Minutes of the City Commission's January 23, 2025 Meeting

I. <u>REGULAR SESSION</u>

Commissioners Present: Mayor Scott Smith, Vice-Mayor Dean Hayse and Commissioner Tim Emert

City Staff Present: Kelly Passauer, City Manager; David Cowan, Assistant City Manager; Jeff Chubb, City Attorney; David Schwenker, City Clerk/City Treasurer; April Nutt, Director of Housing Authority; Dustin Stafford, Chief of Police; John Garris, City Engineer/Director of Public Works and Aaron Cook, Fire Chief.

Visitors Present: Larry McHugh, Breanne Sanford and Ned Stichman.

A. Call to Order

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 Tim Emert, seconded by Dean Hayse, the Commission adopted the agenda.

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

II. <u>PRESENTATIONS</u>

A. Introduction and swearing-in of Independence Police Department's newest officer, Officer Jacob Smith.

Officer Jacob Smith was chosen to serve the citizens of Independence as a police officer. Officer Smith previously worked with us and chose to come back. Jacob grew up, and still resides in, Independence. He served in the United States Marine Corps for 5 years before being honorably discharged in 2020. Jacob began pursuing a career in law enforcement in 2021. He now has 3 years of law enforcement experience and serves on the Independence Rural Fire Department as well. Jacob feels he can make the biggest difference, for the most people, through a career in law enforcement. He is thankful for the opportunity!

City Clerk Schwenker swore in Officer Smith.

III. <u>CONSENT AGENDA</u>

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

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

A. Consider approving the minutes of the January 9th, 2025 Commission meeting.

Suggested Motion:
I move to approve the minutes of the January 9th, 2025 regular Commission meeting.

B. Consider approving a purchase from Fluid Equipment Company for a new Vogelsang grinder, control panel, startup service, and freight to job site.

The wastewater treatment plant sewage grinding pump has failed. The impact to the process is that solid, non-biological material ("trash") can flow through the screens, and the screens can clog requiring hours of effort to clean. A grinder was a part of the basic design, and although the plant can operate with only the screen for a period of time, it is not recommended as it has impacts on the process and final output products.

The City of Independence accepted bids for providing a Channel Sewage Grinder for Wastewater Treatment Plant on January 9, 2025. A single bid was received.

Based on the evaluation of plant personnel, a design using monolithic cutter heads is preferred for maintenance consideration, and the bid reflects that specification.

The Fluid Equipment Company provided the sole bid for the new Vogelsang grinder for $61,127.00, meeting the specifications in the attached bid document, and this in the range of anticipated costs for a new unit.

Suggested Motion:
I move to approve the purchase of the new Vogelsang grinder, control panel, startup service, and freight to the job site from the Fluid Equipment Company.

C. Consider authorizing the City Manager to sign agreements related to the restoration project at 106 N. 8th Street, pending City Attorney approval.

The property at 106 N. 8th Street has been identified for exterior restoration as part of ongoing revitalization efforts. Trident Partnerships is the developer overseeing the project and has also been contracted to provide design and management services, ensuring the project stays within scope, budget, and timeline. with Mid-Continental Restoration Company Inc. serving as the contractor performing the required work. ACM Removal and Flint Ridge Service LLC are providing additional project-related services for abatement and demolition, respectively This portion of the project is being funded by a Community Development Block Grant (CDBG) through the City. The scope of work includes but is not limited to, masonry repairs, cleaning, and waterproofing to preserve the structural integrity and aesthetic appeal of the building. The project aligns with the City's efforts to enhance the historic downtown district and support economic development initiatives.

Suggested Motion:
I move to authorize the City Manager to sign agreements related to the restoration project at 106 N. 8th Street, including contracts with Trident Partnerships, Mid-Continental Restoration Company Inc., ACM Removal, Flint Ridge Service, LLC, and design and management services with Trident Partnerships, subject to City Attorney approval.

IV. PUBLIC HEARING

A. Public Hearing to consider the condemnation of 713 Washington Street as dangerous and unsafe.

The property located at 713 Washington Street, owned by NEWREZ LLC, operating as Shellpoint Mortgage Servicing, is currently in violation of City Code 42-66 due to the accumulation of debris, junk, vehicle parts, and appliances in the yard. Over the past two years, the structure has been occupied by squatters, creating ongoing challenges with code enforcement and addressing the accumulation of trash and debris.The mortgage company obtained an eviction order, and on September 13, 2024, the sheriff successfully removed the squatters from the premises. During discussions with the mortgage company's attorney, the City was informed that the squatters were given a 30-day period to retrieve their personal property. On October 13, 2024, the City reached out to the mortgage company again to address the outstanding code violations or to proceed with removing the structure, which has been deemed uninhabitable.

Due to returned mail, the City's only point of contact has been through a local realtor. On October 14, 2024, with the realtor's assistance, the City successfully contacted the mortgage servicer. The servicer indicated their intention to clean up

the yard, remove all debris, and list the property for sale through the realtor. They were made aware of the City's intention to continue moving forward with condemnation if the violations were not resolved.

The City was later notified on December 10, 2024, that the exterior of the property had been cleaned and the first floor of the structure was secured and boarded up.

The City was contacted on January 14, 2025, by a local realtor that the house was under contract and would be sold before the January 23, 2025, meeting. City Staff has made contact with Golam Rasul, the new owner of 713 Washington.

Staff is recommending adjourning the hearing until June 26, 2025 at 5:30 PM.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission adjourned the Public Hearing until June 26, 2025, at 5:30 PM.

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

V. ITEMS FOR COMMISSION ACTION

A. Consider approving a 20-minute parking stall and implementing a consistent plan for downtown parking.

Liz Hagar has requested a 30-minute timed parking space on the north side of the 100 block of East Main Street. City staff reviewed this request in collaboration with the Collaborative Planning Group. The Collaborative Planning Group emphasized the importance of establishing a consistent parking plan throughout the downtown area. This plan includes designated timed parking spaces and ADA-compliant stalls to serve existing downtown apartments and future upper-story residential developments. A uniform approach ensures fairness for business owners and residents while meeting the evolving needs of the downtown community. Additionally, the Collaborative Planning Group has launched a marketing campaign to raise awareness among visitors, business owners, and employees about the variety of parking options available downtown, including City-managed parking lots. As downtown activity and growth continue, the City remains committed to planning and implementing improvements to parking facilities, such as the 8th and Chestnut and 100 South Penn parking lots, to bring them up to current codes and enhance accessibility for businesses and the public.

City Staff Recommendations:

- **Designate a 20-minute parking stall on the north side of the east half of the 100 block of East Main Street.**
- **Update existing 15-minute parking stalls to ensure consistency throughout downtown (shown in red on the attached Downtown Public Park Map).**

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved (1) 20-minute parking stall on the north side of the east half of the 100 block of East Main Street, and update existing 15-minute parking stalls to 20-minute parking stalls to ensure consistency throughout downtown.

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

B. Consider a request from Labette Health for expedited payment in regards to their Incentive Agreement.

In March 2021, the City of Independence entered into an inducement agreement with Labette Health for the expansion of the Independence Healthcare Center. As part of the agreement, the City would grant Labette Health a total of $1,000,000 payable in ten (10) equal installments of $100,000 over a ten (10) year period. In order to receive the funding each year, Labette Health must meet certain employment requirements, set forth in Section 2, for hiring and maintaining certain numbers of full-time equivalent (FTE) employees that live in Independence and work at the Independence Healthcare Center. In that same section, the agreement notes that "The parties realize and acknowledge that Labette Health may experience employment turnover for reasons unrelated to this agreement, and that a reasonable period of time shall be granted to Labette Health to hire replacement employees in order to maintain employment levels as set forth in this agreement". Per the agreement, residency was defined as employees who reside in an area served by the City's public utilities are considered residents of the City.

Year	New Hires During the Year	New Hires During the Year Who Reside Within City Limits	Cumulative New Emplo[y] Above Base Employmen[t] 12/31/2021
2022	4	4	4
2023	4	4	8
2024	3	3	11
2025	1	1	12
2026	1	1	13
Total	**13**	**13**	

In March 2023, the City and Labette Health amended the original agreement to expand the residency area and defined residency as employees who reside in the zip code 67301. All other requirements remained in effect.

Labette Health met the Year 1 requirements for four new hires who reside in the 67301 area code and work at the Independence Healthcare Center, as indicated in the Y1 chart below.

Baseline

@12.31.21	TTL	67301	City Utility Service	Mont.Co
Full Time	55	36	29	48
Part Time	3	3	2	3
PRN	21	10	6	18
Total	79	49	37	69

Yr 1 IHC

@1.06.23	TTL	67301
Full Time	63	40
Part Time	6	3
PRN	23	8
Total	92	51

For Year 2 reporting, as indicated by the chart below, Labette Health submitted that they did not meet the employment requirements per the agreement. However, if looking at facility-wide employees that reside in 67301, they noted that they would have met the residency requirements, just not for employees that specifically work at the Independence locations.

Yr 2 All Facility Wide

@1.10.24	TTL	67301
Full Time	68	48
Part Time	5	2
PRN	27	17
Total	100	67
	Meets	Meets

Yr 2 IHC

@1.10.24	TTL
Full Time	70
Part Time	5
PRN	27
Total	102
	Meets

Labette Health met with the EDAB on March 5, 2024 to discuss changing to facility-wide reporting requirements, but the EDAB instead voted to extend the reporting period a year to allow for Labette to recapture the incentive in a later year. Effectively, the new chart is as follows:

Labette Incentive Agreement for Employees at Independence Healthcare Center			
Year	New Hire During the Year	New Hires During the Year Who Reside Within 67301	Cumulative New Employees Above Base Employment on 12/31/2021
2022	4	4	4
2023			
2024	4	4	8
2025	3	3	11
2026	1	1	12
2027	1	1	13
Total	13	13	

Based on the below charts for 2024 Reporting, Labette has met the requirements for the Year 2 incentive with 44 employees (8 over base year) at Independence Healthcare Center residing in the 67301 area code.

Yr 2 (2024) All	@1.2.25	TTL	67301
Facility Wide	Full Time	72	53
	Part Time	6	4
	PRN	27	19
	Total	105	76

Yr 2 (2024) IHC	@1.2.25	TTL	67301
	Full Time	72	44
	Part Time	6	2
	PRN	27	14
	Total	105	60

Per the agreement, payment is not due to Labette Health until March 1. Labette is requesting that the payment be made in January since all reporting requirements have been completed and returned to the City.

On January 7, 2025 the Economic Development Advisory Board recommended expediting the payment for Labette Health's Year 2 Incentive Agreement in the amount of $100,000. A second amendment to the agreement has been prepared reflecting the payments will be spread over an eleven year period, rather than a ten year period and modifying the date of September 30, 2024 to December 31, 2024.

Motion:

On the motion of Tim Emert, seconded by Dean Hayse, the Commission recommended expediting the payment for Labette Health's Year 2 Incentive agreement in the amount of $100,000, and authorize the Mayor to sign the second amendment to the incentive grant agreement for Labette Health Independence Healthcare Center.

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

C. Consider request to purchase a 2009 KME International 6x6 Tanker.

Recommendation for Purchase of Pumper/Tanker and Equipment
Independence Fire-EMS is recommending the purchase of a 2009 KME International Pumper/Tanker equipped with a 3,000-gallon tank and a 1,000-gallon-per-minute pump from Brindlee Mountain Fire Apparatus, located in Union Grove, Alabama. This purchase is contingent upon the vehicle passing an on-site safety and operational inspection conducted by Independence Fire-EMS staff.

The proposed purchase price is $160,000, with $10,000 of the purchase price allocated for any necessary repairs identified during the inspection, to be performed by Brindlee Mountain Fire Apparatus Service Center.

Additional equipment is needed to outfit the apparatus with tools, radios, and hoses, ensuring the vehicle is fully operational and meets the department's needs.

Below is a detailed breakdown of the equipment and associated costs:

- **Vinyl Wrapping: Up to $10,000**
- **10 Sections of 100' 5" LDH Fire Hose with Storz Couplings: $8,613.56**
- **10 Sections of 50' 1.75" Fire Hose: $2,648.70**
- **Vent Saw: $2,824.25**
- **Radio Installation: $400.00**
- **6' New York Hook: $154.59**
- **4' D-Handle Pike Pole: $79.59**
- **4' D-Handle Sheet Rock Hook: $181.59**
- **6" Intake Valve: $2,027.25**
- **Smooth Bore Nozzles for Crosslays (2 @ $509.60): $1,019.20**
- **Akron 2.5 Nozzle: $899.95**
- **LED Scene Lights (4 @ $169.99): $679.98**
- **LED Beacon Lights (2 @ $99.99): $199.98**
- **2 Used SCBA Packs with Bottles: $8,174.12**
- **SCBA Brackets for Compartments (2 @ $102.97): $205.94**
- **5" to 5" Storz Hydrant Connection: $335.59**
- **5" to 4" Storz Hydrant Connection: $315.59**
- **5" to 2.5" Storz Hydrant Connection: $255.59**
- **Hydrant Wrench: $87.59**

- **Steamer Cap: $154.95**

Total Cost for Equipment: $29,258.01

- **Propose: Vinyl Wrapping: $10,000 (this will address some minor body issues and paint due to age and usage of the vehicle)**

Total Purchase Price with Equipment: $199,258.01

This proposed purchase and outfitting will ensure the new apparatus meets the operational requirements of Independence Fire-EMS.

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved the purchase of a 2009 KME Tanker from Brindlee Mountain Fire Apparatus for $160,000.00, along with additional equipment totaling $39,258.01.

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

D. Consider proclaiming February 9, 2025 as "Dorothy Burt Day" in honor of her 100th Birthday.

Dorothy Burt, a long-standing and cherished member of the Independence community, will celebrate her 100th birthday on Sunday, February 9, 2025. Dorothy has been a resident of Independence since 1962 when she and her late husband, Donald G. Burt, moved here from New Jersey. Donald Burt served as the Presbyterian minister for many years, and their family has made significant contributions to the City.

A request for an official City recognition was received from Liz Moore on January 22, 2025. Although this request was received beyond the agenda deadline, postponing the item until the next regular agenda would place it after her birthday celebration. A community reception will be held at the Presbyterian Church on February 9, 2025, to honor her milestone birthday.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission approved the proclamation honoring Dorothy Burt and authorized the Mayor to sign.

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

VI. REPORTS

A. Independence Land Bank Year End Report

Director Nutt presented the report.

B. Monthly Projects and Public Works Report

Engineer Garris presented the report.

C. Appropriations

D. City Board Minutes

1. **November 12, 2024 Planning and Zoning Commission/Board of Zoning Appeals Minutes.**
2. **December 3, 2024 Planning and Zoning Commission/Board of Zoning Appeals Minutes.**
3. **December 11, 2024 Independence Historic Preservation Resource Commission Minutes**
4. **January 15, 2025 Independence Recreation Commission Minutes.**
5. **December 5, 2024 Independence Land Bank Minutes.**
6. **December 17, 2024 Independence Housing Authority Minutes.**
7. **December 26, 2024 Independence Housing Authority Minutes.**

VII. <u>CITY MANAGER'S COMMENTS</u>

Fire Chief Cook announced the arrival of a new ambulance, Assistant City Manager Cowan gave an update on housing, City Manager Passauer announced some updates of events coming up, Chamber Banquet January 28th @5:30, First Friday on February 7th and the next commission meetings will be on February 13th, February 19th and February 27th

VIII. COMMISSIONERS' COMMENTS

None.

IX. PUBLIC CONCERNS

None.

X. EXECUTIVE SESSION

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

Motion:
On the motion of Scott Smith, 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 found at KSA 75-4319(b)(2). The open meeting will resume at 6:21p.m. in the Commission Room of City Hall.

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

The open meeting resumed at 6:21 p.m. with no action taken.

B. Personnel matters of non-elected personnel.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission recessed for an executive session for discussion of an employee performance pursuant to the non-elected personnel exception, KSA 75-4319(b)(1). The open meeting will resume at 6:28 p.m.

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

The meeting resumed at 6:28 p.m. with no action taken.

XI. ADJOURNMENT

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission adjourned

the meeting.

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

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W. Scott Smith, Mayor

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Dean A. Hayse, Commissioner

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Tim Emert, Commissioner

Attest:

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City Clerk/Treasurer