

## Minutes of the City Commission's April 27, 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; April Nutt, Director of Housing Authority and Brian McHugh, Memorial Hall Supervisor

**Visitors Present:** Larry McHugh, Brea Sanford, Andy Taylor, Alexander Tucker, Gabe Schenk and Ned Stichman

#### 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. Library Board of Trustees -- One Resignation

**One of the City representatives, Rachel Koszalka, has resigned due to taking a new position in another City. Applications were received for this opening until noon on April 21, 2023. The City representative must reside within the City limits. We have received three applications which are attached.**

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| <b>INDEPENDENCE LIBRARY DISTRICT BOARD OF TRUSTEES</b> |              |                |                                       |
|--------------------------------------------------------|--------------|----------------|---------------------------------------|
| <b>4 year terms – 7 members</b>                        |              |                |                                       |
| <b>Members</b>                                         | <b>Term</b>  | <b>Expires</b> | <b>Appointed</b>                      |
| Tom Sewell<br>Treasurer                                | 2nd term*    | May 1, 2025    | 11/26/19                              |
| Michelle Avery<br>President                            | 2nd term     | May 1, 2026    | 4/2/20                                |
| Carolyn Torrance                                       | Unexpired    | May 1, 2025    | Appointed 11/1/19<br>Replaced 11/1/20 |
| Rachel Koszalka<br>Vice Chair                          | 1st term*    | May 1, 2026    | 9/2/20<br>Resigned 03/3/21            |
| Ronald Schwatken<br>Secretary                          | 1st term     | May 1, 2025    | 7/1/20                                |
| Vacant                                                 | Unexpired    | May 1, 2023    |                                       |
|                                                        | Elk City Rep |                |                                       |
| England Porter                                         | Unexpired    | May 1, 2025    |                                       |
|                                                        | USD 446 Rep  |                |                                       |
| * Previously served unexpired term                     |              |                |                                       |
| Meeting Place: Centennial Room, Library                |              |                |                                       |
| Meeting Date: Third Wednesday                          |              |                |                                       |
| Meeting time: 4:15 p.m.                                |              |                |                                       |

**Motion:**

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Andy Taylor to the Library Board of Trustees to fill an unexpired term ending on May 1, 2026.

**Aye:** Tim Emert, Dean Hayse, Louis Ysusi

**Nay:** None

**B. Housing Authority -- Two terms expired**

Tim White and Gary Morrison's terms on the Housing Authority expired on April 11, 2023. Both have served two full terms, so they are ineligible to be reappointed unless replacements do not apply or are not eligible to be appointed. Board members with expired terms continue to serve until replaced. Applications were received for this opening until noon on April 24, 2023. The City representative must reside within the City limits. Two applications were received and are attached.

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| HOUSING AUTHORITY<br>(4 year terms – 5 members)                                     |           |                |                                             |
|-------------------------------------------------------------------------------------|-----------|----------------|---------------------------------------------|
| Members                                                                             | Term      | Expires        | Appointed/<br>Eligible to be<br>Reappointed |
| Darnell Lawrie                                                                      | Unexpired | April 11, 2023 | 9/1                                         |
| Eddie Rodgers                                                                       | 2nd term  | April 11, 2026 | 4/2                                         |
| Rita Ortolani                                                                       | 1st term* | April 11, 2026 | 4/2                                         |
| Tim White                                                                           | 2nd term* | April 11, 2023 | 8/1                                         |
| Gary Morrison                                                                       | 2nd term  | April 11, 2023 | 3/2                                         |
| Meeting Place: Penn Terrace<br>Meeting Date: Third Tuesday<br>Meeting Time: 12 p.m. |           |                |                                             |

**Motion:**

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission appointed Cindy White to a 1st term on the Independence Housing Authority Board which will expire on April 11, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

**Motion:**

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Charles Doerr to a 1st term on the Independence Housing Authority Board which will expire on April 11, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. 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

## **Minutes of the City Commission's April 27, 2023 Meeting**

- A. Consider waiving the ordinance prohibiting food trucks in the Park on April 30, 2023 for Independence High School Fun Night

**Independence High School administration is working on planning a Fun Night for Independence High School students and their families at Riverside Park on April 30th, 2023, from 6:00 p.m. to 8:00 p.m. As part of this event, they would like to have several food trucks at the park. The food trucks will be available to the general public during the hours of the event. 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 30, 2023 for the IHS Fun Night Event.**

### **Suggested Motion:**

**I move to waive the Ordinance prohibiting food trucks in the Park on April 30, 2023, for the Independence High School Fun Night Event.**

- B. Consider authorizing TranSystems to prepare and submit a KDOT Off-System Bridge grant applications for the Cherry Street Bridge.

**Kansas Department of Transportation (KDOT) Off-System Bridge applications for the spring 2023 round are due on May 26, 2023.**

**The City has submitted Cherry street for this grant before as the bridge has been evaluated and the time for replacement is near. Costs below include cost escalation due to inflation, per KDOT. The project has an estimated total cost of \$465,000, with an anticipated total cost to the City of \$49,000.**

### **Suggested Motion:**

**I move to authorize TranSystems to prepare an application for KDOT's Off-System Bridge Program for the Cherry Street Bridge and to submit the application to KDOT.**

- C. Consider authorizing a contract with TranSystems to design the containment project as required by the Airport SPCC program.

**A recent update to the federally required Spill Prevention, Containment, and Countermeasures plan at the Airport shows the need for building additional secondary containment for the fuel farm as well as the fuel trucks. TranSystems has provided a cost to do design and inspection work of \$45,000, and the contract is attached.**

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### **Suggested Motion:**

**I move to authorize a contract with TranSystems Corporation to prepare a design for the secondary containment at the Airport and the execution of any necessary documents.**

- D. Consider approving idle fund deposits in a financial institution.

**The City solicited local banks for proposals as a depository for excess idle funds, in accordance with Kansas Statue 12-1675 (12-1675 (ksrevisor.org)). Three proposals were received from the following local institutions: First Oak Bank, Commercial Bank, and Community National Bank.**

**Community National Bank's proposal yields the highest return on the funds at the 91-day Treasury rate with a 4.5% floor for the first year.**

### **Suggested Motion:**

**I move to approve deposits with Community National Bank and Trust and for city staff to execute any necessary documentation.**

## IV. PUBLIC HEARING

- A. Public Hearing to consider condemnation of 1016 E. Edison as Dangerous and Unsafe.

**The structure at 1016 E. Edison was involved in a fire that did extensive damage. Lariat Enterprises L.L.C has been working with the City of Independence building department and continues to make progress on the rehabilitation of the structure. The rehab progress is slow due to contractor availability, but the work is progressing with new electrical service and wiring completed, and they are now working on interior rehabilitation. City staff recommends adjourning the hearing until July 13, 2023, at 5:30 PM.**

### **Motion:**

**On the motion of Tim Emert, seconded by Dean Hayse, the Commission adjourned the Public Hearing for 1016 E. Edison until July 13, 2023, at 5:30 PM.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

## V. ITEMS FOR COMMISSION ACTION

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- A. Consider proclaiming May 7-13, 2023 as Public Service Recognition Week.

**Introduced in 1985 by President Reagan, Public Service Week was introduced to honor the people in the public sector and acknowledge their efforts to provide services to the citizens. The City of Independence would like to honor our employees that provide services to the citizens of Independence.**

**Motion:**

**On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized May 7-13, 2023, as Public Service Recognition Week in Independence, Kansas.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- B. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 404 South 8th Street as dangerous and unsafe.

**City staff was contacted by residents about 404 S. 8th regarding the house's condition and that it was a danger to children in the area. The building department inspected the house on April 6, 2023, and found the house to be in a dangerous and unsafe condition. The building department has been in contact with the owner, who indicated he is selling the house to an individual who will rehab the residence. City staff has recommended a timeline of repairs to be submitted to the City and that immediate action be taken to correct the unsafe conditions of the porch and install a roof to stop water infiltration into the structure. City staff informed the owner that as long as a timeline of repairs is submitted and followed, the City will continue to work with the owner to rehab the structure and return it to a habitable structure. However, we will proceed with the condemnation process and hold a Public Hearing on July 13, 2023.**

**Motion:**

**On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution setting the date of July 13, 2023, at 5:30 PM for a Public Hearing to consider the condemnation of 404 S. 8th Street as dangerous and unsafe .**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- C. Consider setting the date of July 13, 2023, for a Public Hearing to consider the condemnation of 201 S. 14th Street as dangerous and unsafe.

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City staff has received complaints about the structure's condition at 201 S. 14th Street. City records indicate the utilities were last active in February 2010. A review of the structure found several holes in the roof, and the structure is unsecured with broken windows and access through open doors and an opening in the back of the house.

**Motion:**

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution setting the date of July 13, 2023, at 5:30 PM for a Public Hearing to consider the condemnation of 201 S. 14th Street as dangerous and unsafe.

**Aye:** Tim Emert, Dean Hayse, Louis Ysusi

**Nay:** None

- D. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 700 E. Edison Street as dangerous and unsafe.

The City of Independence received a complaint through See Click Fix regarding the structure's condition. The building department inspected the structure and found it uninhabitable and open. The structure last had City utilities in 2014.

**Motion:**

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution setting the date of July 13, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 700 E. Edison Street as dangerous and unsafe.

**Aye:** Tim Emert, Dean Hayse, Louis Ysusi

**Nay:** None

- E. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 616 E. Edison Street as dangerous and unsafe.

The City received a complaint through See Click Fix regarding the structure's condition at 616 E. Edison. The building department inspected the structure and found it to be in uninhabitable condition and need of repair. The residence has been an ongoing issue with code enforcement related to debris and the structure's condition.

**Motion:**

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**On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution setting the date of July 13, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 616 E. Edison Street as dangerous and unsafe .**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- F. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 510 E. Main Street as dangerous and unsafe.**

**The City received a complaint from neighbors regarding the structure's condition at 510 E. Main. The City conducted an inspection and found the structure uninhabitable and needed repair. The structure last had City utilities on October 2017.**

**Motion:**

**On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution setting the date of July 13, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 510 E. Main Street as dangerous and unsafe.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- G. Consider setting the date of July 13, 2023 for a Public Hearing to consider the condemnation of 1000 N. 4th Street as dangerous and unsafe.**

**The City building department has received multiple complaints regarding the structure's condition at 1000 N. 4th. The house has not had utilities since 2020 and is open and insecure. The City has sent a notification to the owner informing him of the complaints and the open status of the structure. The failure to maintain the structure and being unsecured has created a nuisance for the neighborhood, allowing transients, an infestation of animals and insects and an attraction for vandalism.**

**Motion:**

**On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution setting the date of July 13, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 1000 N. 4th Street as dangerous and unsafe.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- H. Consider a resolution to rescind the condemnation action of 1000 W. Chestnut Street.

The City Commission approved setting a Public Hearing for the condemnation of 1000 W. Chestnut Street on March 23, 2023. Lawrence Wright, the owner's son, has since contracted with a private contractor and cleared the lot, which the City inspected. Staff is asking the Commission to adopt a resolution rescinding condemnation action to clear the title. The City has also received insurance proceeds and will return those to the owner.

**Motion:**

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution rescinding previous resolutions, which set a hearing date to consider the condemnation of 1000 W. Chestnut Street as dangerous and unsafe, and return any insurance proceeds the City may have received.

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- I. Consider a change order to the Phase II City Hall Project.

City staff reviewed the 1st-floor plan with McCown Gordon, and a security concern was noted regarding access to offices and the courtroom. The main entrance to City Hall will be the door on the south side of the building, formally a garage door. Citizens can access this door 24/7 to reach the police department dispatch. Citizens would have access to the foyer and hallway towards the clerk's office, where the bathroom is located. To ensure the security of the six offices and the Commission/Courtroom, the City is requesting door access be placed on these office doors. The housing department will be located in three of these offices and have agreed to cover the installation cost of door access to their offices. This proposed change order covers three city offices and the Commission/Courtroom and includes proximity readers, door hardware, cable path/conduit, and installation.

**Motion:**

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved the change order with Gateway Wireless to install door access control on the 1st floor.

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

- J. Consider waiving a portion of the Commission's approval authority under the City's Purchasing Policy.

The agreement with Bartlett to design and construct the new water pipeline has been executed. The water pipeline is a high-priority project for the City, as it generates revenue for the City and is also required for the operation of the new Bartlett facility, which will bring economic growth to all of Montgomery County.

The timing of decisions by the City Commission is normally adequate for most City needs, given that there are generally two or three available times for the Commission to make decisions on purchasing in any given month. On a project that is being "fast-tracked," such as the pipeline, this frequency will likely prove to be insufficient and, if followed, will result in either project delay, increased project costs, or a significant number of additional Commission meetings called to meet the needs of the project.

Alternatively, the Commission could waive its approval of purchasing, scoping, bidding, and award decisions on this project only. This would not be suggested in a typical project because, in a typical project, the City is operating using taxpayer funds. In the case of the Bartlett water pipeline project, however, the City will be reimbursed for all funding, so there is no net cost to the City or the taxpayers.

This waiver would allow decisions on the project to be made with the necessary speed to build the project in the shortest possible time. It is proposed that these decisions, generally, are approved by the designated Bartlett representative, by the Independence City Manager, and by the Independence City Engineer before implementation, except in cases of emergency.

The Commission would, however, absolutely retain its oversight role, as periodic project reports would communicate those decisions. The Commission could also rescind this waiver at any time.

**Motion:**

On the motion of Tim Emert, seconded by Dean Hayse, the Commission agreed to waive Purchasing Policy approval for the construction and any related expenses for the new City water pipeline to serve Bartlett-Montgomery County, LLC.

**Aye:** Tim Emert, Dean Hayse, Louis Ysusi

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**Nay: None**

### VI. REPORTS

#### A. Monthly Public Works and Project Report

**City Engineer Garris presented the report.**

#### B. Appropriations - March 18 - April 21, 2023

### VII. CITY MANAGER'S COMMENTS

City Manager Passauer noted that the sanitation department is open from 8-2 during love independence week as well as the brush dump. The Commission was also informed that the City received \$2.6 million from the base grant.

### VIII. COMMISSIONERS' COMMENTS

None

### IX. PUBLIC CONCERNS

None

### X. 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 6:30 p.m. in the Civic Center of Memorial Hall. In the executive session will be the Commission, City Attorney, City Manager, Assistant City Manager and City Engineer and Shawn Turner.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

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**The meeting resumed at 6:30 p.m. with no action taken.**

- B. Matters relating to the security of a public body or agency, public building or facility, or the information system of a public body or agency.

**Motion:**

**On the motion of Louis Ysusi, seconded by Tim Emert the Commission recessed for an executive session for discussion of City Hall security pursuant to the security measures exception found at K.S.A. 75-4319(b)(12). The open meeting will resume at 6:45 o'clock p.m. in the Civic Center of Memorial Hall. In the executive session will be the Commission, City Manager, City Attorney, Public Works Director, and Assistant City Manager.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

**The meeting resumed at 6:45 p.m. with no action taken.**

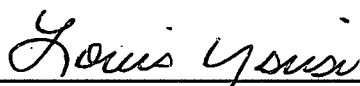
**XI. ADJOURNMENT**

**Motion:**

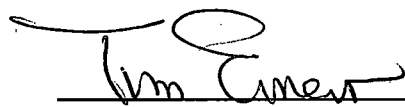
**On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission adjourned the meeting.**

**Aye: Tim Emert, Dean Hayse, Louis Ysusi**

**Nay: None**

  
\_\_\_\_\_  
Louis Ysusi, Mayor

  
\_\_\_\_\_  
Dean A. Hayse, Commissioner

  
\_\_\_\_\_  
Tim Emert, Commissioner

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**Attest:**

  
\_\_\_\_\_  
**City Clerk/Treasurer**