

Minutes of the City Commission's May 11, 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; Lacey Lies, Director of Finance; April Nutt, Director of Housing Authority and Brian McHugh, Memorial Hall Supervisor

Visitors Present: Larry McHugh, Leslie Fox, Kenneth Kaiser, Phil Eastep, Miley Kaiser, Tim Kaiser 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 Tim Emert, seconded by Dean Hayse, the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. Plumbing Board -- One Vacancy (Atmos Representative)

Chris Fry, Supervisor of Atmos Energy, filled the natural gas company position on the Plumbing Board. Chris is transferring back to the Olathe, Kansas, office and is recommending Laramie Ruark, the replacement supervisor, to fill the Atmos position on the Board. The current term expires on August 15, 2023.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Laramie Ruark, Atmos Energy, to the plumbing board for an

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unexpired term ending on August 15, 2026 .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. PRESENTATIONS

- A. Presentation from Indy Trails regarding grand opening.**

The Eagle Rock Shredders have created a mountain bike and hiking trail north and east of the Dog Park on Park Blvd. A Grand Opening celebration will be held on Saturday, May 20th from 11 AM -1 PM.

- B. Presentation from A.W.O.L. regarding future funding.**

Dr. Phillip Eastep has requested to address the Commission on behalf of A.W.O.L regarding their future funding.

- C. Presentation from Four County Mental Health on programs that utilize the City's Special Alcohol Funds.**

Four County Mental Health has requested to present to the Commission regarding the City's Special Alcohol Funds.

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 a request from Montgomery Place Nursing Home to close 8th Street between Birch and Edison on May 18, 2023 for a special event.**

The City received a request from Sandy Mercer for Montgomery Place Nursing Home at 614 S. 8th Street. The nursing home would like to celebrate National Nursing Home Week on May 18, 2023. The nursing home would like to do some outside activities including food, games, and music with the residents, and is requesting to block the street in front of the nursing home

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from 5 PM until 8 PM.

Suggested Motion:

I move to authorize the closing of South 8th Street between Birch and Edison on May 18, 2023, from 5:00 PM until 8:00 PM

- B. Consider approval of flagpole maintenance and repair.**

The VFW contacted the City regarding the condition of the flag pole at City Hall. The flag pole at City Hall was erected by the Daughters of the Union Veterans of the Civil War on May 15, 1960. A construction company related to City Hall Phase II work damaged a portion of the base and the damage is being repaired by McCown Gordon. The City met with the VFW and McCown Gordon to approve the repair and while reviewing the damage, the VFW noted the condition of the flagpole paint, halyard, and pulleys. The City published an RFQ and sent it to companies in Kansas and posted it online for flagpole restoration and repair. We also included the Memorial Hall and Shelter House flag poles with the RFQ.

Rocky Mountain Flag Company submitted a proposal and two other companies opted not to bid on the job.

Suggested Motion:

I move to approve the restoration and repair of City Hall, Memorial Hall and Riverside Park Stich Shelter House flag poles.

- C. Consider authorizing a one-time exception to the existing policies regarding a sanitary sewer project that is set to go out for bid later this year.**

To move along the sanitary sewer project, which is set to go out for bid later this year and encompasses at least three areas of the City, and ensure proper connections to the City sanitary sewer, City staff would like authorization for a one-time exception to existing policies.

Suggested Motion:

I move to authorize a one-time exception to the existing policies regarding a sanitary sewer project that is set to go out for bid later this year as follows:

- 1. In regard to the properties that have not yet connected to the 2013 sanitary sewer main line serving an area on the north side of the 300 block of Westminster Place; rescind the previous action on August 13, 2020 requiring the property owners to repay the connection costs to**

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the City, and authorize connection of these properties at no cost to the property owners in exchange for any easements as may be required.

- 2. In regard to the properties that have connected to the 2013 sanitary sewer main line serving an area on the north side of the 300 block of Westminster Place; authorize reimbursement to property owners for their out-of-pocket cost less any funds already paid by the City's sanitary sewer cost-share grant as long as they apply to the City Finance Department for such reimbursement no later than November 16, 2023.**
- 3. Authorize connection of properties to a sanitary sewer main line in the area of 1st and Laurel Streets at no cost to the property owners in exchange for any easements as may be required.**
- 4. Authorize connection of properties to a sanitary sewer main line in the area of 1st and Birch Streets at no cost to the property owners in exchange for any easements as may be required.**

- D. Consider approving a contract with Indigo Design, Inc to update the Master Plan for Riverside Park.**

In 2007, Indigo Design, Inc was contracted by the City to develop a parks and recreation master plan to outline the development of City parks and recreational areas. A portion of that plan included several updates to Riverside Park, mainly focused on the playground and miniature train areas. Since the development of that plan, several updates have been made to the playground that did not conform to the master plan. Because of this, many aspects of the original plan no longer fit. Updates to the plan will include re-designing the playground area, and a re-configuration of the miniature train area to include an ADA-compliant miniature golf course, splash pad, and renovated train depot/ticket booth.

Suggested Motion:

I move to approve the contract with Indigo Design, Inc to update the 2007 parks and recreation master plan.

- E. Consider adopting an Ordinances related to the operation of trucks over a certain weight on certain City streets.**

As Internet-driven navigation is now more common, information about certain routes not traditionally used by trucks and through traffic is generally available. It is in the best interest of the City to restrict truck traffic on roadways that are not designed for it to prevent accelerated roadway failure,

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and are generally residential or recreational in nature to avoid conflict with foot traffic.

A draft ordinance is attached which would prevent through trucks on:

- Taylor Road west of 10th Street,
- East Oak Street between North Pennsylvania Avenue and North Park Boulevard, and
- North Park Boulevard between East Oak Street and East Main Street.

Suggested Motion:

I move to adopt Ordinance No. 4431 restricting the operation of trucks over a certain weight on certain City streets.

- F. Consider authorizing a Greenbush Energy Group Participation Agreement & Hedging Authorization, and Woodriver Energy Base Agreement to acquire natural gas.

City Administrative staff has been working with Greenbush Energy Group for approximately seven years on the acquisition of Natural Gas for Building D and Memorial Hall. This agreement kept the price volatility of February 2021's unprecedented winter storm from significantly impacting the budget. It is time to renew these agreements.

As indicated in the attached letter, the Greenbush Advisory Committee has followed the three-year supply agreement with Woodriver Energy, with two hedging recommendations that place approximately 70% of the 2023-24 anticipated winter usage under contract. These hedges represent a more than 25% savings year over year on the price of natural gas. They recommend the City execute the participation agreement and hedging authorization to continue participation in the group.

Suggested Motion:

I move to authorize the City Manager to sign a Greenbush Energy Group Participation Agreement & Hedging Authorization and a Woodriver Energy Transaction Confirmation Agreement to acquire natural gas.

V. ITEMS FOR COMMISSION ACTION

- A. Consider proclaiming May 14th through the 20th as Police Week in Independence.

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In 1962, President John F. Kennedy signed a proclamation designating May 15 as Peace Officers Memorial Day and that week Police Week.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized May 14th through May 20th as Police Week in Independence in recognition of the commitment to excellence the members of the Independence Police Department demonstrate every day.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider proclaiming May 21st through the 27th as Emergency Medical Services Week.**

In 1974, President Gerald Ford authorized EMS Week to celebrate EMS practitioners and the important work they do in our nation's communities. National Emergency Medical Services Week brings together local communities and medical personnel to honor the dedication of those who provide the day-to-day lifesaving services of medicine's frontline. EMS Week is presented by the American College of Emergency Physicians (ACEP) in partnership with the National Associations of Emergency Medical Technicians (NAEMT).

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission proclaimed May 21st-27th as Emergency Medical services Week.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider adopting Resolution No. 2023-013 and Resolution No. 2023-014 authorizing certain water projects for bond issuance and authorizing the sale of bonds.**

The City plans to issue bonds for the waterline extension project for approximately a 9-mile waterline to Rural Water District No. 6 to serve the Bartlett facility. In accordance with the Development Agreement entered into between the City and Bartlett, Bartlett will reimburse the City for all costs related to the project, including the cost of financing, over a 5-year period, beginning June 1, 2025.

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Resolution No. 2023-013 authorizes the project as a capital project to be financed through a bond issuance and Resolution No. 2023-014 authorizes the sale for General Obligation Temporary Notes.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted Resolution No. 2023-013, authorizing certain water projects to be financed with General Obligation Temporary Notes or Bonds.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted Resolution No. 2023-014, authorizing the sale of General Obligation Temporary Notes or Bonds, and authorized the City Manager to award sale of temporary notes pursuant to stated economic parameters.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

D. Consider Change Order 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:

- **COR 57 ASI-07 Credit - Credit for items that were deleted from the scope of work (\$11,591.00)**
- **COR 56 RFI 69 - Dumbwaiter Shaft - CO to comply with code requirements \$2,399.41**
- **COR 58 Additional electrical work for Housing card readers. \$ 527.86 - Housing will reimburse the City.**
- **COR 59 - Courtroom soffit changes. \$959.76**
- **COR 60 - City Hall Chimney Cap \$ 3,386.90**
- **COR 63 - ASI -04 Drywall Soffit Courtroom \$2,637.22**

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved change orders for \$9,911.15 and a credit of \$11,591.00 for Phase II City Hall Project.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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- E. Consider setting the date of July 27, 2023 for a Public Hearing to consider the condemnation of 512 N. 16th Street as dangerous and unsafe.

On May 03, 2023, a structure at 512 N. 16th was involved in a fire that did damage to the interior and attic of the structure. Firefighters encountered a hoarding situation inside and outside of the structure, with mounds of debris inside the home while putting the fire out. The City Staff recommends setting July 27, 2023 at 5:30 PM for 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 the date of July 27, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of 512 N. 16th as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider authorizing the Mayor to sign the Kansas Department of Commerce CDBG grant for 106-110 North 8th Street.

Trident Partners LLC requested the City of Independence submit a Commercial Rehabilitation Community Development Block Grant for 106-110 North 8th Street. The purpose of Commercial Rehabilitation grants is to help cities improve the quality of their downtown commercial districts by assisting private property owners in the rehabilitation of blighted buildings. It is hoped that strategic investment of grant funds will help prevent the spread of blighted conditions to other nearby structures. The maximum grant allowed is \$250,000 with a 25% required match. The City of Independence will serve as a pass-through entity, with the building owner being responsible for meeting the grant guidelines and will be held responsible if they are not met.

The Kansas Department of Commerce has awarded the City of Independence, Kansas on behalf of Trident Partnerships a \$250,000 Community Development Block Grant for 106-110 North 8th Street.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized the Mayor to sign the Kansas Department of Commerce's Community Development Block Grant agreement for 106-110 North 8th Street.

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Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider revising the interlocal agreement with Rural Water District #6.**

On March 23, 2023 the City Commission authorized the Mayor to sign an interlocal agreement with Rural Water District #6, subject to the City Attorney's review and approval. The City Attorney sent the interlocal signed by both the City and Rural Water District #6 to the Attorney General's Office for approval, which is required for any interlocal agreement. The Attorney General's Office advised the City Attorney on May 9, 2023 that additional language needed to be added indicating that the City is the administrator of the agreement. The City Attorney proposed adding the following language to the end of paragraph 4: "To the extent necessary, City is designated administrator of this agreement." The Attorney General's Office indicated that this would satisfy their concern. The City Attorney has also reached out to Rural Water District #6 who will also approve this additional language.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized language to be added to the interlocal agreement with Rural Water District #6 previously approved on March 23, 2023 to indicate that the City is the designated administrator.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider adopting a resolution modifying and recertifying the amount of cash funds dedicated toward the Rural Business Development Grant Program from USDA Rural Development.**

On February 23, 2023 the City Commission adopted a resolution certifying the City had the authority to apply for a Rural Business Development Grant; authorized the City Manager to sign the grant application; and pledged \$76,500 in cash funds toward the project. The project is for the Comprehensive Community Development Plan. In speaking with the USDA Representative, the City has been asked to increase the amount of cash funds dedicated to this project from \$76,500 to up to \$100,000.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted Resolution 2023-025, modifying and recertifying the amount of cash funds dedicated toward the Rural Development Grant Program from USDA

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Rural Development.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. REPORTS

A. City Board Minutes

1. April 19, 2023 Library Board of Trustees.

2. March 16, 2023 Housing Authority.

3. February 2, 2023 Land Bank.

B. 2023 Q1 Treasurer's Report

C. March 2023 Sales Tax Report

D. April 2023 Sales Tax Report

E. Water Pipeline Update

Engineer Garris gave an update on this project.

VII. CITY MANAGER'S COMMENTS

City Manager Passauer reminded the Commission and the public that there are two positions open on the City Commission and the Special Commission meeting on May 17th at 9 AM will be used to examine the parking lot at 1916 City Hall and a tour of the outer parks.

VIII. COMMISSIONERS' COMMENTS

Commissioner Hayse asked that the June 8th Commission meeting be canceled due to the absences of Commissioner Hayse and Commissioner Emert and move the meeting to June 15th.

Motion:

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

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canceled the June 8th meeting.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Commissioner Ysusi reminded everyone that USPS is having their can food drive this Saturday.

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 Tim Emert, 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. (10 minutes) in the Civic Center of Memorial Hall. In the executive session will be the Commission, City Attorney, City Manager and Assistant City Manager..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 6:30 pm with no action taken.

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

This item was included in the previous closed session.

XI. ADJOURNMENT

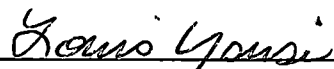
Motion:

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None



Louis Ysusi, Mayor



Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer