

Minutes of the City Commission's August 22, 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; Dustin Stafford, Chief of Police; Lacey Lies, Finance Director and April Nutt, Director of Housing Authority.

Visitors Present: Larry McHugh, Breanne Sanford, Kathy Shepard, JD Veile, Joshua Hogge, Tanner Buchholz and Taylynn Walker.

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 Dean Hayse, the Commission adopted the agenda with the addition of a report on Central Park Sports Complex fundraising before Items For Commission Action.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

II. APPOINTMENTS

A. Consider reappointing Dennis Royer and Kenneth Evans to the Electrical Board.

Evergy has selected Dennis Royer to represent them on the Electrical Board. Mr. Royer's term has expired, and Kenneth Evans's term has also expired, and both are eligible for reappointment. Members with expired terms continue to serve until they are replaced.

Minutes of the City Commission's August 22, 2024 Meeting

ELECTRICAL BOARD (3 year terms – 5 members)			
Members	Term	Expires	Appointed/ Eligible to be Reappointed
Rick Kiister Phone:	2nd term*	1-Oct-26	
Travis Blankinship	2nd term*	1-Oct-26	
Kenneth Evans	Unexpired	1-Apr-24	Appointed 10/13
Daniel Johnston	2nd term	1-Oct-26	14-
Dennis Royer/Everygy	1st term*	1-Apr-24	
Meeting Place: City Commission Room, City Hall Meeting Time: As Needed Meeting Date: TBD			

Motion:

On the motion of Tim Emert, seconded by Scott Smith, the Commission reappointed Dennis Royer and Kenneth Evans to the Electrical Board for additional terms ending on April 1, 2027.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

III. PROCLAMATION

- A. Consider proclaiming September 18, 2024 as "Celebrate Community Day" and co-sponsoring a Diversity Taskforce public event at Memorial Hall.

The luncheon is being held in recognition of two significant milestones in the history of civil rights: the 70th Anniversary of Brown v. Board of Education and the 60th Anniversary of the Civil Rights Act of 1964. These two events have shaped the landscape of civil rights in the United States and have had a profound impact on promoting equality and justice for all citizens.

- Brown v. Board of Education, decided on May 17, 1954, was a landmark Supreme Court ruling that declared racial segregation in public schools unconstitutional. This decision was a pivotal moment in the struggle for civil rights, overturning the doctrine of "separate but equal" and laying the groundwork for greater equality in education.
- The Civil Rights Act of 1964, signed into law on July 2, 1964, was a landmark piece of legislation that prohibited discrimination based on

race, color, religion, sex, or national origin. This act was instrumental in advancing the cause of civil rights in many areas, including education, employment, and public accommodations.

The Diversity Taskforce seeks to honor these historic achievements by organizing this luncheon as a way to reflect on the progress made since these milestones and to celebrate the ongoing efforts of the community in promoting a wide variety of civic, cultural, educational, and athletic events in the City of Independence.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission proclaimed September 18, 2024 as "Celebrate Community Day" and authorize co-sponsoring the Diversity Taskforce Anniversary Celebration and Member Luncheon on this day by authorizing the use of Memorial Hall for this public event.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

IV. 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 August 7 and August 8, 2024

Suggested Motion:

I move to approve the minutes from August 7th and 8th, 2024.

- B. Consider a request from the Public Library to close the 100 block of South 5th and the 200 block of East Maple on September 26, 2024 from 3 p.m. to 8 p.m. for a Rock the Block community organization fair.

John Long, Library Director, has requested that the streets on the East and South sides of the library be closed on September 26, 2024, from 3 p.m. to 8 p.m. for a Rock the Block community organization fair.

Suggested Motion:

Minutes of the City Commission's August 22, 2024 Meeting

I move to close the 100 block of South 5th and the 200 block of East Maple on September 26, 2024 from 3 p.m. to 8 p.m. for a Rock the Block community organization fair.

- C. Consider Co-Sponsorship with the Chamber of Commerce of the 17th Annual KAN-OKLA 100-Mile Highway Sale.

The Independence Chamber of Commerce has requested Co-Sponsorship with the Independence Chamber of Commerce Convention and Visitors Bureau for the 17th Annual KAN-OKLA 100-Mile Highway Sale and Independence City-Wide Rummage Sale. They have also requested the waiving of garage sale permit fees, and the allowance of temporary sale signs in the rights-of-way on Thursday, September 5th; Friday, September 6th; and Saturday, September 7th only. In addition, they have requested permission to use the City parking lot of 8th & Chestnut behind Ane Mae's Coffee and Sandwich House for a group site.

Suggested Motion:

I move to approve the request of the Chamber of Commerce to co-sponsor the 17th Annual KAN-OKLA 100-Mile Highway Sale, the waiver of the garage permit fees and temporary signs in the rights-of-way requirement from September 5, 2024 to September 7, 2024 only; and permission to use the City parking lot at 8th and Chestnut during the event.

- D. Consider allowing PartumUs to use the City Parking lot at 8th and Chestnut on September 14, 2024 from 12 pm to 3 pm.

Kristen Torrey, director of communications for PartumUs, contacted the City of Independence. PartumUs is a social media-based support system for mothers at any and every stage of their motherhood journey. Initially, they started to help bring attention and care to new mothers suffering from perinatal mood disorders, but they are now functioning as a one-stop shop for any mom looking for anything they need: assistance with finding resources, donated items, advice, or friendship.

They are reaching out on behalf of this organization to request permission on September 14th from 12 to 3 PM to set up at Maker's Market in the public lot behind Ane Mae's Coffee Shop in downtown Independence (where the Farmer's and Maker's Market is held). Their Makers Market will be confined to sellers who are mothers from within our organization and will function as a social, networking, and money-making event for our moms and the public. We will also be attempting to raise funds via donations for PartumUs itself, as during September our donations will receive a \$.50 on the \$1 match from CFFI

Minutes of the City Commission's August 22, 2024 Meeting

of Independence (our umbrella nonprofit organization).

They will be setting up after the Farmer's market packs up, and will fully clean up the space before they leave.

Suggested Motion:

I move to approve PartumUs to use the parking lot at 8th and Chestnut on September 14, 2024 from 12 pm to 3 pm.

- E. Consider adopting an ordinance to eliminate the Employee Benefits Contribution Fund.

In 1978 the Commission adopted Ordinance No. 3304 to create the Employee Benefits Contribution fund. The purpose of the fund was to be used to pay the City's share of employee benefits. Due to changes in state laws and better tracking through the financial software, the finance department does not feel it is necessary to have a separate fund for these costs any longer. These expenses will be tracked in the City's General Fund.

Suggested Motion:

I move to approve ordinance no. 4460 eliminating the Employee Benefits Contribution fund.

- 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 September 19, 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 2026, (July 1, 2025 – June 30, 2026).

Please note that these grants are highly competitive, so our previous experience in not being awarded funding for this project does not necessarily indicate that the project won't be awarded in the future. Last round, \$48

Minutes of the City Commission's August 22, 2024 Meeting

million in requests were received, but only \$8.6 million was awarded.

Suggested Motion:

I move to authorize 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.

- G. Consider approving the submission of a 2024 Tenant Based Rental Assistance Grant to Kansas Housing Resources Corporation.

The Independence Housing Authority has annually submitted and been awarded a Tenant Based Rental Assistance Grant from the Kansas Housing Resources Corporation since 1998. The City of Independence was awarded \$120,000 for 2023. The Tenant Based Rental Assistance Grant is a program that assists low-income families with their monthly rent payments.

Suggested Motion:

I move to approve the submission of a 2024 Tenant Based Rental Assistance Grant to Kansas Housing Resourced Corporation.

V. ITEMS FOR COMMISSION ACTION

- A. Report on Central Park Sports Complex Fundraising.

Finance Director Lies gave an update on fundraising efforts to date.

- B. Consider sponsoring the Health on Purpose Wellness Fair at the Civic Center

Kathy Shepard, RSVP Four County Coordinator, is part of the committee planning the Health on Purpose Wellness Fair on September 20, 2024. Kathy would like to request the Commission to sponsor the event by waiving the Civic Center fees.

The Health on Purpose Fair is scheduled for 9/20/2024 from 7:00 a.m. – 11:30 a.m. and is free to the public. There will be tables from different vendors from around the area that will have information about their business or non-profits. They will also have speakers who will present on different topics such as wills and trusts, the benefits of owning a dog, a mental health class to help people recognize the signs, a class on the benefits of dry needling and more.

They will also have blood draws which will include: Chem/Hemogram - which includes (Sodium Level, WBC, Potassium Level, RBC, Hemoglobin, Hematocrit,

Blood Urea Nitrogen, Mean Corpuscular Hemoglobin, Creatinine, Platelet Count, Random Glucose, Uric Acid, Total Bilirubin, Triglycerides Level, Cholesterol Level, LDL Cholesterol, HDL Cholesterol, ALP, ALT, AST, Albumin, C02, Calcium, Total Protein) CA125 Screen, CRP, GGT, Hemoglobin A1C, Iron, Lead, PSA, TSH, Vitamin D Total

The cost for this would normally be \$75 at our special price, but the coalition will be paying \$50 of this for the first 50 people so the community has an opportunity to have all this lab work done at an extra low cost. All three of the area hospitals will be participating, and each year we rotate who does the lab work. Before Covid-19 they would typically have over 300 people attending, but we have not had as large of a turnout since Covid. There will also be other screenings available during this time such as blood pressure, skin cancer screenings, depression screenings and balance testing. Everything is free for those who attend. Wilson Medical Center will also be providing breakfast burritos during the fair. At the end they will give away two Fitbit watches to two attendees.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission approved to sponsor the Health on Purpose Wellness Fair on September 20, 2024.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- C. Consider adopting an ordinance for a text amendment relating to “Shipping containers” in a residential district as a conditional use.

On August 6, 2024 the Planning Commission recommended adopting an ordinance for a text amendment relating to all permanent shipping containers used as an accessory building to a dwelling in A-1, R-1, R-2, R-3, R-4, and R-5 districts shall comply with the following:

1. Siding material shall be wood, masonry, composition board, or finish aluminum lap siding, or other material normally found on site-built homes.
2. Roof may be a flat or pitch roof design meeting IRC design requirements. A minimum roof pitch of 2.5 inches in height to 12 running inches for a pitched roof.
3. Roofing materials shall be wood shingles, asphalt shingles, composition shingles, fiberglass shingles, clay or concrete tile, slate, metal, or TPO or rolled roofing.
4. The shipping container shall be permanently mounted on a foundation or basement that complies with the Independence Building Code.

Minutes of the City Commission's August 22, 2024 Meeting

In addition, a conditional use permit would be required for permanent shipping containers used as an accessory dwelling unit in any residential zone.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission adopted an ordinance amending Ordinance 4455 to allow shipping containers as an accessory use in residential zoning districts with certain conditions.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- D. Consider adopting a Resolution authorizing the abatement of unhealthy and unsafe exterior conditions at 1201 W. Pine St.

The Code Enforcement Department is seeking approval of a resolution to abate a nuisance at 1201 W. Pine Street. Despite numerous notices issued for nuisance violations, the Code Enforcement Officer has been working since November 2023 to address the ongoing issues at this location. Unidentified individuals currently occupy the residence, and attempts to locate or contact Wesley Markley have been unsuccessful for several months. Additionally, the residence lacks City utilities and water service.

The City Attorney has prepared the attached resolution for your review and approval.

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted Resolution 2024-019 authorizing the abatement of unhealthy and unsafe exterior conditions at 1201 W. Pine St.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- E. Consider adopting an ordinance modifying fees to abate weeds.

On February 22, 1996 the amount of \$100 for the first hour and \$50 for each additional half hour was established by ordinance for cutting, destroying and/or removal of weeds; i.e. nuisance mowing. The value of \$100 in 1996 is approximately \$193.44 today, adjusted for inflation. City staff recommends doubling this charge to \$200 for the first hour and \$100 for each additional half hour. We are hopeful this will encourage property owners to mow and maintain their lawns rather than having the City abate them.

Minutes of the City Commission's August 22, 2024 Meeting

Motion:

On the motion of Scott Smith, seconded by Dean Hayse, the Commission adopted an ordinance amending Appendix D regarding charges for weed removal.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

- F. Consider a request from Ken Brown to repair or replace the tennis court lights.

Ken Brown has contacted the Park Staff regarding the issue of lights being out at the tennis courts, and the City Staff has been working to make repairs for almost a year. Currently, twelve out of forty halogen lights are not working, and it has been determined that a new ballast and halogen bulb are required to fix them. The cost for the repairs is \$15,000.00 for materials and \$1,500.00 for labor. The life span of a halogen light is approximately 2,000 to 4,000 hours. In response to this situation, the City Staff requested quotes for LED lights and the lowest bid of \$24,000.00 was received from WES for 40 LEDs, with an additional installation cost of \$5,000. The LED lights come with a ten-year warranty and have a typical life span of 40,000 to 50,000 hours. The LED quote would replace all the halogen lights. The City of Independence is responsible for maintaining the tennis courts.

Motion:

On the motion of Dean Hayse, seconded by Scott Smith, the Commission approved replacing the tennis court lights with forty (40) LED lights from WES at a cost of \$24,000 and \$5,000 labor from Blankenship Electric.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

VII. REPORTS

- A. Public Works and Utilities Report

Engineer Garris presented the report.

- B. Appropriations

VIII. CITY MANAGER'S COMMENTS

City Manager Passauer reported that MCAC will have a meet and greet at the

Minutes of the City Commission's August 22, 2024 Meeting

Independence Gun Club at 212 N Penn on Thursday August 29th from 5 to 7 PM, a League Policy Committee meeting on August 27th from 2 to 4 PM in the Veterans Room at Memorial Hall with the Mayor co-hosting the event, an MCAC Quarterly Board meeting on September 19th from 5:30 to 7:30 PM in Cherryvale and the League Conference Meeting from October 10 through the 12th in Wichita.

Finance Director Lies reminded everyone that a Combined Revenue Neutral Rate and Budget hearing will be held on September 12th at 5:30 PM in the Commission Room at City Hall.

IX. COMMISSIONERS' COMMENTS

None.

X. PUBLIC CONCERNS

None.

VI. EXECUTIVE SESSION

- A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse the Commission recessed for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception, KSA 75-4319(b)(2). The open meeting will resume at 6:20 p.m. in the Commission Room of City Hall.

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None

The open meeting resumed at 6:20 p.m. with no action taken.

XI. ADJOURNMENT

Motion:

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

Minutes of the City Commission's August 22, 2024 Meeting

Aye: Tim Emert, Dean Hayse, Scott Smith

Nay: None



Tim Emert, Mayor



Dean A. Hayse, Commissioner



Scott Smith, Commissioner

Attest:



City Clerk/Treasurer