

Minutes of the City Commission's July 13, 2023 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Louis Ysusi and Vice-Mayor Dean Hayse

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; Dustin Stafford, Police Officer; Scott Patton, Park and Zoo Director; Lacey Lise, Director of Finance and Brian McHugh, Memorial Hall Supervisor

Visitors Present: Larry McHugh, Brea Sanford, John Long, Marinda Forrester, Tom Sewell, Skylier Desmarais, Garrett Webster, Jim Hogan, Gayle Holum, Butch Holum, Ethel Landis, Dan Pasternak, Shelley Cooley, Dylan Cooley, Kelli Ebert, Kellen Ebert, Carolyn Torrance, Michelle Avery 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 Louis Ysusi, the Commission adopted the agenda with the removal of Item E from the Consent Agenda and moved to Items for Commission Action.

Aye: Dean Hayse, Louis Ysusi

Nay: None

II. APPOINTMENTS

A. Park Board -- Two Terms Expired -- Applications due by noon on July 21, 2023

The City is receiving applications for two expired positions on the Park Board:

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PARK BOARD (3 year terms -- 9 members)			
Members	Term	Expires	Appointed/Reappointed
Anita Chappule	2nd term	July 1, 2024	7/26/2018 / 06/24/2021
Alex Moore (Outside City)	2nd term*	July 1, 2024	2/9/2017 / 06/24/2021
Mardie Long (Outside City)	2nd term*	July 1, 2024	2/22/2018 / 06/24/2021
Steve McBride	1st term*	July 1, 2025	12/9/2021
Edward Epp	1st term	July 1, 2025	6/23/2022
Jim Hogan (Outside City)	2nd term*	July 1, 2025	6/8/2017
Mark Coder	2nd term	July 1, 2023	7/13/2017
Todd Young	2nd term*	July 1, 2023	6/11/2015
Jill Warford	1st term*	July 1, 2026	8/25/2022
Cody Dixon	FORPAZ	Ex-officio	
	City Rec	Ex-officio	
* Previously served unexpired term			
Meeting Place: Garden Club House Meeting Date: First Monday Meeting Time: 5:30 p.m.			

Applicants must reside inside the City limits. We have not received a sufficient number of applications for the vacancies that exist, so the deadline has been extended. Applications are now due by noon on July 21, 2023. To learn more about the Park Board, visit this link: [Park Board](#)

[Click Here to Apply](#)

- B. Housing Authority -- One Resignation -- Applications due by noon on July 21, 2023

One of the members has resigned from the Housing Authority:

HOUSING AUTHORITY (4 year terms -- 5 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Darnell Lawrie	Unexpired	April 11, 2023	9/10/2020
Eddie Rodgers	2nd term	April 11, 2026	4/26/2018 Moved
Rita Ortolani	1st term*	April 11, 2026	4/25/2019
Charles Doerr	1st term	April 11, 2027	
Cindy White	1st term	April 11, 2027	
Meeting Place: Penn Terrace Meeting Date: Third Tuesday Meeting Time: 12 p.m.			

Applications for the Housing Authority Board are being accepted online or in the City Manager's Office until noon on July 21, 2023. Applicants must reside within the City limits. For more information about this board, contact Housing Authority Director April Nutt at 620-332-2536.

[Housing Authority Board Application](#)

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C. Tree Board -- One Expired Term -- Applications due by noon on July 21, 2023

Three terms have expired on the Tree Board:

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
Leslie Woods	1st term	1/1/2025	3/9/2023
			Replaced William MacRae
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 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 are due by noon on July 21, 2023 for two positions.

Motion:

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

Aye: Dean Hayse, Louis Ysusi

Nay: None

III. PRESENTATIONS

A. Independence Public Library 2024 Budget

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Jon Long and Tom Sewell presented the library budget.

B. Independence Main Street 2024 Funding

Tabetha Snodgrass presented the funding request.

IV. CONSENT AGENDA

Motion:

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

Aye: Dean Hayse, Louis Ysusi

Nay: None

A. Consider request for use of barricades to block traffic to park oval for Indy Goes Back to School event.

Indy Goes Back to School is an event that is designed to instill excitement in parents and students about the start of the school year. It is a well attended event. USD 446 also utilizes this event to make connections between parents and community organizations that support families and children. The event utilizes the entire Riverside Oval including the carousel, all covered and uncovered picnic tables/areas, Hille Bandshell, Interurban Shelter, and the School House. The event is Thursday August 10, 2023 from 5:00 PM to 8:00 PM.

Suggested Motion:

I move to approve the request to authorize the use of barricades to restrict traffic to the park oval on August 10, 2023 from 5:00 PM to 8:00 PM for the USD 446 Indy Goes Back to School event.

B. Consider approving a Cereal Malt Beverage license for Time After Time.

The owners have applied for a Cereal Malt Beverage license for Time After Time, 112 S 25th, Independence, KS 67301.

Suggested Motion:

I move to approve a Cereal Malt Beverage license for Time After Time.

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- C. Consider approving City Commission minutes from May 11th, 17th and 25th, 2023.

Suggested Motion:

I move to approve the minutes from May 11th, 17th and 25th, 2023.

- D. Consider waiving the ordinance prohibiting food trucks at Riverside Park during the Montgomery County 4-H Fair.

Montgomery County 4-H holds their annual fair and livestock auction in Riverside Park during the last week of July. During the livestock auction, they bring in food trucks to serve attendees. The event is usually well attended. The livestock auction will take place July 28th from 5:00 PM - 9:00 PM.

Suggested Motion:

I move to waive the ordinance prohibiting food trucks at Riverside Park on July 28th, 2023 for the Montgomery County 4-H Fair.

- E. Consider awarding the Inspection and Construction Engineering work on the North Penn Avenue CCLIP project to TranSystems, Inc.

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

KDOT has awarded and the Commission has accepted a CCLIP grant for work on widening and resurfacing North Penn. To comply with the procurement process required for grant funding, a request for consultants was sent out, and one proposal was provided to the City. The proposal was from TranSystems, Inc., who was also the designer of the project. It is requested to award this work to TranSystems, Inc. it can be partially reimbursed if there are sufficient grant funds after bidding.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission awarded the Inspection and Construction Engineering for the North Penn CCLIP project to TranSystems, Inc.

Aye: Dean Hayse, Louis Ysusi

Nay: None

V. PUBLIC HEARING

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A. Public Hearing to consider condemnation of 404 S. 8th Street.

City Staff has received multiple complaints regarding the house's condition, insecurity, and safety for the neighborhood children. City Staff has contacted the owner, Skylier Desmarais, who is selling the house on contract. The owner was informed that a timeline of repairs was needed and action to secure and begin repairs was needed. A timeline of repairs stated they would have the roof completed by the end of May and repairs started and completed on the porch by the end of June. He did indicate there was a family medical issue that could cause delays to his plans. The owner plans on being present at the meeting to review with the commission his plan, timeline and struggles with this renovation. The owner is requesting you to adjourn the hearing for 90 days.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adjourned the Public Hearing until November 9, 2023 at 5:30 PM.

Aye: Dean Hayse, Louis Ysusi

Nay: None

B. Public Hearing to consider condemnation of 201 S. 14th Street.

City Staff have 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, which is unsecured, with broken windows and open doors. The City has contacted the owner, who no longer resides in Kansas, and he indicated he intended to remove the structure. He indicated he would contact a contractor and work to remove the structure.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adopted a resolution condemning 201 So. 14th as dangerous and unsafe.

Aye: Dean Hayse, Louis Ysusi

Nay: None

C. Public Hearing to consider the condemnation of 510 E. Main Street.

The City of Independence has received multiple complaints about the condition of the structure at 510 E. Main Street. The City conducted an inspection and found the structure uninhabitable. The structure last had City

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utilities in October of 2017. The structure is owned by Morningside Management of Lawrence, Ks. He has indicated the structure has been sold via contract for deed to a couple in Wichita, Ks. that intended to rehab the structure. The City has received no further communication from Morningside Management.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adopted a resolution condemning 510 E. Main as dangerous and unsafe.

Aye: Dean Hayse, Louis Ysusi

Nay: None

D. Public Hearing to consider condemnation of 616 E. Edison.

The City of Independence has received multiple complaints about the structure's condition at 616 E. Edison Street. The building department inspected the structure and found it to be in uninhabitable condition and in need of repair. The residence has been an ongoing issue with the code enforcement department related to debris and structure issues. The City has not received any communication from the owner of the property.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adjourned the Public Hearing until November 9, 2023 at 5:30 PM.

Aye: Dean Hayse, Louis Ysusi

Nay: None

E. Public Hearing to consider condemnation of 700 E. Edison.

The City of Independence has received multiple complaints about the structure at 700 E. Edison as dangerous and unsafe. The building department inspected the structure and found it to be in uninhabitable condition. The owner intends to remove the structure, but financial difficulties have created delays. The owner has indicated he will be present at the hearing to discuss the situation with the Commission.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adopted a resolution condemning 700 E. Edison as dangerous and unsafe.

Aye: Dean Hayse, Louis Ysusi

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Nay: None

- F. Public Hearing to consider condemnation of 1000 N. 4th Street.

The City building department has received multiple complaints about the condition of this property. The house has not had utilities since 2020 and is open and unsecure. The City sent notifications to the owner informing him of the complaints and the open status of the structure without any response. 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. The City was informed that the property has been purchased, but the building department has not spoken to anybody or received any contact regarding this action.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adjourned the Public Hearing until November 9, 2023 at 5:30 PM.

Aye: Dean Hayse, Louis Ysusi

Nay: None

VI. ITEMS FOR COMMISSION ACTION

- A. Consider setting the date of September 14, 2023 for a Public Hearing to consider the condemnation of a garage at 712 N. 12th Street as dangerous and unsafe.

On April 02, 2023 a garage at 712 N. 12th was involved in a fire that destroyed the garage. City staff recommends setting the date of September 14, 2023 for a Public Hearing to consider the condemnation as dangerous and unsafe.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adopted a resolution setting the date of September 14, 2023 at 5:30 PM for a Public Hearing to consider the condemnation of a garage at 712 N. 12th Street as dangerous and unsafe .

Aye: Dean Hayse, Louis Ysusi

Nay: None

- B. Consider awarding work for the AT&SF 1050 Train Restoration being funded by FORPAZ.

The AT&SF 1050 locomotive restoration project involves three key stages. These include hazardous material remediation, metal patching and welding, and sandblasting/painting. Each stage of the project will be completed by a different contractor. In partnership with the Park Director, FORPAZ has reviewed bids from multiple contractors for each stage of the project. They are outlined as follows.

Remediation Work

1. Asbestos Handlers, LLC - \$71,800
2. Envirologics D.B.A Blast It Clean - \$97,775
3. Titan Environmental Services - \$93,925

It is the recommendation of FORPAZ and the Park Director to accept the bid from Asbestos Handlers, LLC for the quoted amount of \$71,800.

Metal Patching & Welding

1. Lee's Mobile Welding - \$3,265.29
2. Iron Works Welding & Fabrication - \$5,500.00
3. Volz Welding - Refusal to Bid

It is the recommendation of FORPAZ and the Park Director to accept the bid from Lee's Mobile Welding for the quoted amount of \$3,265.29

Sandblasting & Painting

1. Rob Carroll's Sandblasting & Painting, LLC - \$80,000
2. All State Restoration Sandblasting, LLC - \$26,850
3. Helt Sandblasting & Painting - Refusal to bid

It is the recommendation of FORPAZ and the Park Director to accept the bid from Rob Carroll's Sandblasting & Painting, LLC for the quoted amount of \$80,000. The FORPAZ Board and City staff are confident in the ability of this contractor to perform the work competently and professionally and find the quoted price acceptable. Furthermore, this contractor has experience restoring antique trains and possesses the knowledge and experience to maintain both quality of work and historical accuracy. The FORPAZ Board and Park Director have thoroughly reviewed his quality of work on past train restoration projects and believe that he is best suited to meet the project's overall vision.

Motion:

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

accepted the recommendation of FORPAZ and the Park Director to accept the following bids for the AT &SF Train Restoration being funded by FORPAZ:

- Asbestos Handlers, LLC for the quoted amount of \$71,800 for the Remediation Work;
- Lee's Mobile Welding for the quoted amount of \$3,265.29 for the Metal Patching & Welding; and
- Rob Carroll's Sandblasting & Painting, LLC for the quoted amount of \$80,000 for the Sandblasting & Painting.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- C. Consider authorizing the issuance, sale, and delivery of Taxable General Obligation Temporary Notes, Series 2023-1.

This \$10MM temporary taxable note will be used to fund the construction and related costs of a waterline extension project for an approximately 9-mile waterline to Rural Water District No. 6 to serve the Bartlett facility. Details of the sale are outlined within the Resolution.

The City submitted requests for proposals for a local placement of these notes (see attached Term Sheet) and received a proposal from Community National Bank and Trust, which included a joint proposal from 5 of the local banks in Montgomery County; Community National Bank and Trust, FirstOak Bank, Commercial Bank, Community State Bank, and Peoples State Bank.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission adopted Resolution 2023-030 authorizing and directing the issuance, sale, and delivery of taxable general obligation temporary notes, Series 2023-1, of the City of Independence, Kansas .

Aye: Dean Hayse, Louis Ysusi

Nay: None

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

The following change order is a part of the Phase II renovation of City Hall. It results from the previous floor condition, removing walls, and waterproofing work in the basement. The flooring contractor must patch and level the floor before installing the flooring. He had informed McCown Gordon that the

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work should not exceed \$8,000. City Staff and McCown Gordon continue to work on the waterproofing at City Hall and the installation of the pumps. The City has requested the waterproofing contractor inject the walls several times, and we are now waiting for the parts to arrive and pumps to be installed to see if we have stopped the water leak. We are still using funds set aside for waterproofing since the Water-Sewer crews have been assisting with installing the pumps.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission approved floor preparation work at City Hall Phase II that will not exceed \$8,000.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- E. Consider authorizing the purchase of Police Department Lockers.

IPD posted a request for proposals for lockers to be installed in the IPD Locker Rooms. The winning bid was submitted by Tiffin Metal Products and staff worked with Tiffin for a final design and layout, however the quote expired prior to beginning the purchasing process. Tiffin updated the quote, reducing the price by \$4,392 below their original winning quote. For details on changes to the updated pricing and the original bid tab, see the attachments.

The lockers are estimated to be delivered in 8-10 weeks. McCown Gordon is refunding \$5700 in installation costs and IPD will provide an installer.

IPD purchased evidence pass through lockers from Tiffin in late 2019. We appreciate the quality of their products and customer service.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission authorized IPD to purchase lockers as quoted by Tiffin Metal Products, and hire a qualified installer for installation in 1916 City Hall.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- F. Consider awarding the 2023 Mill and Overlay of Myrtle St. to Heckert Construction.

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On June 13, 2023, bids were opened for the Mill and Overlay of Myrtle St. There were two bidders. The low bidder, Heckert Construction was low by \$32,248 with a bid of \$217,765. The bid is unit price, so there is the likelihood that additional work that is required can be added to the contract if performance is acceptable for other work. This work would be done after verification of acceptable performance plus approval by the Commission.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission awarded the 2023 Mill and Overlay of Myrtle St. to Heckert Construction in the unit price amount of \$217,765.00 and the execution of any necessary documents.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- G. Consider awarding US-75 / Chestnut Street Surface Preservation Project to Bettis Asphalt & Construction, Inc.

On June 13, 2023, bids were opened for the US-75 / Chestnut Street Surface Preservation Project. There was one bidder. The bidder, Bettis Asphalt & Construction, Inc. had a unit price bid of \$257,717.99. KDOT has reviewed the bid and has given us permission to award, pending Commission approval. The initial (at grant application) Engineer's Estimate was \$220,000, but the current bid is consistent with 2023's escalated pricing.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission awarded the US-75 / Chestnut Street Surface Preservation Project to Bettis Asphalt & Construction, Inc. in the unit price amount of \$257,717.99 and the execution of any necessary documents.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- H. Consider awarding the Water Meter and Water Line Replacement Project to Goins Enterprises, Inc.

On May 18, 2023, bids were opened for the installation of the Water Meter and Water Line Replacement Project. There were three bids received, and the low bid from Goins Enterprises, Inc. is attached and is within 3% of the Engineer's estimate. PEC recommends acceptance of the bid per the

attached information.

The contract has been reviewed by the City Attorney, and will not be executed until his final approval has been received.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission awarded the installation of the Water Meter and Water Line Replacement Project to Goins Enterprises, Inc. in the unit price amount of \$3,497,675.00 and the execution of any necessary documents.

Aye: Dean Hayse, Louis Ysusi

Nay: None

- I. Consider awarding inspection of the Water Meter and Water Line Replacement Project to PEC.

On May 18, 2023, proposals were opened for the inspection of the Water Meter and Water Line Replacement Project. There was one proposal received, and it is attached The proposal is consistent with anticipated pricing and totals.

Motion:

On the motion of Dean Hayse, seconded by Louis Ysusi, the Commission awarded the inspection of the Water Meter and Water Line Replacement Project to PEC for the estimate of time and materials of \$120,575.00 and the execution of any necessary documents.

Aye: Dean Hayse, Louis Ysusi

Nay: None

VII. REPORTS

- A. City Board Minutes

1. June 21, 2023 Library Board of Trustees

- B. Appropriations - May 22, - June 23, 2023
- C. June 2023 Sales Tax Report

VIII. CITY MANAGER'S COMMENTS

City Manager Passauer reminded the Commissioners that there is a special meeting next week regarding the budget and a special event will be held in the auditorium on Friday July 14 at 6:30 PM. It is called "Unearthing the Bloody Bender Mystery".

IX. COMMISSIONERS' COMMENTS

None.

X. PUBLIC CONCERNS

None.

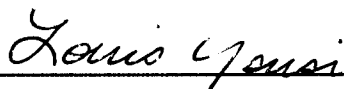
XI. ADJOURNMENT

Motion:

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

Aye: Dean Hayse, Louis Ysusi

Nay: None



Louis Ysusi, Mayor



Dean A. Hayse, Commissioner



Tim Emert, Commissioner

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Attest:



City Clerk/Treasurer