

Minutes of the City Commission's January 11, 2024 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Louis Ysusi, Vice-Mayor Dean Hayse, Commissioner Tim Emert and Commissioner-Elect Scott Smith

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; April Nutt, Director of Housing Authority and John Garris, City Engineer/Director of Public Works and Utilities

Visitors Present: Larry McHugh, Brea Sanford, Andy Taylor, Betty Singhurst and Kathy Shepard.

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. OLD BUSINESS

A. Consider approving City Commission minutes from December 28, 2023

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved the minutes from December 28, 2023.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Consider modification of traffic control devices at the intersection of Penn and Laurel and the intersection of Penn and Myrtle.

Since early November, 2023, at the request of the Commission, the City has

placed the traffic control lights at the intersections of Penn and Laurel and Penn and Myrtle in “flashing red” mode. This is equivalent to a four-way stop. According to Chief Harrison, there have been no accidents attributable to this change, and only one accident in the area, and that was related to improper backing out of a parking stall. Given that, there would appear to be four primary options at this point:

1. Turn the traffic lights back on to green-yellow-red operation.
2. Keep the traffic lights in their flashing red mode. This is not a recommended option.
3. Remove the traffic lights, truncate and cap the support arms (keeping the street signs in place), install stop signs, and convert the intersection to a four-way stop. If this were the chosen option, the City would install flashing red lights atop the signs to draw attention to them, similar to what has been done at the intersection of Oak Street and Park Boulevard. The poles and streetlights would remain.
4. Operate lights until they fail and replace them with signs at that time. This is not a recommended option.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved replacing the stop lights with stop signs at the intersections of Penn and Laurel and Penn and Myrtle.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider affirmation of the no parking zone on 13th between Railroad and Oak.

In mid-2023, a citizen contacted the City about a missing sign on 13th Street between Beech and Hickory. Upon investigation, there were no parking signs on the eastern side of 13th between Railroad and Oak on every block except Beech and Hickory, and the citizen provided photographic evidence that there had been a no parking sign there in the past. City systems show the sign in evidence in 2016.

Given the preponderance of evidence, the City replaced the no parking signs on the east side of 13th (they were badly faded due to exposure over time), set them so they were more visible, and replaced the missing sign at Beech and Hickory. This no parking zone is consistent with safety practices and City Ordinance as noted below as 13th meets the width requirement

(approximately 25' wide).

Sec. 102-116. - Parking restrictions on narrow streets.

In order to ensure that all city streets and highways will have a minimum of 12 feet of clearance which is required for emergency vehicle use for public safety reasons, the governing body of the city shall have authority to restrict parking on streets and highways in the city pursuant to the guidelines set forth:

- 1. On streets or highways that are 26 feet in width or less, measured curb to curb, the governing body may impose a parking restriction designating no parking on one side of the road or highway.*
- 2. On streets or highways that are less than 24 feet in width or less, measured curb to curb, the governing body may impose a parking restriction designating no parking on one side of the road or highway, or no parking on both sides of the street or highway.*

The governing body of the city shall have authority to adopt parking restrictions on a case-by-case basis consistent with this ordinance.

As there are no easily accessible records dealing with this specific no parking restriction, it is requested that the Commission affirm this no parking restriction along the east side of 13th Street. This still allows parking along the west side.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission affirmed the no parking zone on the east side of 13th Street between Railroad and Oak.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

III. APPOINTMENTS

- A. IHPRC -- Three reappointments and one vacancy, an unexpired position

We currently have one opening on the Independence Historic Preservation and Research Commission (IHPRC). Applications were due by Noon on January 5, 2024. One application was received.

Below is information regarding the IHPRC:

The Independence Historic Preservation and Resource Commission shall

consist of seven members who shall be appointed by the mayor subject to confirmation by a majority vote of the governing body of the city. Members whose terms have expired shall continue to serve until their successors have been appointed. The following qualifications shall apply to appointees to the IHPRC:

1. All appointees shall be residents of the city.
2. All appointees shall be persons who have demonstrated interest, knowledge or training in fields closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, archeology, planning, real estate, law, finance, building trades, urban design and geography.
3. Not less than three appointees shall be composed of persons who are engaged in or retired from preservation-related professions such as archeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic preservation planning, historic preservation and history; provided, however, that upon a demonstration that the required number of positions for preservation-related professionals could not be filled despite a reasonable effort to do so, the governing body may waive this requirement. What constitutes a reasonable effort to fill such positions shall take into consideration the possibility that the absence of certain preservation-related professions on the IHPRC may necessitate the retaining of consultants.

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission reappointed Tim White to a first term on the IHPRC ending January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission reappointed Bill Gour and Darin Axthelm to second terms on the IHPRC ending January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Dean Hayse, the Commission appointed Brett Richards to an unexpired term on the IHPRC ending January

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1, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Planning Commission -- Two members eligible for reappointment plus four vacancies: two unexpired positions (Inside City), and one expired position and one unexpired position (Outside City within 3 miles)

There are two positions eligible to be reappointed to the Independence Planning Commission and Board of Zoning Appeals whose terms have expired, Michelle Avery and Tim Haynes.

We currently have four openings for new members on the Independence Planning Commission and Board of Zoning Appeals, two inside the City and two outside the City within 3 miles. Four applications were received for the two inside City positions, and two applications were received for the outside City positions.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission reappointed Michelle Avery to a second term on the Planning Commission/Board of Zoning Appeals ending January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission reappointed Tim Haynes for a first term on the Planning Commission/Board of Zoning Appeals ending January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Wayne "Butch" Holum to an unexpired term (inside City) on the Planning Commission/Board of Zoning Appeals ending on January 1, 2026.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Rita Ortolani to an unexpired term (inside City) on the Planning Commission/Board of Zoning Appeals ending on January 1, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Kym Kays to an unexpired term (outside City within 3 miles) on the Planning Commission ending on January 1, 2025.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert, the Commission appointed Gary Hogsett to an expired term (outside City within 3 miles) on the Planning Commission ending on January 1, 2027.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

IV. NEW BUSINESS

A. Reorganization of the Commission

1. Oath of Office
 - a. Scott Smith -- 2 Year Term
 - b. Dean Hayse -- 4 Year Term
2. Election of Mayor
3. Election of Vice Mayor
4. Designation of Official City Newspaper
5. Designation of Official City Depository
6. Consider changing the day of week and time for Commission meetings

Each year, the Commission reorganizes. Following an election, the City Clerk administers the Oath of office for the newly elected/re-elected Commissioners before the election of the Mayor and Vice Mayor. Regarding the election of Mayor, in election years, typically, the Commissioner, who is starting the third year of their four-year term, serves as Mayor. For 2024, that

is Commissioner Tim Emert. The following year, the Commissioner, starting the second year of their two-year term, serves as Mayor. The purpose of this is to allow every elected Commissioner, whether elected to a two-year term or four-year term, to have the opportunity to serve as Mayor once per term. However, the Commission may choose anyone they wish, and they do not have to follow this tradition.

Each year, the Official City Newspaper and Official City Depository are named. Staff recommends that the Independence Daily Reporter and the Community National Bank continue to serve in these two roles respectfully.

Staff recommends that the 2024 City Commission schedule be approved, generally consisting of the 2nd and 4th Thursdays at 5:30 PM and the 3rd Wednesday at 9 AM for work sessions, with the exceptions noted in green. Please note there are no scheduled Special Meetings in the following months:

- June due to the third Wednesday falling on June 19th (Juneteenth),
- November due to moving up the Commission meeting one week to avoid Thanksgiving week.
- December due to moving up the Commission meeting one week to avoid Christmas week.

City Clerk Schwenker gave the oath of office to newly elected Commissioner William Scott Smith and re-elected Commissioner Dean A. Hayes.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission nominated Tim Emert as Mayor.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Tim Emert, the Commission nominated William Scott Smith as Vice Mayor.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission designated the Independence Daily Reporter as the Official City Newspaper.

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Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission designated Community National Bank as the Official City Depository.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission adopted the 2024 City Commission Meeting schedule as presented.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

B. Orientation by the City Attorney.

The City Attorney will provide a brief orientation. It is anticipated that some topics covered will include Open Meetings, Conflicts of Interest, Roles and Responsibilities of the Commission, and other subjects the City Attorney wishes to cover.

City Attorney Chubb provided a brief orientation to the Commission.

V. CONSENT AGENDA

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

A. Consider a lease agreement with Labcorp.

The City Attorney has been working with Labcorp regarding their lease of 2,582.22 square feet of Building D at 811 W. Laurel Street. The lease is an extension for four months, ending on April 30, 2024. This will provide some time to determine the next steps in regard to Building D.

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Suggested Motion:

I move to approve the First Amendment to the Lease Agreement with Labcorp.

- B. Consider accepting the award of a Tenant Based Rental Assistance Grant from Kansas Housing Resources Corporation.

The Independence Housing Authority has applied and received a Tenant Based Rental Assistance Grant from the Kansas Housing Resources Corporation since 1998. The Tenant Based Rental Assistance Grant helps low-income qualifying families with their rent within the city limits of Independence. The 2023 grant received is \$120,000 which will assist approximately 35 to 45 families over the next two years. This program is managed by the Independence Housing Authority. Due to changes in the program, Kansas Housing Resources Corporation will not release documents for signature until the current 2022 grant funds are 75% expended.

Suggested Motion:

I move to accept the \$120,000 Tenant Based Rental Assistance Grant and authorize the Mayor to sign documents when Kansas Housing Resources Corporation releases documents for signature.

VI. ITEMS FOR COMMISSION ACTION

- A. Consider proclaiming January 14, 2024 as Dr. Martin Luther King, Jr. Commemoration Day, and consider funding the recording and live-streaming of the program.

Kathy Shepard, representing the Diversity Taskforce, is requesting that the City authorize a proclamation in honor of Dr. Martin Luther King, Jr. Commemoration Day and urge that every citizen of Independence join me in extending recognition and honor to the memory of this great leader of humankind by attending the local celebration "It Starts With Me: Shifting The Cultural Climate Through The Study and Practice of Kingian Nonviolence" on Sunday, January 14, 2024 at 3 PM at the Independence High School Performing Arts Center. A free soup luncheon will be held at 2:00 pm in the community room before the event.

In addition, Kathy asked if the City would fund the recording and live-streaming of the program on the City's Facebook page by Larry McHugh.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission proclaimed January 14, 2024, as Dr. Martin Luther King, Jr. Commemoration

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Day and authorize funding the recording and live-streaming of this community event.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Consider authorizing the issuance, sale, and delivery of the City's General Obligation Temporary Notes, Series 2024-1.**

This resolution is to authorize the issuance, sale, and delivery of the \$4.5MM General Obligation Temporary Notes, which will be used to fund the construction and related costs of the Central Park Sports Complex.

Bond Principal & Interest would generally be paid from the renewed 1% Special Use Sales Tax. 31% was specifically allocated toward debt repayment, 27% for street projects, and 12% for buildings and facilities; additionally, 25% for General Fund support, and 5% for Economic Development.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission affirmed the award of the sale of the Temporary Notes to the best bidder and to adopt Resolution 2024-001 authorizing and directing the issuance, sale, and delivery of the City's General Obligation Temporary Notes, Series 2024-1.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- C. Consider adopting a resolution implementing the 2024 Pay Plan.**

The City's pay plan is updated each year in an attempt to keep pace with inflation and the competitive labor market. For 2022 the pay plan was adjusted by 2%, although the rate of inflation at that time, according to the Urban Wage Earners CPI index (November 2021) was 6.8%. For 2023 the pay plan was adjusted 4%, although the rate of inflation at that time, according to the Urban Wage Earners CPI index for all items (October 2022) was 7.7%. We did, however, provide additional small bonus amounts last year for those employees who scored above average on their evaluations. We also implemented market rate adjustments for certain public safety positions last Fall due to the critical need to retain those positions.

The 2024 budget included 6% for Cost of Living Adjustments (COLA) and Merit Raises combined. According to the Urban Wage Earners CPI index (November 2023), the latest available inflation rate is 3.1%. Therefore, we recommend

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modifying the 2024 Pay Plan effective January 14, 2024 by 3%. In addition, we have reviewed those positions that did not receive a market rate adjustment last Fall and calculated a market rate/merit adjustment equal to a minimum of \$1,300 annually based on scheduled work hours, resulting in an additional 1 - 5% increase to their base wage depending on their current wage and any additional considerations for their position. This provides a total base rate increase, including both COLA and the market rate/merit adjustment, between 4 - 8%, excluding those that already received adjustments last Fall. Those who did receive market rate adjustments last Fall will receive the 3% COLA applied to their previous wage before their market rate adjustments, consistent with how the COLA percentage will be applied to the remaining employees.

This approach is two-fold. One, the COLA adjustment maintains our Pay Plan with the current CPI; and two, the market rate/merit adjustment moves the employees up within the pay plan, providing a greater percentage increase to those at the lower end of the pay scale.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith the Commission adopted a resolution authorizing the 2024 pay plan.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

VII. REPORTS

A. City Board Minutes

1. December 20, 2023 – Independence Recreation Commission.
2. December 20, 2023 - IPL Board of Trustees

B. November 2023 Sales Tax Report

C. December 2023 Sales Tax Report

VIII. CITY MANAGER'S COMMENTS

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City Manager Passauer reminded the Commission that there is a planning retreat on January 17, 2024, at 8 am, and upcoming Commission meetings on January 25 and February 8, 2024 and City offices will be closed on Monday, January 15, 2024, to celebrate Martin Luther King Jr. Day and sanitation services will be shifted by one day.

Assistant City Manager Cowan provided a winter storm update for the weekend.

IX. COMMISSIONERS' COMMENTS

Commissioner Emert commended Louis Ysusi for his time on the Commission.

X. PUBLIC CONCERNS

None

XI. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of possible acquisition of real estate pursuant to the preliminary discussion on acquisition of real estate exception, KSA 75-4319(b)(6). The open meeting will resume at 6:35 p.m .

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:35 p.m. with no action taken.

B. Personnel matters of non-elected personnel.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of an employee performance pursuant to the non-elected personnel exception, KSA 75-4319(b)(1). The open meeting will resume at 6:40 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None

The open meeting resumed at 6:40 p.m.

Motion:

On the motion of Tim Emert, seconded by Scott Smith the Commission authorized to increase the City Manager's salary by \$50 per pay period or \$1,300 annually.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

XII. ADJOURNMENT

Motion:

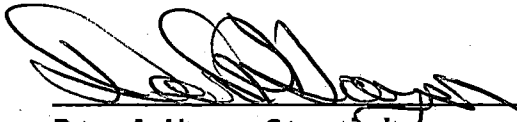
On the motion of Scott Smith, seconded by Dean Hayse, the Commission adjourned the meeting.

Aye: Tim Emert, Dean Hayse, Scott Smith

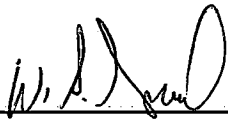
Nay: None



Tim Emert, Mayor



Dean A. Hayse, Commissioner



Scott Smith, Commissioner

Attest:



City Clerk/Treasurer