Minutes of the City Commission's July 11, 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; John Garris, City Engineer/Director of Public Works and Utilities; Shawn Wallis, Fire Chief and April Nutt, Director of Housing Authority.

Visitors Present: Larry McHugh and Breanne 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. APPOINTMENTS

A. Tree Board Opening - Applications extended to July 19, 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 have one opening on the Tree Board due to a resignation. Citizens may apply for this opening by July 19, 2024 using this link: City Board Application

For more information about the Tree Board visit this link: Tree Board City Code

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			

B. Park Board Openings - Applications extended to July 19, 2024

We have three Park Board members whose terms expired on July 1, 2024; however, they continue to serve beyond that date until they are replaced. These members have all served the two consecutive term limitation imposed by Resolution 2011-57, which states; "*It is hereby adopted as the policy of the Governing Body of the City of Independence that members appointed to boards, agencies, commissions or committees shall, as a general rule, be limited to two consecutive terms subject to the discretion of the Governing Body to allow additional terms depending on the type of board, agency, commission or committee involved, any specialty or expertise required, the difficulty in obtaining a citizen to serve on the board, agency, commission or committee, and other relevant factors as determined in the discretion of the Governing Body.*"

Since not enough eligible applicants applied by the deadline, the original application deadline of June 20, 2024, was extended to July 5, 2024. In addition, we have also had one resignation from the Park Board from a member who resided within the City limits.

Two of the four open positions do not have residency requirements, so a maximum of two applicants who live outside the City limits may be appointed. We have received two applications from individuals residing outside the City.

Two of the four open positions require residency within the City limits, so a minimum of two applicants who live inside the City limits must be appointed. However, we have only received one application from an individual who lives within the City limits. We have extended the application deadline a third time to July 19, 2024.

Citizens may apply for the Park Board by July 19, 2024 using this link: City Board Application

The Park Board meets on the first Monday of the month at 5:30 PM. To learn more about the role of the Park Board, visit this link: Park Board

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	Resigned 06/27/2024
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.

III. CONSENT AGENDA

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

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

A. Consider approving City Commission minutes from June 27, 2024.

Suggested Motion:
I move to approve the minutes from June 27th, 2024.

B. Consider approving an emergency KDOT KAIP grant request to replace the AWOS Present Weather sensor.

During the annual inspection of the Automated Weather Observation System (AWOS) system by the FAA it was determined that the Present Weather system was not functioning. The Present Weather sensor allows automated reporting of current precipitation amounts and types.

Upon finding that the sensor had failed, a quote to replace it was obtained. The pricing provided was $17,601. Since quantification of the added value of this sensor to the airport is difficult, Lochner's (our airport consultant) assistance was requested. Their opinion was that it was certainly optional, as many airports do not have a Present Weather system.

We did explore with KDOT using additional funding from our current KAIP grant since this is a pilot information system, like the beacon, and there was additional funding related to the beacon that would not be used. Instead, KDOT indicated we should apply for an emergency KDOT KAIP grant request. This request would be for the new sensor, and would be a 90/10 split, with the KAIP grant funding 90% of the sensor, if approved.

Suggested Motion:
I move to allow for application for the KDOT KAIP grant.

C. Consider waiving the ordinance prohibiting food trucks on July 26, 2024 at Riverside Park during the Montgomery County 4-H Fair.

Montgomery County 4-H holds their annual fair and livestock auction in Riverside Park during the last week of July. During the livestock auction, they bring in food trucks to serve attendees. The event is usually well attended. The livestock auction will take place July 26th from 5:00 PM - 9:00 PM.

Suggested Motion:
I move to waive the ordinance prohibiting food trucks at Riverside Park on July 26, 2024 for the Montgomery County 4-H Fair.

IV. PUBLIC HEARINGS

A. Public Hearing to consider condemnation of 1041 N. 11th Street as dangerous and unsafe.

On April 20, 2024, a structure fire at 1041 N. 11th caused extensive damage

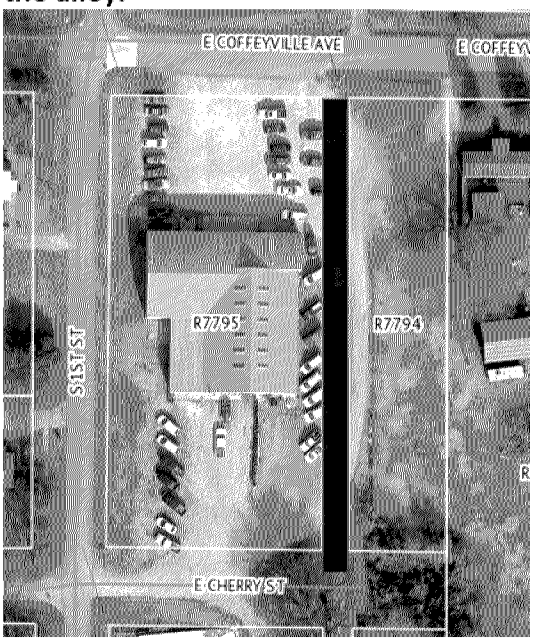
to the residence. The insurance company has determined that the structure is a total loss and has sent proceeds to the City of Independence for its removal. The City has obtained a release for demolition from the owner but was unable to secure a release from the mortgage holder and, therefore, is proceeding with condemnation as dangerous and unsafe. The City Staff recommendation is that the City Commission condemn the structure as dangerous and unsafe.

Motion:
On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted a resolution condemning 1041 N. 11th Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

B. Public hearing to consider approving an ordinance vacating an alley in Block One, Chamberlin's Addition connecting Coffeyville Avenue to Cherry Street east of 1st Street.

A request was received 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 in the alley.



Motion:
On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted Ordinance No. 4456 vacating an alley in Block One, Chamberlin's Addition.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

V. ITEMS FOR COMMISSION ACTION

A. Consider setting the date of September 26, 2024 for a Public Hearing to consider the condemnation of 909 W. Cottonwood Street as dangerous and unsafe.

On June 23, 2024, a fire at 909 W. Cottonwood Street caused extensive damage to the structure. City staff recommends scheduling a Public Hearing for September 26, 2024, at 5:30 PM to consider condemnation as dangerous and unsafe.

Due to the extensive damage of the structure, the Public Safety Officer determined that the structure was dangerous and unsafe and eligible for immediate removal.

B. Consider authorizing the purchase of Lots 21 through 29, Block D, Horizon Estates.

The Housing Steering Committee made a recommendation to the Independence Housing Authority Board of Directors to purchase the property owned by T.L. Carroll Enterprises, L.L.C. located on Rainbow Drive, lots 21 through 29, Block D, Horizon Estates. The Independence Housing Authority agreed with the steering committee's recommendation.

Motion:
On the motion of Scott Smith, seconded by Dean Hayse, the Commission authorized the Mayor to sign the real estate contract between the City of Independence, on behalf of the Independence Housing Authority, and T.L. Carroll Enterprises, L.L.C. to purchase lots 21 through 29, Block D, Horizon Estates.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

C. Consider awarding the bid for the KDOT City Connecting Link Improvement Program (CCLIP) project U-2473-01, Surface Preservation on US-160 from 8th Street to 2nd Street to Bettis Asphalt & Construction, Inc.

Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) applications were due in March for FY 2024 (July 1, 2023 – June 30, 2024). The City applied for two grants, and was awarded both. These grants were later combined into a single KDOT project, U-2473-01, with a maximum reimbursement of $800,000 to the City for the combined project.

The bid results came back higher than anticipated and are summarized on the attached bid tabulation. The low bid was $1,117,591.04 from Bettis Asphalt & Construction, Inc, and was 26% higher than TranSystems' Estimate (attached).

Previously approved:

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
$733,225	$73,322	$179,000	$252,322

Totals based on as-bid:

Low Bid (Bettis Asphalt)	Estimated City Match (All over $800,000)	Non-Participating Costs (excluding bid costs)	Total City Cost
$1,117,591.04	$317,591.04	$179,000	$496,591.04

From TranSystems:

"A review of the two bids received indicates that there is a general escalation of expected costs across the board. The escalation can be seen in the Bettis bid in particular in the bid item for Mobilization and Traffic Control, which may be a premium for doing the work at night. As both bids received are close, we do not feel that readvertising and rebidding would result in lower prices.

"We recommend awarding the project to the lowest responsive responsible bid, which is Bettis Asphalt in the amount of $1,117,591.04."

KDOT approval will be required to award the bid, and it is recommended that this award be pending KDOT approval.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission awarded the bid for the Surface Preservation on US-160 from 8th Street to 2nd Street Project to Bettis Asphalt & Construction, Inc. and approved the execution of any necessary documents, pending KDOT approval.

Aye: Tim Emert, Dean Hayse, Scott Smith
Nay: None

VI. REPORTS

A. City Board Minutes

VII. CITY MANAGER'S COMMENTS

City Manager Passauer clarified that with the demolition of 909 W Cottonwood, the City would exceed the amount of funds allocated for 2024. There is a Commission meeting scheduled for Wednesday July 17, at 9:00 a.m. This is a budget workshop. City Manager Passauer announced some upcoming events that will be happening, First Friday will be this Friday July 12, for people who are watching from home there are a couple of QR codes visible on the slideshow, the top one shows a list of events sponsored by the Chamber and the bottom code will show events sponsored by Independence Main Street. She also announced that there is a federally mandated survey that citizens are encouraged to complete regarding the water lines coming into each person's home. People completing the survey are automatically enrolled in a drawing for a $100 credit to their next water bill.

VIII. COMMISSIONERS' COMMENTS

None.

IX. PUBLIC CONCERNS

None.

X. ADJOURNMENT

Motion:
On the motion of Dean Hayse, seconded by Scott Smith, 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