

Minutes of the City Commission's June 13, 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; David Schwenker, City Clerk/City Treasurer; Dustin Stafford, Police Officer; John Garris, City Engineer/Director of Public Works and Utilities; David Hutchings, Interim Chief of Police; Shawn Wallis, Fire Chief; April Nutt, Director of Housing Authority and Lacey Lies, Finance Director.

Visitors Present: Larry McHugh, Breanne Sanford, Melissa Johnson, Lisa Wilson, Jason Elmore, Todd Young, Tabatha Snodgrass and Jen Rutledge.

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. Park Board Openings -- Applications due by noon on June 20, 2024.

We have three Park Board members whose terms will expire on July 1, 2024. These members have all served two full terms and are not eligible for reappointment unless no other eligible applicants apply. The deadline to apply is June 20, 2024, which will be extended if enough eligible applicants do not apply by the deadline.

The Park Board meets on the first Monday of the month at 5:30 PM. Two of the three positions do not have residency requirements, so applicants may live outside the City limits and still apply. To learn more about the Park Board, visit this link: [Park Board](#)

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PARK BOARD (3 year terms -- 9 members)			
Members	Term	Expires	Appointed/Reappointed
Anita Chappuie	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
Leslie Coder	1st term	July 1, 2026	8/10/2023
Breanne Sanford	1st term	July 1, 2026	8/10/2023
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.			

B. Tree Board Opening -- Applications due by noon on June 20, 2024.

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 the 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.

We currently have one opening on the Tree Board due to a resignation. Applications are due by noon on June 20, 2024. You can apply on the City's website, or click this link to apply: [City Board Application](#)

TREE BOARD (2 year terms for appointments before 2/8/2024 then 4 year terms -- 7 members)			
Members	Term	Expires	Appointed/Eligible
Twila Hawthorne	4th term	6/1/2028	1/24/2019
			Reappointed 05/23/2024
Krystal Sumner	1st term	6/1/2024	6/9/2022
			Resigned 04/25/2024
Michelle Avery	5th term	6/1/2025	
			6/8/2017
Amy Hilyard	1st term*	6/1/2025	Appointed 10/13/2022
Leslie Fox	5th term	6/1/2025	
			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			

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For more information, contact Scott Patton at ScottS@IndependenceKs.gov or 620-332-2512; or visit this link: [Tree Board City Code](#)

III. PRESENTATIONS

- A. Presentation from Main Street regarding their request for funds from the 2025 Budget.

Tabatha Snodgrass, Main Street Director presented Main Street's 2025 Budget Request. Jen Rutledge, Todd Young and Jason Elmore also presented Main Street accomplishments.

- B. Presentation from MCAC regarding their request for funds from the 2025 Budget.

MCAC Director, Melissa Johnson presented MCAC's 2025 budget request.

IV. 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 approving City Commission minutes from May 23, 2024.

Suggested Motion:

I move to approve the minutes from May 23rd, 2024.

- B. Consider approving the street closure of South 5th Street and East Maple Street in front of the Independence Public Library on June 17, 2024 from 4 to 8 PM for the Summer Reading Program Kickoff event.

The Independence Public Library is requesting that S. 5th Street and E. Maple Street in front of the Library be closed for the kickoff of the Summer Reading Program. The Library will have numerous activities for the kids, including Touch a Truck, from 4:00 p.m. to 8:00 p.m.

Suggested Motion:

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I move to approve the street closure of South 5th Street and East Maple Street in front of the Independence Public Library on June 17, 2024 from 4 to 8 PM for the Summer Reading Program kickoff event.

- C. Consider awarding a change to the design contract to TranSystems for design of the KDOT Transportation Alternatives Project.

A Kansas Department of Transportation (KDOT) Transportation Alternatives grant was awarded to the City and accepted in 2022. TranSystems is familiar with the work and assisted the City in developing the successful grant application and was awarded a design contract for \$101,000 in February of 2023. A change order of \$24,100 is requested to this amount.

The first contributor is that two easements were initially thought to be necessary for this work, and that cost was included in the amounts. As design has progressed, 17 more easements, mainly for temporary workspace for construction, have been found to be required. This will require \$15,600 in additional survey work. TranSystems is not adding a fee or markup to this additional professional work. Of note, the easements are estimated to cost (in total) approximately \$50,000 beyond the technical services. As this is based on a federal grant, it is unlikely that any easement costs will be eligible for grant funding.

The second change is related to the stoplight at Laurel and Main. The existing vehicle detection system consists of ground loops. This is the last functional ground loop system in the City, and only one of the two loops is operational, so the vehicle detection system will need to be replaced at some point regardless of the Transportation Alternatives project. TranSystems is requesting \$8,500 for engineering the replacement to camera-based and adding pedestrian actuators (there are currently none) to the signal system. We are in the process of understanding the total cost. It may be that this will allow the City to split the cost of modernizing this system using the Transportation Alternatives grant (80/20 split), and we are researching if that is possible.

Suggested Motion:

I move to approve a change order for design services for the KDOT Transportation Alternatives project with TranSystems for the amount of \$24,100 and the execution of any necessary documents.

- D. Consider setting a public hearing for July 11, 2024 at 5:30 PM to consider vacating a north/south alley, while retaining a utility easement, connecting Coffeyville Avenue to Cherry Street east of 1st Street.

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A request was received to the City to maintain a north/south alley connecting Coffeyville Avenue to Cherry Street east of 1st Street. Upon investigation, it was found that the legally defined boundaries of the alley did not match up with the “in place” road surface. After discussions with the two involved landowners and the City Attorney, it was recommended that the City vacate the alley and leave the existing utility easement in place for the utilities that are in the alley. The alley to be vacated is shown in purple in the drawing below.



Suggested Motion:

I move to set a public hearing for July 11, 2024 at 5:30 PM to consider vacating a north/south alley connecting Coffeyville Avenue to Cherry Street east of 1st Street, with a utility easement remaining for existing utilities in the vacated alley.

- E. Consider adopting a resolution adopting the Region H Hazard Mitigation Plan.

Rick Whitson, the Director of Montgomery County Emergency Preparedness, and the Kansas Division of Emergency Management have been working together with the communities in Montgomery County and Region H communities to update and approve the Region H Hazard Mitigation Plan as required by FEMA and the State of Kansas. Approval of the plan is essential for accessing future funding for mitigation projects under FEMA's pre- and post-disaster mitigation grant programs. Rick has received the attached documents from Deputy Director Morgan, KDEM, after the FEMA review, and they are now available

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for community review and approval. The attached plan outlines risks, regional planning, capability assessment, mitigation, and maintenance plan for the communities and counties in Region H. The table below details the mitigation actions completed by the City of Independence and the ongoing projects it is working on.

Independence Mitigation Actions							
Action Identification	Description	Hazard Addressed	Responsible Party	Overall Priority	Goal(s) Addressed	Estimated Cost	Potential Funding Source
Independence 1	Replace and increase storm sirens.	Tornado	City Emergency Director	High	1,2,4	\$150,000	Grants, Capital
Independence 2	Construct flood gate and pumps at the end of the levee by pine street	Flood	City Engineer	Medium	1,2	Unknown – under review	Unknown
Independence 3	Install emergency generator at WTP	Tornado & Flood, Natural Disaster	City Engineer	High	1,2	\$100,000	Loans
Independence 4	Project to mitigate flood damage to high service pumps at WTP	Flood	City Engineer	High	1,2	\$5,000,000	Loans
Independence 5	Relocate Main electrical at WTP	Flood, Tornado	City Engineer	High	1,2	\$500,000	Loans
Independence 6	Install standby pumps at lift stations when pumps are inoperable	Flood	City Engineer	High	1,2	\$250,000	Loans
Independence 7	Replace pumps with Submersible pumps, elevated electrical and generators at Wald and SE Pump stations	Flood	City Engineer	High	1,2	\$10,000,000	Loans Grants
Independence 8	Construct flood levee to protect WWTP	Levee Failure, Flood	City Engineer	High	1,2	TBD	Army Corp of Engineers
Independence 9	Continue to participate in National Flood Insurance Program	Flood	City of Independence Commission	Low	1	None	None
Independence 10	Purchase 100-year floodplain property	Flood	City of Independence	Medium	1	\$3,292,000	FEMA-HMGP KDEM
Independence 11	Install standby Generators at City Hall and Fire-EMS	Flood / Tornado	City Emerg Director	High	1,2	\$100,000	Loans

The City Staff recommends the Commission approve the plan.

Suggested Motion:

I move to approve Resolution 2024.014 approving the Region H Hazard Mitigation Plan.

V. ITEMS FOR COMMISSION ACTION

A. Consider approving a Downtown Building Grant for 112 West Laurel Street.

The City of Independence received a Downtown Building Grant application from Gregg and Sandy Webster for the property at 112 West Laurel Street. They are remodeling the building and will install new exterior windows and doors, and perform tuckpointing as needed. Gregg presented his plan for the exterior and interior design of the building to the Independence Historical Committee and received approval to proceed with the replacement of the windows, doors,

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tuckpointing, and interior remodel.

The Downtown Building Grant Committee met, reviewed the application, and approved it to be presented to the City Commission for final approval. They are asking the Commission to approve \$25,000 for eligible expenses for this project.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission approved the Downtown Building Grant for 112 West Laurel for up to \$25,000.

Aye: Dean Hayse, Scott Smith

Nay: None

- B. Consider demolition bids for the removal of previously condemned structures located at 501 and 600 S. 15th St.

The City of Independence received bids for the demolition of 501 and 600 S. 15th Street on March 7, 2024. During the April 28, 2024 Commission meeting, Brett Hein presented a letter to the City stating that he had acquired the properties at the recent Montgomery County Tax Sale and expressed his interest in rehabilitating both residences. The City Commission authorized holding the demolition contract until June 13, 2024. By that time, Brett would need to show significant improvement to the properties, or a notice to proceed would be given to the contractor to remove the properties.

A review of the properties revealed significant progress at 600 S. 15th Street. The property has been cleared of all debris, trailers, and tents, and the process of rehabilitating the house has begun, including installing a new roof and gutting the interior back to the studs. On the other hand, a review of 501 S. 15th Street found that the property's condition remains unchanged, with no work done at this location.

I was unable to contact Brett before preparing this document. I will try to meet with him before the Commission meeting and provide a staff recommendation on 501 S. 15th Street.

City Staff recommends an additional 60 days to finish 600 S. 15th. If the Commission decides to give Brett more time, and he fails to commence repairs, the City will need to rebid the property for removal.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission extended the deadline by 60 days for commencing repairs or removal of the

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structures located at 501 and 600 S. 15th Street.

Aye: Dean Hayse, Scott Smith

Nay: None

- C. Consider a request to initiate a text amendment to allow shipping containers as accessory uses in residential zoned districts.**

We have received a request from Phil Eastep to allow shipping containers as an accessory use in residential districts. He has a rental property in a residential district and would like to install a shipping container as a garage.

When the text amendment for shipping containers was previously reviewed by the Planning Commission, they intentionally did not allow shipping containers in residential districts unless they were modified into a dwelling and met certain requirements. The concern was that they would pop up in residential districts "as is" and would be a blight on the neighborhood.

If the Commission wishes to initiate this text amendment, it is recommended that the Planning Commission consider conditions for placement in residential neighborhoods that would not be contrary to the City's neighborhood beautification efforts. In addition, due to publication requirements per City Code and State Statute, the date of the public hearing before the Planning Commission would be August 6, 2024, with final consideration by the City Commission no sooner than August 22, 2024.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission initiated a public hearing before the Planning Commission regarding a text amendment to consider the use of shipping containers as accessory uses with conditions in residential zoned areas.

Aye: Dean Hayse, Scott Smith

Nay: None

- D. Consider approval of awarding the taxiway pavement rehabilitation project.**

As a part of the capital plan for maintaining the airport, H.W. Lochner, Inc. (Lochner) has prepared the next planned project at the airport. This project consists of two parts – rehabilitating taxiway asphalt pavement and rehabilitating taxiway concrete pavement.

The project was bid on Thursday, May 9. The results follow:

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ENGINEER'S EVALUATION OF BIDS AND RECOMMENDATION

<u>Contractor</u>	<u>Bid Total</u>
American Pavement Solutions, Inc.	\$516,300.00
JLT Contracting, LLC	\$573,465.20
Home Center Const., Inc.	\$667,060.50
GDS, LLC	\$729,535.00
Screed Tech, LLC	\$730,842.90
<i>Engineer's Estimate</i>	<i>\$545,000.00</i>

Per Lochner, all bids received were competitive and there were not any mathematical errors on the submitted low bidder's proposal. In addition, the low bid provided by American Pavement Solutions, Inc. was below the Engineer's Estimate. Therefore, Locher's evaluation of the bids for this project suggests that the low bid provided by American Pavement Solutions, Inc. is fair and reasonable.

Lochner recommends the City of Independence, Kansas enter into a contract with the apparent low bidder, American Pavement Solutions, Inc., in the amount of \$516,300.00 for the work associated with the subject project. They have completed multiple airfield pavement rehabilitation projects in the past with American Pavement Solutions, Inc., and have confirmed that they are a qualified contractor for the type of work to be completed with this project.

As a reminder, the FAA will cover 90% of the cost of this project.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission authorized award of the contract to American Pavement Solutions, Inc., in the amount of \$516,300.00 and for the execution of any necessary contract or FAA documents required for this project.

Aye: Dean Hayse, Scott Smith

Nay: None

E. Consider awarding the 2024 Mill and Overlay Project.

Annually, the City plans to mill and overlay a portion of the streets to maintain adequate driving surfaces. The primary focus is on major streets that receive significant amounts of traffic. Oak Street from N. Penn to 13th is an area that receives significant (2900-3000 cars per day) traffic but has pavement failure evident in multiple locations.

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Also included in the bid quantities are approximately 250 tons of pavement for application in lower traffic local streets in up to five locations where there has been significant pavement failure.

Bids were opened on June 6 at 10 A.M., and there were two bidders. The low bid was from Bettis Asphalt & Construction (Bettis) at \$287,119.15 on the unit prices as bid. The Bettis bid was 15% under the second bid. TranSystems recommends awarding the contract to Bettis.

Bettis Asphalt & Construction, Inc.	\$287,119.15
Emery Sapp & Sons	\$329,934.25
Engineer's Estimate	\$267,614.00
Percent over Engineer's Estimate	7%
Percent under Second Bidder	15%

During bidding, three areas were developed as being suggested for work under this contract in addition to the Oak Street Paving:

- South Second St. starting south of Cherry to just south of Coffeyville St. (\$22,600, approximately 660 cars per day) – note – there is no milling, only overlay at this segment.
- Alley segment due east of the City parking lot at 8th and Chestnut which has a depression that retains water and may be of pedestrian concern (\$7600)
- Walnut between 15th and 16th (\$16,000) – note – there is no milling, only overlay in this segment.

Please note that all pricing information is based on unit prices, and the final total will be based on the actual units used.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission approved the award of the 2024 Mill and Overlay Project to Bettis Asphalt & Construction in the unit price amount of \$287,119.15 and approved the execution of any necessary documents.

Aye: Dean Hayse, Scott Smith

Nay: None

VI. REPORTS

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A. City Board Minutes

- 1. February 26, 2024 Independence Historic Preservation Resource Commission.**
- 2. March 25, 2024 Independence Historic Preservation Resource Commission.**
- 3. April 22, 2024 Independence Historic Preservation Resource Commission.**
- 4. May 15, 2024 Independence Recreation Commission.**

VII. CITY MANAGER'S COMMENTS

City Manager Passauer mentioned that Curtis Wilson from the Sanitation Department and Lydia Collins, who is the Administrative Assistant to the City Manager, are retiring. Curtis did not want a retirement party in his honor and Lydia's retirement party would be on June 27th from 2:00 to 3:00 p.m at City Hall.

VIII. COMMISSIONERS' COMMENTS

Commissioner Hayes noticed that the new striping in the parking lots are raised and he would like the snow plows to be mindful of that feature in the future so as not to damage them.

Vice Mayor Smith congratulated the new Chief of Police Dustin Stafford on his promotion.

IX. PUBLIC CONCERNS

None

X. ADJOURNMENT

Motion:

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

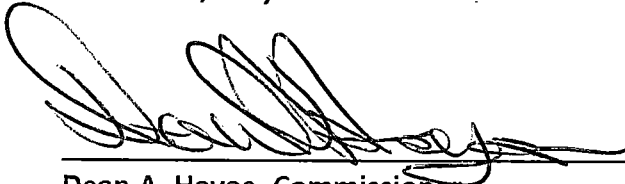
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Aye: None

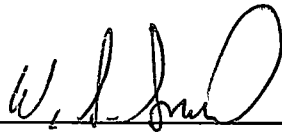
Nay: None



Tim Emert, Mayor



Dean A. Hayse, Commissioner



Scott Smith, Commissioner

Attest:



City Clerk/Treasurer