

Minutes of the City Commission's March 14, 2024 Meeting

I. REGULAR SESSION

Commissioners Present: Vice-Mayor Scott Smith and Commissioner Dean Hayse

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; Lacey Lies, Director of Finance; Jerry Harrison, Chief of Police and John Garriss, City Engineer/Director of Public Works and Utilities

Visitors Present: Larry McHugh, Brea Sanford, Cassidy Sanford, Tony Votaw and Andrew Benugh.

A. Call to Order

Vice-Mayor Smith 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 Scott Smith, the Commission adopted the agenda.

Aye: Dean Hayse, Scott Smith

Nay: None

II. APPOINTMENTS

A. Consider appointing a replacement for Doug Rinck on the Board of Examiners - Plumbers.

Doug Rinck has served on the Plumbing Board for several years. He has recently retired, moved, and resigned from the board. Applications were received for a replacement, and only one application was received. Applicants were required to be licensed plumbers in the City.

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BOARD OF EXAMINERS - PLUMBERS (3 year terms -- 5 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Paul Lemon	4th term*	August 15, 2025	
Doug Rinck	8th term	August 15, 2025	
Wayne Sundquist	9th term	August 15, 2025	
Justin Wren/Atmos	Unexpired term	August 15, 2026	1/25/2024
Pat Howe	9th term	August 15, 2025	
Meeting Place: City Commission Room Meeting Date: As Needed Meeting Time: TBD			

Motion:

On the motion of Scott Smith, seconded by Dean Hayse the Commission appointed Darrin Wood to an unexpired term on the Board of Examiners - Plumbers ending on August 15, 2025.

Aye: Dean Hayse, Scott Smith

Nay: None

III. CONSENT AGENDA

Motion:

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

Aye: Dean Hayse, Scott Smith

Nay: None

- A. Consider waiving the ordinance prohibiting food trucks in the Park on April 13, 2024 for the Annual Park Opening.

Park staff is working on the Park Opening sponsored by FORPAZ on April 13, 2024, and would like to allow Food Trucks in the Park during the opening. The current City Ordinance only allows the City Manager to "give the privilege of a day to any school, church or association to sell refreshments." We do not believe this includes a private vendor selling refreshments, even though it is part of an association's event. Therefore, we ask the Commission's permission to waive this requirement on April 13, 2024 for the FORPAZ Park Opening event.

Suggested Motion:

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I move to waive the Ordinance prohibiting food trucks in the Park on April 13, 2024 for the FORPAZ Park Opening.

- B. Consider initiating a public hearing before the Planning Commission to consider a text amendment to Appendix B - Zoning regarding dwellings.

City staff has been approached by a property owner that owns a house in the C-2 zone which adjoins the highway. They would like to demolish the house and rebuild another house at this location. The zoning code does not allow single-family detached dwellings in a C-2 zone, so the current house is a non-conforming use. The property owner would like to start constructing this new house as soon as possible. With the need for additional housing being so great, City staff has prepared the following options, all of which would need to be first considered by the Planning Commission:

1. Rezone one lot adjoining the highway in the middle of a block that is bordered by C-2, commercial services to R-2, single-family. This would be a spot rezoning, and it is unknown if it will be approved, although across the alley there are R-2 zoned properties. Typically, a street or alley serves as a buffer between zones. The owner has completed an application for this option.
2. Consider a text amendment to allow single-family detached dwellings in a C-2 district with a conditional use permit, which could be considered at the same meeting as the rezoning. If this option is taken, the use limitations for the C-2 district would also have to be amended, as currently they state: "No structure shall be used for residential purposes except by the owner, owner's agent or the operator of the business located on the premises, except that accommodations may be offered to the transient public by motels and hotels." If the text amendment is approved, the owner would need to apply for a conditional use permit which could be heard the following month.
3. Consider a text amendment to allow single-family detached dwellings in a C-1 or O/P zone as a conditional use, which might be more appropriate for this area than R-2, which could also be considered at the same meeting as the rezoning. If the text amendment is approved, the owner would need to apply for rezoning with a conditional use permit which could be heard the following month. This would also be a spot rezoning.

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Land Use Category	Code	Permitted Zoning District											
		A-1	R-1	R-2	R-3	R-4	R-5	D/P	C-1	C-2	C-3	C-4	M-1
Dwelling, elderly	1100				P	P					C		
Dwelling, in nonresidential structure	1190							C	C		C		
Dwelling, mobile home not on permanent foundation	1151					C	C						
Dwelling, mobile home on permanent foundation	1152					C	C						
Dwelling, multifamily	1130			P		P	P	P			C		
Dwelling, single-family attached	1113				P	P	P	P			C		
Dwelling, single-family detached	1111	C	P	P	P	P	P				C		
Dwelling, two-family	1120				P	P	P				C		

Initiating the text amendment would allow the Planning Commission to consider all the options above at the same meeting.

Suggested Motion:

I move to initiate a Public Hearing before the Planning Commission regarding dwellings.

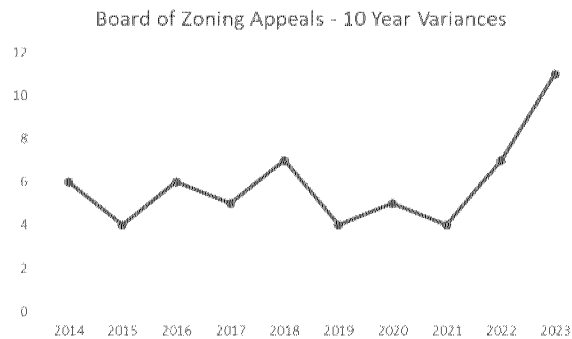
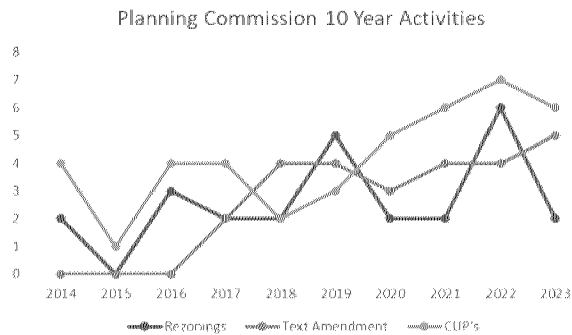
IV. ITEMS FOR COMMISSION ACTION

A. Consider contracting with Confluence, Inc. to update the zoning regulations.

Confluence, Inc. is preparing a new Community Development/Comprehensive Plan. This important document provides a guide to the future development and growth of the City. The last update was in 1982. For the new Community Development/Comprehensive Plan to be effective, our zoning regulations must align with the new plan, which is scheduled to be completed by July 1, 2024.

While several text amendments have been made to the zoning regulations over the years (Example: 26 in the last ten years), these are generally dealt with as an issue arises. In addition, the fact that 59 variances have been requested in the last ten years is another indication that the zoning code needs a thorough review. City Staff is unaware of a detailed review of the entire zoning code in the past 30 years.

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In addition, zoning regulation updates need to be reviewed to ensure compliance with current State Law and incorporate modern planning practices. The City Manager has been a member of the APA (American Planning Association) for several years. Confluence, Inc. has several staff members who are not only members of the APA but are also A.I.C.P. (American Institute of Certified Planners) certified. The mission of the APA is to create great communities for all. APA provides resources regarding modern planning practices, which include effectively managing change by anticipating and adapting to the needs of a changing world. This also includes practicing deregulation where practical to encourage future development, such as enabling the expansion of housing choices. The specifications in the contract also include that a special emphasis will be placed on pinpointing barriers to new housing and adjusting regulations to facilitate increased housing development, which was a recommendation from the 2023 Tanner Citizen Satisfaction Survey included in the Commission's 2024 goals.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission authorized the Mayor to sign a contract with Confluence, Inc. to update the zoning regulations.

Aye: Dean Hayse, Scott Smith

Nay: None

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- B. Consider awarding a bid from TLC Groundskeeping, Inc. for the grassing package for the Central Park Sports Complex project.

On February 13, 2024, the City received bids for the Grassing Package for the Central Park Sports Complex. This package was prepared for various types of sod, sprigging or plugging, or seeding of areas within the complex, as well as fine grading, fertilizing, and grow-in requirements of the areas below:

- **4-Plex Ball Fields**
- **Soccer Pitch**
- **Multi-Use Field**
- **Sinclair West Ball Field**
- **Sinclair East Ball Field**
- **General Park Areas**

Two bids were received with the low base bid of \$596,170.10 bid from TLC Groundskeeping, LLC. The team then negotiated with TLC for value engineering revisions to reach a total base bid of \$374,702.14.

The final scope reached with VE reductions is summarized below:

- **4-Plex Ball Fields - Bermuda sodding & grow-in and maintenance until May 31, 2024**
- **Soccer Pitch - Bermuda plugging & grow-in and maintenance until July 31, 2024**
- **Multi-Use Field - Bermuda plugging & grow-in and maintenance until July 31, 2024**
- **Sinclair West Ball Field - Bermuda plugging & grow-in and maintenance until July 31, 2024**
- **Sinclair East Ball Field - cool season seeding, hydro-mulching, & grow-in and maintenance until July 31, 2024**
- **General Park Areas - cool season seeding, hydro-mulching, & grow-in and maintenance until July 31, 2024**
- **2 Water-Reels**

This represents grassing, grow-in, and maintenance services for approximately 23 acres.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith the Commission approved a contract with TLC Groundskeeping, LLC for the grassing package at the Central Park Sports Complex and for city staff to execute the contract after attorney review.

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Aye: Dean Hayse, Scott Smith

Nay: None

- C. Consider a recommendation from the Economic Development Advisory Board to increase the budget and modify the requirements for the Neighborhood Exterior Grant Program.

On January 17, 2024 the City Commission held their annual retreat to develop action plans for their 2024 goals. The biggest overall theme of the session was housing. One of the action steps was to look at modifying the Neighborhood Exterior Grant Program to assist low-income families with their 50% match through a loan (similar to what the City is already doing with the Sewer Cost Share program which consists of an agreement to repay the loan over ten years at a specified interest rate) and to prioritize primary dwellings over accessory structures.

This direction from the City Commission retreat was taken to the Economic Development Advisory Board (EDAB) February 15, 2024 and March 5, 2024 meetings. Based on their discussion, they did not recommend loans for low-income individuals, as they felt there were other organizations that could assist those individuals and they felt the program was already underfunded. They discussed garages and carports as being eligible at the same level as the main structure, as the EDAB committee felt they were an important value-added attribute of the primary dwelling. They also discussed excluding hobby or shop-type structures, and indicated they did not think those types of structures should be eligible. They voted to recommend doubling the budget for 2024 and recommended the modified language as outlined below.

- Language was clarified regarding non-apartment residential properties to make the policy consistent with what is allowed in a low-density multi-family zoning district.
- Language was added to address separate dwellings on one parcel, if they have their own 911 address and separate utilities.
- Garages, carports and Accessory Dwelling Units (ADU's) were added as eligible. However, they wanted to ensure that the A.D.U.s were occupied as active rental dwellings in compliance with City Code and not as recreation areas for a five-year compliance period.
- Additional accessory structures were excluded, such as a Playhouse; Workshop; Storage Shed; Pool House; Greenhouse; or Detached Rec Room, Den, Craft/Hobby Room, Office, or any other detached structure not specifically listed as being eligible.

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A copy of the changes are highlighted on the attached program guidelines and application.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a Resolution modifying the Neighborhood Exterior Grant Program and increasing the budget for 2024 from \$50,000 to \$100,000, as recommended by the Economic Development Advisory Board.

Aye: Dean Hayse, Scott Smith

Nay: None

D. Consider a variance request to increase the driveway width at 301 South 6th Street.

Bob Miller has submitted a request for a driveway width variance at 301 S. 6th Street. According to Sec. 94-140 (3), no driveway entrance in a residential district shall exceed 24 feet. Mr. Miller seeks a width of 26 feet to align with the size of his garage. Upon reviewing the request, the building department finds that approval of the request will not affect adjacent property owners' rights or create undue hardship for Mr. Miller or the tenant. Approving the variance enhances the aesthetics of Mr. Miller's property and the neighborhood. Therefore, City staff recommends approving the variance for Mr. Miller.



Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved a variance request increasing the driveway width to 26 feet at 301 S. 6th Street.

Aye: Dean Hayse, Scott Smith

Nay: None

E. Consider approval of demolition bids.

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The City advertised the demolition of ten houses and received five bids. The three individual low bids are shown below. Montgomery County held a Sheriff's sale of property, and Brett Hein contacted the building department this week. Mr. Hein has purchased property at 501 S. 15th and 600 S. 15th and is requesting that the City hold demolition of those properties and allow him to rehabilitate the structures. The County is still processing the deeds for the property, which should be sent to the new owner in April 2024. The City Staff recommendation is to hold the demolition for 90 days, reevaluate the condition of the houses, and determine if we need to proceed with demolition or continue with a timeline for repairing them. G&G had the low bid of \$5,500 for 501 S. 15th and JRB had the low bid of \$6,000 for 600 S. 15th, and both agreed to honor those bids until a review at the June 13, 2024, Commission meeting.

The recommendation is to award:

- MEGA with 601 S. 15th and 919 E. Birch for \$11,200.00
- G&G with 427 S. 15th, 201 S. 14th, 700 E. Edison, 408 S. 8th (House Only), 217 S. 2nd (House Only) and 1005 E. Birch for \$33,000.00

Demo Bids

MEGA		
	Individual	Combined
427 S. 15th	\$6,600.00	
501 S. 15th	\$6,600.00	
600 S. 15th	\$7,200.00	
601 S. 15th	\$6,600.00	
201 S. 14th	\$6,900.00	
700 E. Edison	\$5,900.00	
408 S. 8th	\$7,800.00	
217 S. 2nd	\$7,700.00	
919 E. Birch	\$4,600.00	
1005 E. Birch	\$8,100.00	
Total	\$68,000.00	\$66,600.00
Award	\$11,200.00	

G&G		
	Individual	Combined
427 S. 15th	\$6,500.00	
501 S. 15th	\$5,500.00	
600 S. 15th	\$7,500.00	
601 S. 15th	\$8,500.00	
201 S. 14th	\$5,500.00	
700 E. Edison	\$5,500.00	
408 S. 8th	\$4,500.00	
217 S. 2nd	\$4,500.00	
919 E. Birch	\$5,500.00	
1005 E. Birch	\$6,500.00	
Total	\$60,000.00	
Award	\$33,000.00	

JRB		
	Individual	Combined
427 S. 15th	\$8,500.00	\$8,000
501 S. 15th	\$6,500.00	\$6,000
600 S. 15th	\$6,000.00	\$6,000
601 S. 15th	\$7,000.00	\$7,000
201 S. 14th	\$6,500.00	\$6,000
700 E. Edison	\$8,500.00	\$8,000
408 S. 8th	\$9,500.00	\$9,000
217 S. 2nd	\$8,000.00	\$8,000
919 E. Birch	\$7,000.00	\$7,000
1005 E. Birch	\$8,500.00	\$8,000
Total	\$76,000.00	\$73,000
Award	\$0.00	

Yellow = low bid
 Green = Request to stop demolition
 Blue = Total

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission awarded the following bids:

- a. G & G Dozer for a total of \$33,000 for the structures located at 427 S. 15th, 201 S. 14th, 700 E. Edison, 408 S. 8th (House Only), 217 S. 2nd (House Only), and 1005

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E. Birch; and

b. MEGA for a total of \$11,200 for the structures located at 919 E. Birch and 601 S. 15th.

Aye: Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission tabled action on the demolition of 501 S. 15th and 600 S. 15th until June 13, 2024.

Aye: Dean Hayse, Scott Smith

Nay: None

- F. Consider authorizing TranSystems to prepare and submit a KDOT Cost Share Program grant application for: Sycamore, 10th to 21st.

Kansas Department of Transportation (KDOT) Cost Share applications are due on March 21, 2024.

4" mill, 2" overlay, new sidewalk ramps, addition of a 10'x5' box culvert at Sycamore.

Estimated Cost	Estimated City Match – (15%)	Non-Participating Costs	Total City Cost
\$1,086,567	\$134,485	\$190,000	\$324,485

Staff believes we should resubmit this application for state fiscal year 2025, (July 1, 2024 – June 30, 2025).

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission authorized TranSystems to prepare an application for KDOT's Cost Share Program for Sycamore from 10th Street to 21st Street and to submit the application to KDOT.

Aye: Dean Hayse, Scott Smith

Nay: None

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- G. Consider authorizing application for KDOT City Connecting Link Improvement Program (CCLIP) grants for two projects: 1) FY 2026 Geometric Improvements – Main Street, 2nd Street to City Limits and 2) FY 2027 – Pavement Restoration, 10th Street, Main to Laurel.

Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) applications are due in March for FY 2026 (July 1, 2025 – June 30, 2025) and FY 2027 (July 1, 2026 – June 30, 2027). If approved, the attached applications will be updated with the new fiscal year information above.

The following projects are suggested:

- 1. CCLIP Application, Geometric Improvements – Main Street, 2nd to City Limits – mill and overlay pavement, add and replace minor segments of sidewalk.**

	Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
	\$560,000	\$56,000	\$0	\$56,000

- 2. CCLIP Application, Pavement Restoration, 10th Street from Main to Laurel, full depth replacement of curb, gutter, pavement, and storm sewer.**

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$1,445,000	\$144,500	\$0	\$144,500

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved an application for KDOT's CCLIP Program for Main Street, from 2nd to City Limits, and for execution of any necessary documents required by KDOT.

Aye: Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved an application for KDOT's CCLIP Program for 10th Street from Main to Laurel, and for execution of any necessary documents required by KDOT.

Aye: Dean Hayse, Scott Smith

Nay: None

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- H. Consider authorizing an agreement with the Sports Car Club of America, Inc. (SCCA) to hold a racing event at Independence Municipal Airport on May 3-5 and July 2-5, 2024.

SCCA has requested use of the southern apron area of Independence Municipal Airport on May 3-5 and July 2-5, 2024 for the purpose of holding a racing event. These racing events differ from the Airstrip Attack in that they would not require closure of any runway and are generally not a spectator event.

It is felt that these events bring exposure to the City as well as provide a revenue opportunity for local businesses via food, shopping, and lodging sales.

These events will require FAA approval.

Textron Aviation has indicated that they find the events acceptable from a business standpoint and that they will not interrupt their planned operations.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission authorized Sports Car Club of America, Inc. to hold the events as described, pending FAA approval, and authorize the execution of any necessary documents, pending City Attorney approval.

Aye: Dean Hayse, Scott Smith

Nay: None

- I. Consider partnering with the School District to replace a City main water line adjoining the Early Learning Center.

A portion of the City water main needs to be replaced as part of the school district's construction of the Early Learning Center. This is due to the construction of a drop off lane that will require the water main to be relocated deeper into the ground. Normally, this type of expense would be on the property owner as the relocation of the line is due to their construction. However, the school district has requested that the City partner with them on this project as we have in the past with other taxing entities when making improvements that benefit the community.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse the Commission authorized to reimburse the School District up to \$15,894.32 for the relocation of a City main water line as part of the Early Learning Center project.

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Aye: Dean Hayse, Scott Smith

Nay: None

V. REPORTS

A. City Board Minutes

1. October 2, 2023 Electrical Board Minutes

2. February 1, 2024 Historic Preservation Resource Commission Minutes

3. February 21, 2024 Public Library Board of Trustees Minutes

4. February 21, 2024 Recreation Commission Minutes

VI. CITY MANAGER'S COMMENTS

City Manager Passauer noted that City Hall will be closed on Friday March 29th for Good Friday and May 27th for Memorial Day.

The City will have a reception for Chief Harrison on March 28th and he appreciates the support the Commission has given him during his time here.

VII. COMMISSIONERS' COMMENTS

Commissioner Smith commended the contractor for their work on the cemetery wall.

VIII. PUBLIC CONCERNS

Willard Blankenship addressed the City's policies on the repair of water lines and street repairs.

IX. ADJOURNMENT

Motion:

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

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adjourned the meeting.

Aye: Dean Hayse, Scott Smith

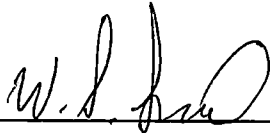
Nay: None



Tim Emert, Mayor



Dean A. Hayse, Commissioner



Scott Smith, Commissioner

Attest:



City Clerk/Treasurer