

Minutes of the City Commission's March 23, 2023 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Louis Ysusi, Vice-Mayor Dean Hayse and 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; April Nutt, Director of Housing Authority and Jerry Harrison, Chief of Police

Visitors Present: Larry McHugh, Brea Sanford, Andy Taylor, Deb Brown, Don Brown, Machele Korhn, Kaylen Goad, John Palovchik and Kenneth Delgado

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. CONSENT AGENDA

Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

A. Consider approving City Commission minutes from February 9th and 23rd, 2023.

Suggested Motion:

Minutes of the City Commission's March 23, 2023 Meeting

I move to approve the City Commission minutes from February 9th and 23rd, 2023.

- B. Consider authorizing an agreement with Shift-S3ctor, LLC to hold a racing event at Independence Municipal Airport on June 10-11, 2023.

Shift-S3ctor, LLC has requested the use of the Independence Municipal Airport from June 10-11, 2023 to hold a racing event. This event is similar to the request held in 2020, 2021, and 2022. This event brings significant exposure to the Independence Municipal Airport and provides a revenue opportunity for local businesses.

Textron Aviation has indicated that they find the event acceptable from a business standpoint, and the event will not interrupt their planned operations.

The City Attorney has reviewed the agreement, and his suggested modification has been made to the final version.

Suggested Motion:

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

- C. Consider authorizing application for KDOT City Connecting Link Improvement Program (CCLIP) grants for FY2025 and FY2026 projects.

Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) applications are due in March for FY 2025 (July 1, 2024 – June 30, 2025) and FY 2026 (July 1, 2025 – June 30, 2026).

The following projects are suggested:

- 1. CCLIP Application, Geometric Improvements, FY 2025 – Main Street, 2nd to City Limits – mill and overlay pavement, replace a portion of sidewalk and add new sidewalk along sections of the north side of 160 to the City limits.**

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$560,000	\$56,000	\$0	\$56,000

Minutes of the City Commission's March 23, 2023 Meeting

- 1. CCLIP Application, Pavement Restoration, Intersection of Chestnut and Penn, FY 2025 – replacing intersection with concrete.**

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$741,000	\$74,100	\$0	\$74,100

- 1. CCLIP Application, Pavement Restoration, 10th Street from Main to Laurel, FY 2026 - full depth replacement of curb, gutter, pavement, and storm sewer.**

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$1,445,000	\$144,500	\$0	\$144,500

Suggested Motions:

- 1. I move to approve an application for KDOT's CCLIP Program for Main Street, from 2nd Street to City Limits, and for the execution of any necessary documents required by KDOT.**
- 2. I move to approve an application for KDOT's CCLIP Program for the intersection of Chestnut Street and Penn Avenue and for the execution of any necessary documents required by KDOT.**
- 3. I move to approve an application for KDOT's CCLIP Program for 10th Street from Main Street to Laurel Street and for the execution of any necessary documents required by KDOT.**

- D. Consider confirming new hangar lease rates effective June 1, 2023.**

The City Commission has previously directed staff to review rates to ensure they are up to date. As a part of this review, the airport hangar rates were reviewed, and it was determined that it is unknown when the rates for the airport hangars were last increased. The T-hangar rate is currently \$125 per month, and evidence suggests that the T-hangar rate was also \$125 in 2002, so it has been over twenty years since it increased. A review of local hangar rates has been conducted, and the following was found for monthly rental rates at comparable airports:

**Bartlesville - \$230
Iola - \$175 - \$250
Parsons - \$110
Coffeyville - \$95**

Minutes of the City Commission's March 23, 2023 Meeting

Based upon this information, and since the last time of general contract renewal was in 2019, a rate increase from \$125 per month to \$150 per month for the T-hangars and from \$225 per month to \$265 per month for bi-fold hangars was recommended by City staff effective June 1, 2023. This rate reflects only the change in the Consumer Price Index from January 2019 to February 2023* and seems to be in the range for comparable airports.

There are 16 T-hangars, and 2 bi-fold hangars.

***U.S. Bureau of Labor Statistics CPI Inflation Calculator**

Suggested Motion:

I move to confirm the rental rate for T-hangars at \$150 per month and for the rental rate for bi-fold hangars at \$265 per month, effective June 1, 2023.

- E. Consider waiving the ordinance prohibiting food trucks in the Park on April 8, 2023 for the Annual Park Opening.

Park staff is working on the Park Opening sponsored by FORPAZ on April 8, 2023, and would like to allow Food Trucks in the Park during the opening. The current City Ordinance only allows the City Manager to "give the privilege of a day to any school, church or association to sell refreshments." We do not believe this includes a private vendor selling refreshments, even though it is part of an association's event. Therefore, we ask the Commission's permission to waive this requirement on April 8, 2023 for the FORPAZ Park Opening event.

Suggested Motion:

I move to waive the Ordinance prohibiting food trucks in the Park on April 8, 2023, for the FORPAZ Park Opening.

III. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 1000 West Chestnut as Dangerous and Unsafe.

On January 20, 2023, this structure was extensively damaged in a structure fire. The structure is owned by Betty Wright of Topeka, Ks. The City was contacted by Lawrence Wright, Fort Madison, Iowa, and he is the son of Betty Wright. Lawrence came to Independence on March 13, 2023, and met with the City of Independence and the insurance adjuster at the property. The

Minutes of the City Commission's March 23, 2023 Meeting

insurance adjuster has totaled the structure and will be sending the City of Independence 15% of the policy to retain for removal. Mr. Wright has agreed to remove the structure and is currently working with the tenant on personal property at the residence. Mr. Wright intends to have the property cleared within 30-60 days.

The City Staff recommends condemnation of 1000 W. Chestnut as dangerous and unsafe and giving Mr. Wright thirty days to settle issues with the tenant and commence clearing the lot.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution condemning 1000 West Chestnut Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

IV. ITEMS FOR COMMISSION ACTION

- A. Consider authorizing the Mayor to sign an agreement with Montgomery County Rural Water District No. 6.

This agreement permits the City to install a water line within Rural Water District #6's territory and wholesale water to Rural Water District #6 to resell to their customers. The City currently provides water to the following Rural Water Districts: #1, #1C, #4, and #8.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized the City Manager and City Attorney to continue negotiations and once an agreement is reached among all parties, the Mayor is authorized to sign any appropriate documents subject to the approval of the City Attorney.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider proclaiming April 9th through the 15th of 2023 as Public Safety Telecommunicators Week in Independence.

In 1991, National Public Safety Telecommunicator Week was formally recognized by Congress and is celebrated each year during the second full

Minutes of the City Commission's March 23, 2023 Meeting

week of April.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized April 9th through the 15th of 2023 as Public Safety Telecommunicator Week in Independence in recognition of the commitment to excellence the members of the Independence Police Department 911 Communications Center demonstrate daily in their service to the Independence area.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider proclaiming March 29, 2023 as Vietnam War Veterans Day in Independence, Kansas.**

City staff was contacted by Machele Korhn, representing the Esther Lowrey Chapter, NSDAR, requesting that the City adopt a proclamation recognizing March 29th as Vietnam War Veterans Day in Independence, Kansas.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission proclaimed March 29, 2023, as Vietnam War Veterans Day in Independence, Kansas.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider proclaiming April 2023 as Fair Housing Month.**

During April 2023, the Independence Housing Authority joins in the national celebration in recognizing April 2023 as Fair Housing Month. During this month of celebration, the City of Independence, Kansas along with the Independence Housing Authority reaffirms its commitment to ending housing discrimination within the City limits of Independence, Kansas.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized the Mayor to sign the attached proclamation declaring April 2023 as Fair Housing Month.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Minutes of the City Commission's March 23, 2023 Meeting

- E. Consider signing the sale contracts for 917 & 921 East Walnut and 1013 & 1017 East Walnut.

The Independence Housing Authority and SeeKan CDI constructed two duplexes at 917 & 921 East Walnut and 1013 & 1017 East Walnut with HOME funds through a federally awarded grant. This program has a 20 year compliance period, which expired in 2021. The Independence Housing Authority and See Kan CDI have decided to sell the properties. The properties were listed with Coldwell Banker and, following eight offers, the IHA and SeeKan Boards have determined to sell the properties to MDC Members LLC.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized the Mayor to sign the sales contracts for 917 & 921 East Walnut and 1013 & 1017 East Walnut to MDC Members LLC.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider Change Orders for City Hall Phase II project.

The following change orders are part of the Phase II renovation of City Hall and issues they encountered while doing the renovation:

Change Order #	Subject	Description
COR 45	Sanitary Sewer	Replacement of a tile sanitary sewer line for C
COR 46	Data Drops	From 2nd to 3rd for 911 Communications Acce
COR 47	Fire/EMS	Crab Return System (CRS)
COR 48	Storm Line Credit	The City Water-Sewer Department will make t
COR 49	ASI-06 Bypass	Placing the generator ATS Switches outdoors a
COR 50	RFI 51	911 center.
COR 51	Remove Pipes/Patch Hole	Patch existing concrete beam
PR#4	Exchange	At the entrance to City Hall
PR#5	Additional	Standard camera for Fisheye camera
		Standard Cat 6 cable drop room 102
		Subtotals
		Total

Motion:

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

Minutes of the City Commission's March 23, 2023 Meeting

change orders for a credit of \$12,152.75 for the Phase II City Hall Project.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider the replacement of a 2017 ambulance.**

The Independence Fire-EMS was budgeted to replace the Medic 3 Ambulance in the 2023 Capital budget. The Fire-EMS bid package requested quotes for a new unit, demo unit, or remount of our trade-in ambulance from the vendors. The City of Independence received four bids on March 16, 2023 from Feld Fire, Braun NW, Pinnacle Emergency Vehicles, and Osage Ambulance. The vendors contacted the City that the availability of units was limited due to unit demand and vehicle production shortages, and new unit production would occur in late 2024 or 2025 if an order were approved now and placed into their construction schedule. The City was also informed that production costs had increased 30% - 50% since the City last purchased a unit in 2021.

After reviewing the bids received, the Fire-EMS recommends that the Commission approve remounting the ambulance box on a new E450 2024 chassis by Osage Ambulance for \$196,075.17. If approved, Osage Ambulance scheduling indicates the remounting will be completed in the 4th Quarter of 2024.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved the remounting of a 2017 Type III Osage Ambulance by Osage for \$196,075.17.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider authorizing the transfer of the Independence Police Department's canine program to the Montgomery County Sheriff's Office.**

Independence Police Department's canine officer has taken a position with the Montgomery County Sheriff's Office. Chief Harrison and Sheriff Wade have agreed to a plan that allows the citizens of Independence to continue to benefit from the canine team they have supported through their donations. Major donors and supporting organizations have reviewed this plan.

Minutes of the City Commission's March 23, 2023 Meeting

1. The City will donate \$3,475 from the canine line item to MGSO to support their K9 program until they can get this additional dog funded in their 2024 budget.
2. The City will donate the canine vehicle and vehicle equipment to MGSO to be used as a canine car.
3. The City will use the remaining funds in the K9 line item to reimburse the City for the vehicle and equipment purchased using the City's General Fund.
4. Staff have requested that the Independence Area Community Chest redirect the money from their 2023 Grant for the IPD K9 Program to the MGSO K9 Program (\$1,125)
5. The City will donate all K9 equipment in IPD's Inventory to MGSO K9 Program.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized City staff to transfer the Independence Police Department's canine program to the Montgomery County Sheriff's Office.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

I. Consider approving liability and property insurance coverage.

Newkirk, Dennis, and Buckles provide the City with insurance brokerage services for property and liability insurance. This year, the City requested quotes on insurance coverage options through multiple carriers. Two providers quoted the City's coverage as follows:

Property/Commercial Auto/Law Enforcement/Inland
Marine/Equipment/Public Official E&O/Emp. Practices/General Liability

	<u>EMC</u>	<u>Travelers</u>
2022-2023	\$385,648	
2023-2024	\$476,812	\$295,762
plus Gun Range	\$1,750	\$1,750
plus Train Liability	\$1,600	<i>included above</i>
plus Fireworks	\$ 424	<i>included above</i>
Total	\$480,586	\$297,512
plus Railroad project umbrella	\$30,357	\$17,545

Minutes of the City Commission's March 23, 2023 Meeting

Cyber

Tokio Marine Netguard
Coalition

\$13,456 /\$25kded
\$12,324 /\$50kded

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved insurance coverage with Travelers Insurance and Tokio Marine Netguard for the 2023-2024 insurance plan.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. REPORTS

A. Appropriations - February 17 - March 17, 2023

B. Engineering and Public Works Report

Engineer Garris presented the report.

VI. CITY MANAGER'S COMMENTS

Assistant City Manager David Cowan gave an update on the beautification meeting and noted that all dumpsters for the Love Independence event have been booked.

City Manager Kelly Passauer noted that opening day at the park will be on April 8th from 11:00 a.m. to 3:00 p.m. The Rotary Club will host their annual Easter egg hunt on Easter Sunday beginning at 3:00 p.m. and City Hall will be closed on Friday April 7th for Good Friday.

VII. COMMISSIONERS' COMMENTS

None

VIII. PUBLIC CONCERNS

Deb Brown spoke about Wells Drive.

IX. ADJOURNMENT

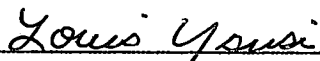
Minutes of the City Commission's March 23, 2023 Meeting

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



Louis Ysusi, Mayor



Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer