Minutes of the City Commission's February 13, 2025 Meeting

I. REGULAR SESSION

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 Lacey Lies, Director of Finance.

Visitors Present: Larry McHugh, Michel Clabouch and Tabatha Snodgrass.

A. Call to Order

Mayor Smith called the meting 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 amended the agenda to include an executive session for attorney/client privilege before adjournment.

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

II. APPOINTMENTS

A. Consider reappointing Kym Kays to a 1st full term on the Planning Commission.

Kym Kays has served a partial term and is eligible to be reappointed. She has agreed to serve an additional term. Kym is an outside City appointment along with Gary Hogsett, which means they serve on the Planning Commission but not on the Board of Zoning Appeals, which consists of only those who reside inside the City.

PLANNING & ZONING COMMISSION (3 year terms -- 9 members)			
Members	**Term**	**Expires**	**Appointed**
Brett Gilcrist	1st term	January 1, 2028	January 9, 2025
Butch Holum	Unexpired	January 1, 2026	January 11, 2024
Kym Kays** Secretary	Unexpired	January 1, 2025	January 11, 2024
Rita Ortolani	1st term*	January 1, 2028	January 11, 2024
Gary Hogsett**	1st term	January 1, 2027	January 11, 2024
Michelle Avery	2nd term*	January 1, 2027	June 28, 2018 January 11, 2024
Tim Haynes	1st term*	January 1, 2027	February 24, 2022 January 11, 2024
Lisa Richard Vice Chair	2nd term*	January 1, 2026	August 8, 2019 December 19, 2019
Rachel Lyon Chair	2nd term	January 1, 2026	May 14, 2020
*Served an unexpired term. **Outside City Appointment. Not on Board of Zoning Appeals.			
Meeting Place: Commission Room, City Hall Meeting Date: First Tuesday Meeting Time: 5:30 p.m.			

Motion:
On the motion of Scott Smith, seconded by Tim Emert, the Commission reappointed Kym Kays to a 1st full term on the Planning Commission expiring on January 11, 2028.

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

III. PRESENTATIONS

A. 2024 Main Street Annual Report

Director Tabatha Snodgrass presented the report.

IV. CONSENT AGENDA

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 23, 2025 Commission meeting.

Suggested Motion:
I move to approve the minutes of the January 23rd, 2025 regular Commission meeting.

B. Consider authorizing street closures for the annual Run4Fun 5K in Riverside Park on May 3, 2025.

The Run4Fun 5K is an annual event that takes place in Riverside Park. Run4Fun is a non-profit organization whose goal is to promote a healthy lifestyle. The event is specifically intended for children ages K-6th. This will be the second year of the event, which was well attended last year. The event requires that streets along the race route be closed to traffic from 7:30 a.m. to 11:30 a.m. The date of the event is May 3, 2025.

Suggested Motion:
I move to authorize the request for street closures in Riverside Park on May 3, 2025 from 7:30 a.m. to 11:30 a.m. for the annual Run4Fun 5K.

C. Consider authorizing an agreement with Government Frameworks.

The City of Independence utilizes Laserfiche for content management across all legal documents, human resources, and workflow processes within the Code Enforcement, Building Department, Police Department, and Riverside Park. Previously, Laserfiche management was provided by Galaxie; however, due to staffing changes, these accounts have now transitioned to Government Frameworks, a nationally and globally recognized company specializing in Laserfiche products and services.
The proposed agreement facilitates the City's complete migration to the cloud, ensuring secure storage, access, and streamlined document management for all employees. All active and developing workflows will be migrated to the cloud and go through the Government Frameworks development process. This transition will enhance workflow efficiency, optimize functionality, integrate City branding, and ensure a professional output for all documentation.
By adopting the Government Frameworks process, the City will gain access to 24/7 customer support for workflows, eliminating reliance on a single individual for system updates or repairs. Additionally, the agreement

encompasses our current workflow processes, with flexibility to add a limited number of new workflows without necessitating a tier upgrade.
This agreement is a strategic step toward modernizing the City's document management system, our historic records management increasing operational efficiency, and ensuring long-term support and security.

Suggested Motion:
I move to approve the agreement with Government Frameworks.

D. Consider authorizing a contract with Bartlett for accepting wastewater.

Bartlett – Montgomery County, LLC has started operation. Due to the performance of their water systems, they have requested the City to treat up to 50,000 gallons per day. A fee of $10/thousand gallons of wastewater received has been set, and this is as compared to the fee for acceptance of outside sewer of $6.31 /thousand gallons of water used. As much of the water used is not routed back to the City systems for treatment (i.e., lawn and plant watering) it is felt that the $10/thousand gallons of wastewater received would provide a rate at near parity to the rate charged to customers outside of the city limits.

Additionally, since the City would have to provide personnel to staff and oversee transfer, an hourly rate of $75/hour is set to oversee transfer operations. If systems can be worked out to minimize or eliminate the need for transfer oversight, these hours might decrease.

It is anticipated that this contract will be in use only for several months as improved performance of Bartlett's water systems is anticipated to eliminate their need for this service.

A month-to-month agreement at a lower acceptance rate (25,000 gallons per day) had been in place, but given the increase in quantities, it is felt that Commission approval is warranted.

No negative impacts to wastewater treatment operations have been noted.

Suggested Motion:
I move to authorize the contract with Bartlett – Montgomery County, LLC. to accept wastewater.

E. Consider adopting a Resolution declaring the necessity of the multi-use path and authorizing a survey.

The City has approved acceptance of the Transportation Alternatives project, which will build a new multi-use pathway with one segment along the southern part of west Main Street and the intersection of Main and Peter Pan. In order to complete the sidewalk, a closure of the western entrance of Waters Hardware building is required. To this end, discussions were held with representatives of the owner, and they declined to grant the necessary easement. Therefore, to complete the project, the City must exercise eminent domain to acquire the easements. This Resolution is the next step in that process.

Suggested Motion:
I move to adopt Resolution 2025-010 declaring the necessity of the multi-use path and authorizing a survey.

F. Consider a request from Independence Rotary to authorize an agreement with Rainbow Fireworks for the annual 4th of July Fireworks Display.

Each year, the City contracts for the annual 4th of July Fireworks Display and secures additional liability insurance for this event, which is currently covered by our existing carrier.

Last year, the Independence Rotary Club volunteered to lead the fundraising effort for this community event, successfully raising $19,641. Rotary has again agreed to lead this fundraising effort for the 2025 show, but there is no guarantee that fundraising efforts will fully cover the total cost, and any shortfall will continue to be covered by the City. The Rotary Club Board recommended approving the attached contract, which proposes a $21,000 fireworks show, maintaining the same shell count as last year.

Suggested Motion:
I move to authorize the Mayor to sign a contract with Rainbow Fireworks for the 2025 4th of July Fireworks display.

G. Consider authorizing an agreement with the Sports Car Club of America, Inc. (SCCA) to hold a racing event at Independence Municipal Airport on April 4-6 and September 19-21, 2025.

SCCA has again requested use of the southern apron area of Independence Municipal Airport on April 4-6 and September 19-21, 2025 for the purpose of holding a motoring event. These events differ from the Airstrip Attack in that they would not require closure of any runway and are generally not a spectator event.

It is felt that these events bring exposure to the City as well as provide a revenue opportunity for local businesses via food, shopping, and lodging sales.

These events will require FAA approval.

Textron Aviation has indicated that they find the events acceptable from a business standpoint and that it will not interrupt their planned operations.

Suggested Motion:
I move to allow Sports Car Club of America, Inc. to hold the events as described, pending FAA approval, and authorize the execution of any necessary documents.

H. Consider approving a purchase of a 2024 Ford F-600 Bucket Truck for the Street Department from Palfinger.

The City of Independence solicited a quote through Palfinger Equipment Technology for a 2024 Ford F-600 Bucket Truck. Palfinger Equipment Technology, LLC. Is affiliated with Sourcewell; a cooperative purchasing program.

The Street Department utilizes a bucket truck in many capacities such as:

- **tree trimming,**
- **traffic light repair/replacement,**
- **sign repair/removal/replacement, and**
- **setting up decorations for holidays downtown.**

The Palfinger Equipment Technology Company provided the City of Independence with this quote for $195,195.27. based on immediate availability and the ability to meet the exact specifications as listed.

The option of renting a bucket truck was also reviewed, and although one was found, rental fees are approximately $50,000 per year, making the purchase financially prudent.

The existing bucket truck failed a previous inspection, with an estimated repair bill in the range of $30,000. The existing bucket truck also had a lower capacity than the proposed truck, with a rated load of in the 300 pound range, while the new truck will have a 400 pound capacity.

The existing bucket truck will be auctioned at a future point.

Suggested Motion:
I move to approve the purchase of the new 2024 Ford F-600 Bucket Truck.

V. <u>PUBLIC HEARING</u>

A. Public hearing for the adoption of a Neighborhood Revitalization Plan pursuant to K.S.A. 12-17,114 et seq.

Currently, there are eight separate Neighborhood Revitalization Plans in effect within the City, many with differing expiration dates and varying terms. The adoption of the proposed plan would consolidate these into a single, streamlined plan, providing consistency and clarity for applicants. The new plan also expands the scope to include additional neighborhoods within the City limits that were not previously covered, excluding areas within the floodplain. The new plan places a strong emphasis on incentivizing a broad range of improvements, including:

- **Housing Improvements: Recognizing the challenges of the City's aging housing stock, nearly 40% of which was constructed prior to 1939. The plan encourages new construction, infill development, and rehabilitation of older structures to address modernization needs and attract new residents.**
- **Commercial and Industrial Development: Stimulating economic growth by supporting renovations and new construction for businesses and industrial facilities. These improvements aim to attract investment, create jobs, and increase the City's tax base.**

The plan also emphasizes historic preservation, particularly within the downtown historic district. Enhanced rebates are offered for properties on the Kansas Historical Register or those located within historic districts. These incentives aim to preserve the City's architectural heritage while promoting economic activity in the downtown area.

Montgomery County has a similar plan that applies to all unincorporated areas within the County. Expanding the City's plan to include more neighborhoods provides the same opportunities to participate in this program as those who live outside the City. The rebate percentages under the proposed plan are similar to the County's, except for the higher percentage rebates within the City for historic properties and districts, demonstrating the City's commitment to preservation and revitalization.

To administer the plan, Montgomery County will receive a 5% administrative fee based on the rebate amount, consistent with the County's practices for its own plan.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted an ordinance adopting a Neighborhood Revitalization Plan pursuant to K.S.A. 12-17,114 et seq., and authorized the Mayor to sign the Neighborhood Revitalization Plan Interlocal Agreement.

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

VI. ITEMS FOR COMMISSION ACTION

A. Consider Ordinance No. 4479 amending the hardship and appeal process in the maintenance code.

The City Commission adopted the maintenance code in September 2025 and City Staff is requesting a modification to the hardship / appeals process. The proposed changes would allow appeals to be made first to the City appeals officer appointed by the City Manager. If the complainant disagrees with the City's decision, they may further appeal to the governing body for a final determination.

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved Ordinance No. 4479 amending the hardship and appeal process in the maintenance code.

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

B. Consider a resolution to rescind the condemnation action of 1016 E. Edison Street.

The City of Independence has inspected the property at 1016 E. Edison, which has successfully passed a Housing Quality Standards (HQS) inspection for occupancy. This property previously sustained extensive structural damage due to a fire. The owner provided a repair timeline and has worked closely with the City to complete the necessary repairs.

While a resolution condemning the property was never formally adopted, a resolution was filed with the Register of Deeds when the property was initially scheduled for a public hearing. To ensure that no documents cloud the property's title, it is recommended that a resolution be adopted to rescind the condemnation action, which will then be filed with the Register of Deeds.

Additionally, the City received $3,750.00 from the owner's insurance company. We request that these funds be refunded to the owner.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission adopted a resolution rescinding previous resolutions, which set the date for considering the condemnation of 1016 E. Edison Street as dangerous and unsafe and returning any insurance proceeds the City may have.

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

C. Consider approval of a mechanical engineering agreement for HVAC replacement at Memorial Hall.

RFP Recommendation for Mechanical Engineering Services – Memorial Hall HVAC System Replacement
The Memorial Hall HVAC system comprises a chilled water system and a separate HVAC system with an air handler dedicated to cooling the auditorium space. Installed in 2006, the current system has reached the end of its operational life and requires replacement.
The City issued a Request for Proposals (RFP) seeking mechanical engineering services to analyze the existing HVAC condensing units and chilled water system. The RFP requested three replacement options:

1. **Replacing the current system with a similar dual-chiller and condensing unit setup.**
2. **Considering a single-chiller system with retrofitting the auditorium to integrate with the chilled water system.**
3. **Evaluating alternative solutions recommended by the engineering firms.**

The scope of work also includes upgrading the temperature control system to enhance energy efficiency through scheduling capabilities and remote access, as well as evaluating the building's generator to ensure sufficient backup power for the HVAC system.

The City received proposals from two reputable mechanical engineering firms. After thorough review, both firms were found capable of fulfilling the project requirements. However, LS&A held an advantage due to their prior experience designing the current HVAC system, their involvement in other City projects, their familiarity with Memorial Hall, and a competitive project timeline and pricing structure. LS&A's proposal scored slightly higher than LFA's, based on these criteria.

Memorial Hall HVAC Replacement Project – Funding and Historic Tax Credit Application
The Memorial Hall HVAC replacement project will be included in the City's 2026 Capital Improvement Plan (CIP) budget. To help offset the overall project cost, the Administrative Assistant to the City Manager is currently preparing an application for Historic Tax Credits. This application must be submitted and approved prior to the start of work in 2026. However, the tax credits will not be available until after the project is completed.

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, the Commission approved staff to finalize an agreement with LS&A subject to the City Attorney's approval and the City Manager's signature not to exceed $48,300.00.

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

D. Consider setting a Public Hearing to consider condemnation of 1012 W. Chestnut as dangerous and unsafe.

On February 6, 2025, a fire caused extensive damage to the residence at 1012 W. Chestnut, rendering it uninhabitable. City staff recommends scheduling a hearing on April 24, 2025, at 5:30 PM to consider condemning the structure as dangerous and unsafe.
The property owner met with City staff on Monday and is currently obtaining cost estimates for demolition versus rehabilitation. They have committed to submitting a plan by Thursday morning outlining their intended course of action for the structure.

Motion:
On the motion of Tim Emert, seconded by Dean Hayse, the Commission set a Public Hearing to consider the condemnation of 1012 W. Chestnut as dangerous and unsafe on April 24, 2025, at 5:30 PM.

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

E. Consider adopting a resolution authorizing the sale of two lots in the Jefferson Subdivision to First-Step-Builders, and an option to purchase three additional lots within the same subdivision.

The Independence Housing Authority, in partnership with the City of Independence, Kansas has developed the Jefferson Subdivision, a 22 lot new subdivision, for the purpose of new housing development. The Jefferson Subdivision lots are $20,000 to purchase, with $10,000 to be rebated back to the builder if the home is constructed within 12 months and upon receipt of a "Certificate of Occupancy". The Independence Housing Authority will be constructing 8 single-family homes with construction to begin February/March 2025.

Motion:
On the motion of Dean Hayse, seconded by Tim Emert, the Commission adopted a resolution authorizing the Mayor to sign the sales contract, deed, option, and any other necessary documents to complete the transaction for the sale of Lots 9 and 22, Jefferson Subdivision, City of Independence, Montgomery County, Kansas to First-Step-Builders, LLC in the amount of $40,000 with the buyer having the option to purchase Lots 6, 7, and 8 within the same subdivision for six months from closing at $20,000 per lot.

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

VII. <u>REPORTS</u>

A. City Board Minutes

1. **January 8, 2025 Independence Historic Preservation Resource Commission Minutes**
2. **January 22, 2025 Public Library Board of Trustees Minutes.**
3. **January 7, 2025 Economic Development Advisory Board Minutes.**

4. January 7, 2025 Planing and Zoning Commission/Board of Zoning Appeals Minutes

B. December 2024 Sales Tax Report

C. City of Independence, Kansas End of Year Report

VIII. CITY MANAGER'S COMMENTS

Director Lies gave an update on the utility billing delays.

City Manager Passauer reminded everyone that City Hall will be closed for Presidents Day, sanitation services will be shifted by one day because of the holiday and there will be a Special Commission meeting on Wednesday Febrauary 19th at 9:00 a.m.

IX. COMMISSIONERS' COMMENTS

None

X. PUBLIC CONCERNS

None

XI. 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 Tim Emert, 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 6:23p.m. in the Commission Room of City Hall.

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

The open meeting resumed at 6:23 p.m. with no action taken.

XII. 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

W. S. Smith
W. Scott Smith, Mayor

Dean A. Hayse, Commissioner

Tim Emert
Tim Emert, Commissioner

Attest:

City Clerk/Treasurer