

Minutes of the City Commission's June 22, 2023 Meeting

I. REGULAR SESSION

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

City Staff Present: Kelly Passauer, 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; Scott Patton, Park and Zoo Director; Lacey Lies, Director of Finance; Jerry Harrison, Chief of Police and Brian McHugh, Memorial Hall Supervisor

Visitors Present: Larry McHugh, Brea Sanford, Brittney Holum, Wayne Gudmonson, Tabatha Snodgrass, Butch Holum, Lori Kelly, Patti Bronson and Kenneth Kaiser

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 with the removal of Item B from the Consent Agenda and moved to Items for Commission Action.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. Park Board -- 3 expired terms (Inside City Limits) -- 1 eligible for reappointment (Jill Warford)

Three terms have expired on the Park Board. One member is currently serving an unexpired term and is eligible for reappointment (Jill Warford). Ms. Warford wishes to be reappointed.

The City is receiving applications for the remaining two positions on the Park Board that will expire on July 1, 2023. Board members continue to serve until

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replaced. Applicants must reside inside the City limits. Applications are due by noon on July 7, 2023. To learn more about the Park Board, visit this link: [Park Board](#)

[Click here to apply online.](#)

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission reappointed Jill Warford to a first term on the Park Board, expiring on July 1, 2026.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. PRESENTATIONS

A. Presentation of the 2022 Audit

Sean Gordon of Gordon C.P.A. presented the 2022 audit report of the City's finances.

B. Presentation by Main Street Director regarding establishing a Common Consumption Area downtown.

Main Street Director Tabatha Snodgrass presented to the Economic Development Advisory Board (EDAB) earlier this month regarding establishing a Common Consumption Area downtown. Attached is the information presented to EDAB. If the Commission wishes to proceed, we will ask the City Attorney to prepare an ordinance for consideration at your next meeting.

IV. CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted the consent agenda with the removal of Item B from the Consent Agenda to Items for Commission Action.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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- A. Consider approving City Commission minutes from April 4th, 13th, 19th and 27th, 2023.

Approve the City Commission minutes from April 4th, 13th, 19th and 27th, 2023.

Recommended Motion:

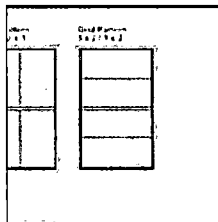
I move to approve the City Commission minutes from April 4th, 13th, 19th and 27th, 2023.

- B. Consider Change Order for City Hall Phase II project

This item was removed from the Consent Agenda and moved to Items for Commission Action.

The State of Kansas Historical Office reviewed the City Hall Phase II Project regarding windows in the 1960s addition. The expansion of the City Hall buildings was an important part of the building's continued use and growing services for the community. The windows that were a part of the addition were not demonstrated to be beyond repair and must be retained unless other evidence is submitted showing they cannot be repaired or modified. On a recent visit, they saw that the windows had been replaced and were not available for review and had likely gone to a landfill. Therefore, they are requesting that the installed windows look like the ones on the rest of the building. They asked the architect to propose a fix for four horizontal divisions that fit better with the horizontal details in the 1960s addition.

TreanorHL has submitted the following change to the Kansas Historical Society and has been given the approval to proceed. The change order cost is \$2,839.92. On June 12, 2023, TreanorHL notified us that the Kansas Historical Society had approved the architect's proposal.



Motion:

On the motion of Tim Emert, seconded by Dean Hayse the Commission approved the change order for \$2,839.92.

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Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. ITEMS FOR COMMISSION ACTION

- A. Consider a recommendation from the Planning Commission to adopt a resolution for a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street.**

On June 6, 2023 the Planning Commission held a public hearing to consider a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street. The Planning Commission recommended approval. There were no public comments from anyone other than the applicant.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution for a conditional use permit for a "Daycare Center" in an R-3, low density multifamily dwelling district at 301 South 11th Street with conditions.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider approving request authorizing FORPAZ to move forward with locomotive restoration.**

In 1952, Atchison, Topeka, and Santa Fe Railroad donated an AT&SF 1050 Prairie Type Steam Locomotive to the City of Independence to be placed in Riverside Park. Since then, it has become a favorite pastime of park patrons to climb into the cab of the train, and on top of the steam drum to take photos. Several generations of Independence citizens have enjoyed watching their children and grandchildren climb and play on the same locomotive that they had when they were young. Over the past 70 years, the locomotive has deteriorated significantly. Areas have rusted away, leaving holes and jagged edges, especially on top of the steam drum.

In 2022, FORPAZ launched a fundraising campaign to raise money towards the restoration of the locomotive. The scope of work includes remediation of hazardous materials, sandblasting the surface of the train down to bare metal, welding and repair work of damaged areas, and re-painting back to the original paint scheme with high quality paint and primer. This stage will also include all detail work on the timing wheels, refurbishment or

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replacement of all handles and valves back to red as original, and stencil of the engine number on the side (ATSF 1050). The cost of this project is approximately \$150,000 which FORPAZ has raised in full.

In the future, a stage 2 project will be planned and presented to the commission, which will include construction of a catwalk on the side of the locomotive, replacement of stairs to the cab, and site beautification.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission graciously accepted the donation from FORPAZ and thanked them for their efforts with the locomotive restoration.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider accepting a USDA Rural Business Development Grant for the Community Development Comprehensive Plan:

Previously, the Commission authorized applying for a USDA Rural Business Development Grant to assist with the Community Development Comprehensive Plan. We have been notified that the grant is officially obligated in their system. The next step is to "close" the grant and sign the RD4280-2 Grant Agreement. We request the Commission accept the grant and authorize the Mayor and/or City Manager to execute the grant documents when received.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission accepted a Rural Business Development Grant from the USDA for the Community Development Comprehensive Plan and authorized the Mayor and/or City Manager to execute all related documents.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- D. Consider authorizing the Mayor to sign a grant agreement with SEKRPC to administer a Community Comprehensive Development Plan project grant from USDA Rural Business Development.

SEKRPC has assisted the City in finding and applying for this grant. It is recommended to authorize them to administer the grant to ensure compliance.

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Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized an agreement with SEKRPC to administer a Community Comprehensive Development Plan project.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

E. Consider authorizing applying for a Safe Streets for All (SS4A) grant.

The City was fortunate to be one of three locations in the United States chosen by the Federal Highway Administration (FHWA) to have direct federal assistance in creation of a Local Road Safety Plan (LRSP). This plan was completed at no cost to the City.

In conjunction with KDOT, the FHWA will be awarding grants to further implementation of the SS4A initiative. Given multiple factors in the grant, it is quite possible that any work done under the grant to make our roadway safer will take place at no cost to the City.

We must get a letter of support from KDOT to apply for the grant, and that is expected to happen on June 30, 2023. As the grant timing would require us to apply for the SS4A grant by July 10, which is before the next Commission meeting, we are requesting to apply for the grant in whatever amount KDOT provides a letter of support for:

In a preliminary survey, the City has identified between \$400,000 and \$1.6 million in projects that would have a direct, positive impact on safety. These projects may include (reference numbers and page number are references to the LRSP):

**2.1. Provide edge delineation using reflective strips on signposts, object marker delineators, and pavement markings. (p. 40)
\$150,000**

**3.4. Improve visibility of intersections and traffic control devices (signs and signals) using systemic application of low-cost countermeasures. (p. 41)
\$50,000**

**4.3. Install traffic calming roadway sections, such as curb extensions and refuge islands. (p. 42)
\$280,000**

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**4.4. Install Rectangular Rapid Flashing Beacon (RRFB) and educate the public on their use. (p. 42)
\$150,000**

**4.2 Collect pedestrian volume/exposure data to better understand pedestrian travel patterns. (p. 47)
\$10,000**

4.5 Install high-visibility crosswalks, lighting, signing and pavement markings. Included in item 2.1

Our Police Chief, Jerry Harrison, has done research on the safety impacts of radar speed feedback signs, added \$50,000 for these signs, which are noted in our plan at item 1.3, on page 48.

Finally, there is item 5.1 on page 43. This was not originally included because we didn't have data on what some of these projects would cost. Now we do. In reviewing the data from past crashes, the one area that would likely have the most impact on pedestrian and bicycle crashes is the segment of Main Street west of 10th Street to the Overpass. Cost for a multi-use path in that area has an initial estimate of \$910,000.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized an application for the Safe Streets for All grant in the amount supported by KDOT.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider authorizing Rural Connections to build a trail on City owned property.**

Rural Connections has requested permission to build a recreational walking trail on city-owned property along part of the Verdigris River. The south trail head would be located at West Pine Street, south of the existing dog park. The trail would follow the Verdigris River north to Riverside Park, where it would intersect with Wells Drive, and turn west to continue along an existing path on the south side of the vacant Audad enclosure. The trail would let out at the north trail head, which would be located on the east side of the parking lot of Miss Able's Snack Shack at Ralph Mitchell Zoo. Rural Connections has funding for the entire project, and does not require any financial contribution from the city. Rural Connections will also take

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responsibility for maintenance of the trail for three years after the project is complete.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission authorized Rural Connections to build a trail on City-owned property.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider the scope for the renovation of the parking lot north of City Hall, and consider authorizing participating in a grant for two Level 2 electric charging stations within the parking lot.

The City is in the process of renovating City Hall. As such, the parking configuration has changed around the building. The lot due north of City Hall, which is part of the Consent Decree with the DOJ, does not have sufficient numbers of ADA spaces to support the new building.

Information on two solutions was requested by the Commission.

Southern Row Only

The first suggested solution was to replace only the southern portion (the first two rows) of the existing lot. This would allow space for sufficient ADA space to meet DOJ requirements. This would result in a parking lot with 78 spaces, and is estimated to cost \$175,000 due to the extensive grading and rework required to meet ADA requirements. This does not include any funding for repair or maintenance of the existing lot surface that will not be replaced.

Large, Plain Footprint

The other suggested solution was to replace the entire existing parking lot, and expand on the vacant City-owned lot to the north of the current lot. This would result in a parking lot with the required number of ADA spaces, and a total number of 85 spaces. The estimated cost would be \$510,000 for this solution. One note is that the new number of spaces would be more usable than the existing numbers, since the size of cars has increased and often the lot can be difficult to navigate.

In addition, we have received a request from Economic Development Advisory Board members to participate in a grant for two Level 2 electric charging stations within the parking lot (see attached June 6, 2023 request to EDAB).

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Motion:

On the motion of Tim Emert, seconded by Louis Ysusi, the Commission authorized the City to proceed with the Large, Plain Footprint parking project, with \$175,000 of the project being funded with ADA funds, and the remaining portion being funded from other sources.

Aye: Tim Emert, Louis Ysusi

Nay: Dean Hayse

- H. Consider extending the contract with ReeceNichols for listing Building D; and/or consider receiving proposals for marketing Building D.

The listing has expired with ReeceNichols for Building D. They have submitted the attached documentation to extend it for 90 days.

We have received interest from a local Realtor whose corporate company is also interested in listing Building D. The Commission may recall that no local realtors responded when the RFP was previously sent out to market this facility. If the Commission wishes to receive proposals, it is recommended that the RFP be posted on the website on June 23rd, with responses due by July 6th.

Please note, since the listing has expired, this would mean that we will have no Realtor between now and when a proposal is awarded on July 13th unless an extension with ReeceNichols is approved. If the 30 day extension is approved it would end on July 22, 2023. At the July 13th meeting, if the listing is awarded to another Realtor, it would be effective on July 23rd. If the listing is not awarded to another Realtor, then the listing can be further extended with ReeceNichols at that time.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission extended the contract with ReeceNichols for 30 days for listing Building D and also receive proposals for listing Building D due by 2 PM on July 6, 2023.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

VI. REPORTS

- A. Monthly Public Works and Project Report

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Engineer Garris presented the report.

B. Update on Woodriver Energy Base Agreement to acquire natural gas.

On May 11, 2023 the Commission authorized the City Manager to sign a Greenbush Energy Group Participation Agreement & Hedging Authorization and a Woodriver Energy Transaction Confirmation Agreement to acquire natural gas. Given a communication misunderstanding between City staff and Greenbush Energy Group, natural gas purchases and future hedges for the winter of 2023/24 may not have been accurately reported. Please note two future hedges for the period from November 2023 through March 2024 have been enacted and are under contract with WoodRiver Energy LLC. The first hedge was enacted in October of 2022 for 2,522 Dth of gas delivered November 2023 through March 2024 at a price of \$8.055/Mmbtu. The second hedge was enacted in April, 2023 for an additional 2,522 Dth of natural gas at a price of \$6.265/Mmbtu. These costs cover the commodity's price, all upstream pipeline costs, and the charges imposed by Woodriver Energy LLC for completing the transaction. The \$4.63 previously reported represents the future NYMEX price of the natural gas plus the NYMEX basis, while the \$6.265 includes the upstream pipeline costs and the WoodRiver charges.

Please note a Dth and Mmbtu are both ways of measuring the quantity of natural gas and are, for the purposes of the transaction, equal to each other. One is how the gas is purchased, and the other represents how the gas is accounted for on the upstream pipeline.

VII. CITY MANAGER'S COMMENTS

City Manager Passauer reported that 74% of the fireworks funds have been raised by the Rotary Club and the deadline for completing the survey is June 30 or July 4th if submitted electronically.

VIII. COMMISSIONERS' COMMENTS

None

IX. PUBLIC CONCERNS

None

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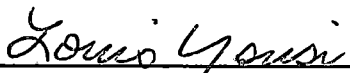
X. ADJOURNMENT

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

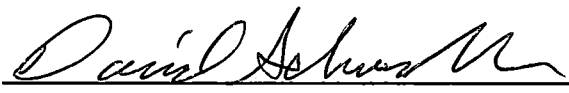


Dean A. Hayse, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer