

Minutes of the City Commission's August 8, 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; Seth Jones, City Attorney; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire Chief; Dustin Stafford, Chief of Police; Jordan Bagley, IT Technician Coordinator; Stormy Musgrove, Police Officer; Dominic Powell, Police Officer; Yamilka Pereira, Police Officer; Kayne Abrams, Police Officer; Paula Hayes, Administrative Aide to the Chief of Police; Scott Patton, Park and Zoo Director and Lacey Lies, Finance Director.

Visitors Present: Larry McHugh, Breanne Sanford, John Long and Tom Sewell.

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 Dean Hayse, seconded by Scott Smith, the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. APPOINTMENTS

A. Tree Board Opening - One Vacant Term Expiring June 1, 2028

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 and term expiration. We

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have received one 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			

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission appointed Anita Chappuie to a term on the Tree Board expiring on June 1, 2028.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

III. PRESENTATIONS

- A. Swearing in of Officers Stormy Musgrove, Dominic Powell, Yamilka Pereira, and Kayne Abrams.

The following officers were selected to serve the citizens of Independence as police officers and have all graduated from the Kansas Law Enforcement Training Center.

Stormy Musgrove

Stormy is an Independence native and has lived in Independence all of his life. His hobbies include Airsoft, shooting drills, gym, hiking and kayaking. Stormy's family and friends told him that his personality is well suited for law enforcement.

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Dominic Powell

Dominic's family moved here from California when he was 6. From his family, he learned dedication, passion, never giving up, and always trying again. Being a police officer has always been a lifelong dream of his. As soon as he turned 21, he took his chance. The dedication to the community and the ability to protect and serve, not just the community, but the younger generations to come, is what drew him to this career.

Kayne Abrams

Kayne is originally from Bartlesville, Oklahoma, and moved to Dewey about eight years ago. He lived there until relocating to Independence last November. He grew up in a law enforcement family. His father served with the Bartlesville Police Department, and he has always aspired to a career in law enforcement.

Yamilka Pereira

Yamilka is originally from Puerto Rico but was raised in Independence. Her family moved here from Puerto Rico when she was about 13 years old because of a job transfer. Growing up, she learned from her parents what it is to help and serve people, like "adopting" students from ICC, by serving their church, giving a lighting word to someone who needs it, and training a fighting crew to help them succeed. Her parents also opened a restaurant called Vintage Steak House. She put to work what they taught her, and is now serving her community as an officer and will be able to help people in anything they need. She says, "It's an honor to be part of a great team that serves and protects their community."

City Clerk Schwenker swore in the new police officers.

B. Presentation of 2025 proposed Library Budget.

Library Director John Long has requested to present the Library's proposed 2025 budget.

IV. 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

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- A. Consider approving City Commission minutes from July 25, 2024.

Suggested Motion:

I move to approve the minutes from July 25, 2024.

- B. Consider authorizing blocking certain streets within Riverside Park during the annual Neewollah 5K/10K Run.

The Neewollah 5K/10K Run is an annual event held at Riverside Park as part of the autumn Neewollah festival. The event coincides with the Chili Cook-Off held at the park oval. The route winds through the park, passes through Shulthis Stadium, and continues along Wells Drive. In the interest of safety, certain streets are barricaded off during the hours of the run, which lasts from 7:00 AM to 11:00 AM. The event is usually very well attended. The event is scheduled for October 19, 2024.

Suggested Motion:

I move to authorize blocking certain streets within Riverside Park from 7:00 AM to 11:00 AM on October 19, 2024, for the annual Neewollah 5K/10K Run.

- C. Consider a supplemental agreement for inspection services of the Water Meter and Water Line Replacement Project with PEC.

During July of 2023, an inspection services contract was executed with PEC in the amount of \$120,575.00. PEC has requested an additional \$24,745.20 for two reasons – the first is that the construction contract time will have been exceeded by four days. This contract time, for PEC, will end on August 16, when they will be leaving site. This is a secondary driver, \$5,467.20 or approximately 20% of the cost deviation.

The primary driver is that the originally anticipated work hours (9 per day) was exceeded and became an average workday of 10.3 hours. To help control additional costs, we are terminating PEC inspection services on August 16, at which construction of the water mains should be complete or close enough that the City can review any additional water main construction. Remaining construction after this will be installation of individual customer service lines, where there will be low risk of issues related to quality and installation of the final meters.

Suggested Motion:

I move to approve the supplemental agreement with PEC in the amount of

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\$24,745.20.

- D. Consider change order for the construction of the Water Meter and Water Line Replacement Project with Goins Enterprises, Inc.

In 2023, a construction contract was executed with Goins Enterprises for the construction of the Water Meter and Water Line Replacement Project. To date, there have been no change orders with monetary impact. Change Order 3., however, requests a change in the amount of \$47,100 for three items:

- **Replacement of a driveway in a greater quantity than anticipated by the original contract documents (i.e., rather than create a two-foot-wide strip, the driveway was replaced to a full concrete pane width): \$4,800.**
- **Additional waterline required for connection to existing City mains as the existing main shown on the plans had previously been abandoned: \$36,500**
- **Railroad requirements for boring under the railroad were deeper than those shown on the plans: \$5,800.**

In addition, Goins has requested 31 additional construction days. These recommendations have been validated by the engineering firm as valid and reasonable.

Suggested Motion:

I move to approve change order number 3 with Goins Enterprises, Inc. in the amount of \$47,100.

- E. Consider an ordinance annexing property located on CR 3775, previously known as the 3100 block of North 13th Street.

The County Commission has approved the annexation of the property that was petitioned to be annexed by Trevor and Miranda Bruening. The next step is to adopt an ordinance finalizing the annexation.

Suggested Motion:

I move to adopt Ordinance No. 4459 annexing property located on CR 3775, previously known as the 3100 block of North 13th Street.

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- F. Consider initiating a public hearing before the Planning Commission to consider a text amendment regarding conditional use permits for upper-story dwellings in the C-3 district.

To encourage the development of upper-story housing in the C-3 Central Business District, on May 12, 2022, the City Commission approved the Planning Commission's recommendation for a two-year moratorium on the enforcement of the zoning code relating to the requirement for a conditional use permit for dwellings in a nonresidential structure that are defined as "Upper-Story Dwellings." This moratorium expired on May 17, 2024.

The original intent was for the Planning Commission to consider a permanent text amendment after the moratorium expired. The City is currently in the process of a zoning code update. However, we currently have "Upper-Story Dwelling" projects in process. In order not to delay these projects, it is recommended that the moratorium be extended until the zoning code update is completed.

Suggested Motion:

I move to initiate a public hearing before the Planning Commission for a text amendment regarding conditional use permits for upper-story dwellings in the C-3 district.

- G. Consider setting a public hearing for September 12, 2024 at 5:30 PM for the purpose of vacating an alley and a portion of Railroad Street in or adjacent to Block C, Dean's Addition.

Jon Viets, owner of the property at 1000-1018 W Sycamore, is selling this property to MFG. During a title search, issues were identified related to old street and alley vacations carried out by the City many years ago. Mr. Viets has requested the City take action to vacate the remaining portions of an alley and a street, and approve a quit claim deed to clear up a title issue.

The requests include:

- 1. Vacating the East 64 feet of the alley located in Block C, Dean's Addition.**
- 2. Vacating the portion of Railroad Street adjacent to Block C, Dean's Addition.**
- 3. Approval of a quit claim deed to address an additional title issue.**

The City Attorney has reviewed the title background, deeds, maps, and other relevant documents provided by Mr. Viets. Additionally, a proposed ordinance and a Notice of Hearing have been prepared to facilitate the

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vacating process.

Suggested Motion:

I move to set a public hearing for September 12, 2024, at 5:30 PM to vacate an alley and a portion of Railroad Street in or adjacent to Block C, Dean's Addition.

V. ITEMS FOR COMMISSION ACTION

A. Consider awarding the bid for the Riverside Park Security Camera Installation.

Due to frequent vandalism of park facilities and in the interest of public safety, money was allocated in 2024 for a capital improvement project that will install security surveillance cameras in key areas of Riverside Park. A Request for Proposals was issued on June 17th, with bid submissions due at 2:00 p.m. July 16th. The City received bids from seven vendors, which were reviewed by the Park Director, Assistant City Manager, and IT Coordinator. The RFP requested that bids be itemized with costs for each specific surveillance location. The purpose of an itemized bid is that in the event the total cost exceeds the budgeted amount, the city can choose to cover the highest priority locations, and plan to expand coverage to other locations in future years. The lowest bid was received from D&A Electrical Systems, LLC. D&A is a local establishment and has worked with the city in the past with good results. D&A also offers a 10% discount on their quoted price if more than five of the locations listed on the RFP are covered. This will allow us to cover seven of the nine locations that were listed.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission awarded the bid for the Riverside Park Security Camera project to D&A Electrical Systems, LLC.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

B. Consider Amending Article III. Section 10-101 of the City Code.

The animal control officer has requested a change to the City Code regarding exotic or dangerous animals within the city limits. Recently, the officer was dispatched to a residence concerning snakes and rats, where they encountered three large pythons abandoned by the previous owner and 15 live rats. The City has previously dealt with issues involving exotic animals or

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found abandoned exotic animals that had been released when they became problematic for their handlers.

The current City Code has a limited ban on certain animals within the city but does not reference venomous or dangerous animals. In collaboration with the City Attorney, animal control, and Scott Patton, the staff has proposed an amended code listing 37 different types of animals and reptiles that will not be allowed within the city limits. After discussions with the staff and the City Attorney, it was decided to list all the animals instead of continually adding species as they are encountered. Exceptions have been provided for Riverside Park/Zoo, carnivals, fairs, educational, and medical institutions, with restrictions.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted Ordinance No. 4458 amending Article III. Section 10-101 of the City Code.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

C. Consider approving demolition bids.

The City received two responses to our RFP to remove dangerous and unsafe structures related to fire damage.

Demolition Bid Tabulation	MEGA LLC	JRB Industries
1041 N 11th	\$ 8,100.00	\$ 7,400.00
909 W Cottonwood	6,500.00	7,600.00
Combined Bid	14,000.00	14,700.00
1041 N 11th	7,700.00	7,300.00
909 W Cottonwood	6,300.00	7,400.00

City Staff is recommending awarding 1041 N. 11th to JRB Industries for \$7,400.00 and 909 W. Cottonwood to MEGA LLC for \$6,500.00.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission awarded 1041 N. 11th to JRB Industries for \$7,400.00 and 909 W. Cottonwood to MEGA LLC for \$6,500.00.

Aye: Tim Emert, Dean Hayse, Scott Smith

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Nay: None

- D. Request approval to submit a Moderate Income Housing Grant disbursement #2 request to Kansas Housing Resources Corporation on behalf of Trident Partnerships LLC.

Trident Partnerships LLC requested the City of Independence submit a Moderate Income Housing Grant to Kansas Housing Resources Corporation to develop 19 upper-story apartment units that will be constructed in six downtown buildings owned by Trident Partnerships LLC. The grant was awarded, and Trident Partnerships LLC has provided all required documentation to move forward with the construction phase of the project. This request of \$185,400 is the second request for a disbursement of funds.

Since the grant disbursement is approved and controlled by KHRC, we also ask for the authority to approve future disbursements without placing them on the agenda to ensure timelier disbursements. The Finance Director has also indicated that Commission approval is not normally required for disbursements unless it is a grant requirement.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission authorized the Mayor or City Manager to sign the disbursement request of \$185,400 from Kansas Housing Resources Corporation on behalf of Trident Partnerships LLC.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission authorized the Mayor or City Manager to sign any future disbursements from the Kansas Housing Resources Corporation on behalf of Trident Partnerships LLC.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

VI. REPORTS

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A. City Board Minutes

1. May 17, 2024 Landbank
2. July 16, 2024 Housing Authority
3. July 17, 2024 Recreation Commission Board

VII. CITY MANAGER'S COMMENTS

City Manager Passauer presented a report on the Neighborhood Exterior Grant Program, provided more explanation on the moratorium on upper story housing and provided information on AWOL's and The Eagle Rock Shredders Tails and Trails event.

VIII. COMMISSIONERS' COMMENTS

Commissioner Hayse would like to look at the City's fee schedule and make the fees more punitive, and he would like to see the City develop a program other than condemnation and demolition as a course of action for housing.

Commissioner Smith would also like to see the City do more on this.

Mayor Emert noted that it's dangerous when dealing with private property and their constitutional rights and also inquired about the court process for those that have been cited for abatement issues.

IX. PUBLIC CONCERNS

None

X. ADJOURNMENT

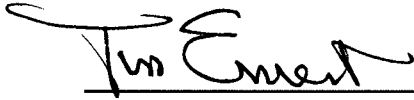
Motion:

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

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

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Tim Emert, Mayor



Dean A. Hayse, Commissioner



Scott Smith, Commissioner

Attest:



City Clerk/Treasurer