

Minutes of the City Commission's October 12, 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; Shawn Wallis, Fire/EMS Chief; Jerry Harrison, Chief of Police; April Nutt, Director of Housing Authority and Brian McHugh, Memorial Hall Supervisor

Visitors Present: Larry McHugh, Brea Sanford, Hali Schultheiss, Charlet Pemberton 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. Consider removing a member of the Independence Historic Preservation Committee due to lack of attendance.

City code section 2-99 states that by majority vote, the governing body can remove any member of a board or commission that it had previously appointed for either of the following reasons:

- 1. Missing 3 consecutive meetings at which a vote "can be taken"---note, it does not say at which a vote "was" taken; or**
- 2. In a 12 month period, missing 1/3 of the meetings at which a vote "can be taken".**

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John George has missed at least three consecutive Independence Historic Preservation and Resource Commission meetings at which a vote can be taken. IHPRC Member Gary Hogsett and City staff attempted to contact him by phone and email to rectify the situation, but there was no response.

On August 28, 2023 the IHPRC voted to replace John George. However, they were unaware at the time that the Governing Body is the only entity that can remove an appointed member of a board or commission.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission removed John George from the Independence Historic Preservation and Resource Commission for lack of attendance at meetings in which a vote can be taken .

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

- A. Consider approving City Commission minutes from September 1st, 14th, 20th and 28th, 2023.**

Suggested Motion:

I move to approve the minutes from September 1st, 14th, 20th and 28th.

- B. Consider request from zoo staff to restrict traffic to Miss Able Ave, between Mickey Mantle Way and N. 5th Street during the Zoolloween fundraising event.**

Zolloween is an annual event, held at Ralph Mitchell Zoo on the second Saturday in October. The event is put on by Zoo staff and typically draws a very large crowd. Previous attendance has averaged approximately 2,000 attendees. In order keep the road on the south side of the zoo clear for ADA parking and emergency vehicle access, Zoo staff is requesting that Miss Able Avenue be barricaded off between the intersections of Mickey Mantle Way

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and N. 5th Street. The event is scheduled for October 14th from 5:00 PM - 7:00 PM. Barricades will be needed from 4:00 PM - 8:00 PM.

Suggested Motion:

I move to approve the request to restrict traffic to Miss Able Avenue on October 14th from 4:00 PM - 8:00 PM for the annual Zolloween fundraising event.

- C. Consider awarding contracts for the purchase of pipe and valves for the water pipeline to Bartlett.

Bids were received for pipe and valves on September 19, 2023. For piping, ISCO Industries, Inc. was the low bidder with a bid of \$1,366,535.50. For valves, the low bidder was Core & Main, LP with a bid of \$180,342.79. Bid tabs and the Engineer's Estimate are attached.

The bids have been reviewed and acceptable terms and conditions have been agreed upon.

It is requested that the Commission approve this purchase, which will eventually be repaid by Bartlett.

Suggested Motion:

I move to award the contract for the purchase of pipe to ISCO Industries in the unit price amount of \$1,366,535.50 and to award the purchase of valves to Core & Main, LP in the unit price amount of \$180,342.79 and the execution of any necessary documents for this purchase.

- D. Consider approving the purchase of Extraction Tools from Conrad Fire Equipment.

We applied for the Kansas Governor's Grant through the Local Safety and Security Equipment Grant Program and were advised that they have approved our grant. There were 149 applications vying for \$6,175,000 in grant funding with 71 departments receiving awards. We are purchasing extrication tools which include Cutter, Spreader, Ram, Batteries with Charger, and a Combination tool. These tools are used for entrapment in automobiles, building collapses, or heavy machinery accidents. This is a 90/10 grant.

Suggested Motion:

I move to approve the purchase of extraction equipment obtained through the Kansas Governor's grant.

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- E. Consider adopting Resolution No. 2023-051, Resolution No. 2023-052, and Resolution No. 2023-053 authorizing survey for the easements required for condemnation proceedings.

The City is in the process of rebuilding failed sewer lines in sections of the City. At most locations, the City has been able to obtain easements. In three locations, however, the City has not been able to make contact despite repeated attempts and is in need of easements to replace the sanitary sewer lines in the area. Attached are three resolutions which are a necessary precondition for the exercise of eminent domain via Ordinance. It is anticipated that the Ordinances required for eminent domain will be placed on the October 25th agenda.

Suggested Motion:

I move to adopt Resolution No. 2023-051, Resolution No. 2023-052, and Resolution No. 2023-053 authorizing survey for the easements required for condemnation proceedings.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider adopting a resolution rescinding condemnation for 512 S. 12th Street

On May 11, 2023, the structure at 512 S. 12th Street was damaged in a structure fire. The structure's owner has settled with her insurance company and hired Mega to remove the structure. The lot has been cleared and passed inspection. City staff recommends rescinding the condemnation and returning \$8,499.02 in insurance proceeds to the owner.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution rescinding the condemnation of 512 S. 12th Street and returning the sums of money held to the owner.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider awarding a Downtown Independence Building Grant for improvements to 209 N. Penn Ave.

Hali Shultheiss, owner and operator of Brio Medical Spa & Wellness, is purchasing 209 N. Penn Ave. and has made an application for a Downtown Building Grant. Hali is renovating 209 N. Penn and installing her Brio Medical

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Spa. Hali requested a grant to assist with the new electrical and plumbing for the building. The estimated cost of the improvements is \$45,000.00, and she is eligible for \$11,250.00. The Downtown Grant Committee met on September 26, 2023, and voted to approve the grant application. Hali will be present at the meeting to answer the Commission's questions regarding the request. The committee would also request that if additional materials are needed for electrical and plumbing or an eligible item, the City Staff has permission to authorize the additional grant funding up to the \$25,000 maximum if funds are available.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved the Downtown Building Grant application for 209 N. Penn Ave, for \$11,250.00 and for additional items that may apply up to \$25,000.00, if funding is available.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. REPORTS

A. City Board Minutes

B. Appropriations - August 26 - September 29, 2023

VI. CITY MANAGER'S COMMENTS

City Manager Passauer reported that the groundbreaking for the Central Parks Sports Complex and the ribbon cutting for the fitness court will be on Friday October 13 at 11:30 a.m. Zoolloween will be held on Saturday October 14 from 5:00 p.m. to 7:00 p.m. A joint City Commission/Planning Commission work session is scheduled for Wednesday November 1 at 5:30 p.m. On Friday November 3 there will be a housewarming at City Hall with tours starting at 1:00 p.m. and a ribbon cutting at 5:30 p.m. A water update was given and Mayor Ysusi, Engineer Garris City Manager Passauer attended the KDOT Consult meeting in Iola earlier in the day.

VII. COMMISSIONERS' COMMENTS

Vice Mayor Hayse thanked the Chamber of Commerce for sponsoring the candidate forum the previous night.

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VIII. PUBLIC CONCERNS

None

IX. 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 concerning confidential data relating to financial affairs and/or trade secrets of a company pursuant to the exception found at KSA 75-4319(b)(4). The open meeting will resume at 6:04 o'clock p.m. in the Civic Center of Memorial Hall.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 6:04 p.m. with no action taken.

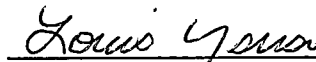
X. ADJOURNMENT

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



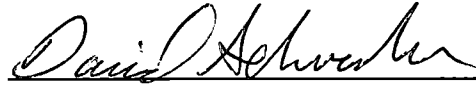
Dean A. Hayse, Commissioner



Tim Emert, Commissioner

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Attest:



City Clerk/Treasurer