

Minutes of the City Commission's April 25, 2024 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Tim Emert, 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; David Hutchings, Interim Chief of Police and John Garris, City Engineer/Director of Public Works and Utilities

Visitors Present: Larry McHugh, Brea Sanford.

A. Call to Order

Mayor Emert 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 Scott Smith, the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. PROCLAMATION

A. Consider proclaiming May 5-11, 2024 as Public Service Recognition Week.

Introduced in 1985 by President Reagan, Public Service Week honors the people in the public sector and acknowledges their efforts to provide services to the citizens. The City of Independence would like to honor our employees who provide services to the citizens of Independence.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission authorized May 5-11, 2024, as Public Service Recognition Week in Independence, Kansas.

Aye: Tim Emert, Dean Hayse, Scott Smith

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Nay: None

III. 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 approving City Commission minutes from January 11th, 25th, February 8th, 21st, 22nd, March 14th, 20th and 28th, 2024

Suggested Motion:

I move to approve the minutes from January 11th, 25th, February 8th, 21st, 22nd, March 14th, 20th and 28th, 2024.

- B. Consider closing Maple Street in front of the Library.

John Long, Library Director, is requesting permission to close Maple Street in front of the Library from 4th Street to the midblock alley. The closure is for the kick-off of the summer reading program. The closure would be on May 31, 2024, from 4-8 pm.

Suggested Motion:

I move to approve the closure of Maple Street in front of the Library on May 31st from 4-8 pm.

- C. Consider approving Central Park Sports Complex Change Order.

Change order #5 includes concrete changes for three locations throughout the project area; the playground, curb, and donor plaza.

Per Section 6.2 of the procurement policy, in emergency situations, to prevent a lengthy delay in the project, safety concerns, and the protection of City assets and resources, the City Manager, with notification to the Governing Body, can authorize a change order in an amount not to exceed \$25,000, but not in excess of the overall project budget, whichever is less. The current project budget is \$6,617,750. With a complex opening date of June 1, changes and purchases from the project's budgeted contingencies must be made quickly to ensure the project stays on time. Therefore, we anticipate we may have change orders that will

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need to be approved prior to the next scheduled Commission meeting. The procurement policy states that after authorizing the change order, the change order will be submitted to the Governing Body for ratification. Therefore, we will submit any change orders approved per this section for such ratification on the next agenda.

Suggested Motion:

I move to authorize Change Order #5 for the Central Park Sports Complex project.

D. Consider an agreement with Montgomery County for the use of Pictometry.

In 2020, the City Commission authorized a six-year agreement between the City and the County regarding the City's share of payment for aerial imagery and software. Although this agreement was scheduled to run through 2026 at an annual cost to the City of \$3,561.17, we have been advised that the County's cost has increased, and they are requiring all users of the software to pay \$5,000 per year effective January 1, 2025.

The City Attorney has prepared an amendment to the agreement that renews each year rather than running for a specific period of time. Either party may terminate the agreement with 90 days notice before the end of an existing term.

Suggested Motion:

I move to authorize the Mayor to sign an agreement with Montgomery County for the use of Pictometry software and aerial images.

IV. ITEMS FOR COMMISSION ACTION

A. Consider adopting an ordinance rezoning a tract of land at 1621 North Pennsylvania Avenue from C-2, commercial services district to R-2, single-family dwelling district.

On April 2, 2024, the Planning Commission recommended the City Commission rezone 1621 N. Penn Avenue from C-2, commercial services district, to R-2, single-family dwelling district, in order to allow the property owner to demolish and reconstruct a single-family detached dwelling. The zoning code does not allow single-family detached dwellings in a C-2 zone as either a permitted or conditional use, so the current house which was constructed in approximately 1945 is a non-conforming use. The property owner would like to start constructing this new house as soon as possible and has already rehabilitated the dwellings on either side of this structure, which are also non-conforming uses. The staff report to the Planning Commission is attached, providing additional background information.

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Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted an ordinance rezoning 1621 N. Penn from C-2 To R-2 based on the recommendation of the Planning Commission.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- B. Consider adopting an ordinance for a text amendment to Appendix B - Zoning related to dwellings.

On April 2, 2024 the Planning Commission recommended modifying the permitted and conditional use table to allow new housing opportunities in the C-1 and O/P zones. Originally this item was added to their agenda in the event the previous item to rezone property from C-2 to R-2 was not approved. However, in discussing this item with the Planning Commission they determined to move forward in the event someone else has a similar issue in the C-1 or O/P zone, which would be more compatible with dwellings than the C-2 zone.

Approving this text amendment would allow for situations where there is a standing house as a non-conforming use to be demolished and allow another house built in its place, or to allow the construction of new dwelling on a vacant lot, but only with a conditional use permit. This would remove one more barrier to new housing development.

This change would modify the permitted and conditional use table as shown by the large "C" below, which would provide for the opportunity to apply for a conditional use permit in these zones for the housing indicated in the chart below. Currently, the code did not allow for this opportunity and those types of houses were simply not allowed with no recourse other than a text amendment.

Land Use Category	Code	Permitted Zoning District												
		A-1	R-1	R-2	R-3	R-4	R-5	O/P	C-1	C-2	C-3	C-4	M-1	M-2
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		C			
Dwelling, single-family attached	1113				P	P	P	P	C		C			
Dwelling, single-family detached	1111	C	P	P	P	P	P	C	C		C			
Dwelling, two-family	1120				P	P	P	C	C		C			

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Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted an ordinance for a text amendment to allow for multi-family dwellings, single family attached and detached dwellings, and two family dwellings in the C-1 district with a conditional use permit; and single family detached and two family dwellings with a conditional use in the O/P zone based on the recommendation of the Planning Commission.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- C. Consider supporting the nomination of the Prairie Oil and Gas (also known as Sinclair Oil or ARCO) building on the National Register of Historic Places.

The Independence Historic Preservation and Resource Commission (IHPRC) met on April 22, 2024 and considered supporting the nomination of the Prairie Oil and Gas (also known as Sinclair Oil or ARCO) building located at 200 ARCO Place on the National Register of Historic Places. They voted to support this nomination unanimously. The form provided by the State also includes a check box for the Chief Elected Official Recommendation. Since this would be the Mayor, we are requesting the Governing Body authorize supporting this nomination.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission supported the nomination of the Prairie Oil and Gas (also known as Sinclair Oil or ARCO) building on the National Register of Historic Places.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

V. REPORTS

- A. Projects and Public Works Report

Engineer Garris presented the report.

VI. CITY BOARD MINUTES

- A. City Board Minutes

- 1. IPL Board of Trustees March 20, 2024 Minutes

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VII. CITY MANAGER'S COMMENTS

VIII. COMMISSIONERS' COMMENTS

Commissioner Hayse discussed the housing situation in Independence and the work the Housing Authority is doing to alleviate the problem.

IX. PUBLIC CONCERNS

None

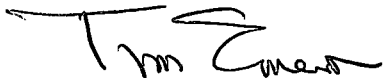
X. ADJOURNMENT

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