Suggested Motion:

I move to authorize City staff to donate surplus beds to a Community Crisis Team.

IV. EXECUTIVE SESSION

- A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission recessed for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception, KSA 75-4319(b)(2). The open meeting will resume at 5:48 p.m. in the Civic Center of Memorial Hall. In the executive session, there will be the Commission, City Attorney, City Manager, Finance Director, Assistant City Manager, City Engineer and Jim Kelly .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 5:48 p.m. with no action taken.

V. ITEMS FOR COMMISSION ACTION

- A. Consider Proclaiming April 28, 2023 as Arbor Day.

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 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.

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This year the Tree Board plans on celebrating Arbor Day on Friday, April 28th, 2023. This is the first step in renewing our recertification for Tree City USA.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission signed the Arbor Day Proclamation for April 28, 2023.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Consider amending the original terms of the Labette Health Incentive Agreement

This item is to request amending the original terms of the Labette Health Incentive Agreement, entered into on March 25, 2021. In the original agreement, we defined residency as the city's public utility service area. We have found this definition to be administratively burdensome to report accurately. We request to modify the definition of residency to the area code 67301. The Economic Development Advisory Board reviewed this request at their March 7, 2023 meeting and recommended approval.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved amending the original terms of the March 25, 2021 Labette Health Incentive Agreement, as presented.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

C. Consider a resolution to rescind the condemnation action of 217 N. 12th Street and 609 W. Laurel Street.

On February 23, 2023, the City Commission set a Public Hearing to consider the condemnation of 217 N. 12th Street and 609 W. Laurel Street due to a fire that destroyed both structures. The property owners have hired a private contractor, and the structures have been removed and inspected to ensure they meet City standards. Although a resolution condemning this property was not adopted, a resolution was filed with the Register of Deeds when the property was initially scheduled for a public hearing. Therefore, in order to ensure no documents are clouding the title, it is recommended to adopt a resolution rescinding condemnation action, which will also be filed with the Register of Deeds.

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Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted resolutions rescinding previous resolutions, which set a hearing date to consider the condemnation of 217 N. 12th Street and 609 W. Laurel Street as dangerous and unsafe and return any insurance proceeds the City may have received.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

D. Consider awarding demolition bids.

The City of Independence received bids for the removal of the following properties:

1. 1016 W. Myrtle
2. 1105 W. Myrtle
3. 1109 W. Myrtle
4. 108 S. Wald (garage only in rear)
5. 414 S. 14th
6. 515 S. 10th
7. 1117 W. Laurel St.

	JRB Single	Mega - Single	Low Bids	Combined bid (JRB)	Combined bid (Mega)
1016 W. Myrtle	3,000	3,000	3,000	3,000	3,000
1105 W. Myrtle	6,500	4,900	4,900	6,500	4,900
1109 W. Myrtle	6,000	5,900	5,900	6,000	5,900
108 S. Wald Garage	1,000	2,900	1,000	500	2,900
414 S. 14th St.	6,500	12,900	6,500	6,000	12,500
515 S. 10th St.	14,000	11,900	11,900	14,000	11,900
1117 W Laurel St.	6,000	6,900	6,000	5,500	6,900
	43,000	48,400	39,200	41,500	48,000

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission awarded single structure low bids as follows: 1016 W. Myrtle, 108 S. Wald Garage, 414 S. 14th and 1117 W Laurel St. to JRB Industries for a total of \$16,500 and 1105 W. Myrtle, 1109 W. Myrtle, and 515 S. 10th St. to Mega for a total of \$22,700.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None

VI. REPORTS

A. City Board Minutes

B. Sales Tax Report

VII. CITY MANAGER'S COMMENTS

City Manager Passauer noted that there will be a special Commission meeting on the 15th and there will be a "Business After Hours event at the new Fire/EMS building next Thursday the 16th of March.

VIII. COMMISSIONERS' COMMENTS

None

IX. PUBLIC CONCERNS

None

X. ADJOURNMENT

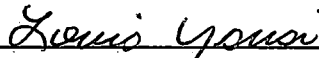
Motion:

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

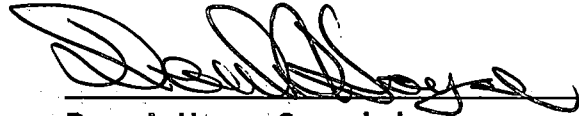
Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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Louis Ysusi, Mayor

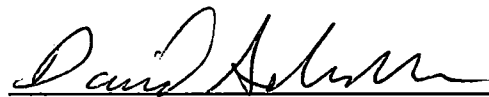


Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer