Minutes of the Independence City Commission's September 10, 2020 Meeting

The Independence City Commission met for a regular meeting on September 10, 2020 at 9:00 A.M. at the Memorial Hall. Mayor Leonhard Caflisch, Commissioner Louis Ysusi and Commissioner Dean Hayse were present. Others present included:

City Staff
Jeff Chubb, City Attorney
Kelly Passauer, Assistant City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
Lacey Lies, Director of Finance by phone
Shawn Wallis, Fire/EMS Chief
April Nutt, Director of Housing Authority
Brian McHugh, Memorial Hall Supervisor
Jerry Harrison, Police Chief
Terry Lybarger, Director of Utilities
Mike Passauer, Public Works Director
Barb Beurskens, Park and Zoo Director
Barry Beurskens, Memorial Hall Maintenance
Rick Barnes, Building D Maintenance

Visitors
Larry McHugh
Taina Copeland
Vance Kelley by phone
Lori Johnson
Keri West
Tim Witnaker
Justin Wintjen
Chuck Mitchell by phone

I. REGULAR SESSION

A. Call to Order

Mayor Caflisch called the meeting to order.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Motion:
On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted the agenda.

Aye: Ysusi, Caflisch, Hayse
Nay: None

II. APPOINTMENTS

A. Housing Authority – One resignation – Unexpired term ends April 11, 2023 – Applications were due by 5 PM, September 4, 2020

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission appointed Darnell Lawrie to the Board.

Aye: Ysusi, Caflisch, Hayse
Nay: None

B. Library Board – One resignation – Unexpired term ends May 1, 2022 – Applications due by 5 PM, September 18, 2020

III. PRESENTATIONS

A. Westar Energy presentation on Power Factor Reduction.

Keri West presented ways the City could save money on their electrical bills.

IV. CONSENT AGENDA

(*Consent* is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Consent Agenda are adopted by a single motion unless removed from the Consent Agenda.)

A. Appropriations
   1. A-1870
   2. P-1844

B. Consider minutes of the May 28, 2020 and August 13, 2020 meetings.

C. Consider a request from the VFW to designate a Combat Wounded parking space in front of the VFW.

D. Consider approving ABATE of Kansas to use the Park Oval for their First Responder, Poker Run and Appreciation Day on September 19, 2020.

E. Consider an engineering agreement with TranSystems for the West Maple Street Cost Share project.

F. Consider initiating a public hearing before the Planning Commission to consider a text amendment to Appendix B-Zoning of the City Code including, but not limited to Appendix A. "Listing Of Permitted And Conditional Uses" including, but not limited to "Retail Trade Not Elsewhere Listed.".

Motion:
On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted the consent agenda.

Aye: Ysusi, Caflisch, Hayse
Nay: None

V. ITEMS FOR COMMISSION ACTION

A. Consider Change Order 11 with Hofer and Hofer extending the contract schedule 126 days for the 1916 City Hall project; and consider an agreement with TreanorHL for additional professional fees related to this time extension.

The City Commission on January 9, 2020 approved Change Order 3; on April 23, 2020 approved Change Orders 1, 2, 4, 6, and 7; and on August 27, 2020 approved Change Orders 8, 9, and 10 for the 1916 City Hall Phase I project. The previously approved change orders are summarized as follows:

1. Add for windows not identified on plans. Material Only. $24,829.00
2. Credit for demo work in basement completed by remediation subcontractor. -$12,000.00
3. Additional roof repairs to roof parapet wall and lower roof. $20,610.70
4. Time & Material estimate for all labor, material and equipment to: (1) Demo damaged wood window frames; and (2) Repair or replace wood window frames with blocking for installation of replacement windows. $43,297.50
5. Lintel repairs for basement windows. Includes all labor, material and equipment. $24,702.00
6. Deletion of east roof. -$2,750.00
7. Credit for east roof flashing and parapet cap (material and labor) -$3,415.50
8. Credit for roof parapet wall repairs (1) lower roof (material and labor) -$4,849.90
9. Eliminating windows on the east side (materials and labor) -$21,872.40

The City has received Change Order 11 in the amount of $0 which extends Hofer and Hofer's contract schedule an additional 126 days starting September 28, 2020

through January 31, 2021. This change order has been recommended for approval by TreanorHL.

In addition, the City has received a request from TreanorHL to be compensated for their additional construction administration services beginning August 1, 2020 through January 31, 2021 in the amount of $11,000.

Motion:
On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission tabled Change Order 11 with Hofer and Hofer.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission approved a proposal from TreanorHL in the amount not to exceed $11,000 for additional construction administration services beginning August 1, 2020 through January 31, 2021 primarily due to the extended contract schedule.

Aye: Ysusi, Caflisch, Hayse
Nay: None

B. Consider awarding a bid for the purchase of a new ambulance from SPARK Funding.

The City of Independence was granted Spark funding for an additional ambulance for the City of Independence.

Motion:
On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission approved the purchase of a 2020 North Star 155-1 demo on a 2019 F-350 chassis from Braun for the amount of $164,162.00 plus $1,500.00 for the radio installation from a local vendor for a total of $165,662.00.

Aye: Ysusi, Caflisch, Hayse
Nay: None

C. Consider approving the revised lease and the revised maintenance agreements with the Independence Gun Club.

On June 25, 2020 the City Commission authorized requesting FAA approval of a new building at the Independence Airport Gun Club, and approved the updated and modified lease agreement prepared by the City Attorney. At the meeting Mark Leaman representing the Gun Club asked if the amount included in the maintenance agreement could equal the amount included in the lease agreement. Prior to 2005, the lease agreement for the Gun Club was $1. The FAA reviewed the City's leases and determined that the City must charge market rent. It was at that time the lease agreement was modified as requested by the FAA.

As stated in the June 25, 2020 RCA, the original lease and maintenance agreements were approved on February 24, 2005. At that time the Independence Gun Club was to pay the City $94.71 per month for the lease, and the City was to pay the Independence Gun Club $69.71 per month for maintenance around the Rifle Berm. These amounts were to be adjusted every five years to reflect any increase in the Consumer Price Index, which would have increased the amounts in 2010, 2015, and 2020. It appears that this did not occur, therefore, the new lease reflected what the current amount should be based applying the cumulative CPI rate since March 2005 through March 2020 which is 28.38% for the Kansas City Region (Midwest Area). The revised amounts previously presented were $121.59 for the lease, and $89.49 for the maintenance agreement.

In speaking with the FAA they made two modifications to the lease, one related to ensuring the lease and any renewals do not exceed a grand total of more than 50 years; and another related to ensuring the Gun Club's activities do not affect the safety of the airport. The lease agreement that was approved on June 25, 2020 was not signed by the Independence Gun Club as they wanted an answer regarding their question regarding whether the amount of the maintenance agreement could equal the amount of the lease agreement. The lease has been updated to reflect the modifications as requested by the FAA.

As reported a the August 27, 2020 Commission meeting, the FAA indicated that the property must be formally changed from aeronautical land to non-aeronautical land, which requires written notice of the change in the Federal Register and a metes and bounds land description. Once this is done, the ALP and Exhibit A will need to be updated along with your request to do the change for the gun range purpose. When asked if we have to get the property reclassified before approving the lease they indicated not necessarily, but urged us to get the process started as soon as possible since it will take anywhere from 45 – 60 days to complete, which includes a 30 day public comment period in the Federal Register.

As approved by the Commission at the August 27, 2020 meeting the metes and bounds land description has been ordered in the amount of $1,500 plus reimbursables (which is $300 less than originally proposed at $1,800). Once this is complete, Matt Jacobs with Lochner will be assisting the City with the remainder of the process.

City staff was unable to find any reason that the maintenance agreement could not equal the lease agreement, therefore the maintenance agreement has been revised to reflect the same amount as the lease, $121.59 per month.

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission approved the revised Independence Gun Club lease as prepared by the City Attorney with modifications as requested by the FAA.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission approved the revised maintenance agreement as prepared by the City Attorney.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission recessed for 5 minutes with the meeting to resume at 10:18 A.M.

Aye: Ysusi, Caflisch, Hayse
Nay: None

D. Consider Supplemental Agreement No. 1 with PEC for Phase 2 Improvements at the Water Treatment Plant.

The City contracted with PEC on March 3, 2020 for the Phase 2 improvements at the Water Treatment Plant. This supplemental agreement is a modification to the scope of work not covered in the original agreement.

Motion:
On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized the Mayor to sign the supplemental agreement with PEC pending upon a modification to the contract and being approved by the City Attorney and Mayor in the amount of $24,442.00 for additional work not covered in the original contract.

Aye: Ysusi, Caflisch, Hayse
Nay: None

E. Consider direction regarding Central Park and North Park Blvd Sports Complex:

1. Background research and prior agreements

The Independence Ballfield Complex located at 910 N. Park Blvd was flooded in 2018 damaging the electrical service to the fields. The Ballfield Complex is in the 100-year floodplain and the codes require that electrical service be designed by an engineer and meet FEMA flood standards. The RFP is requesting and inspection and plan to provide the electrical service for the complex and future expansion.

2. Proposal to update the 2007 concept plan

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission accepted a proposal from Indigo Design to work with City representatives and IJRC to redesign and prepare cost estimates for the Central Park and North Park Blvd Sports Complex to incorporate soccer fields and supporting infrastructure.

Aye: Ysusi, Caflisch, Hayse
Nay: None

3. RFP for ballpark electrical

This item was tabled for a later date.

VI. REPORTS

A. 2020 Census Update

Acting City Manager Passauer gave an update.

B. City Board Minutes

1. January 27, 2020 Independence Historic Preservation and Resource Commission
2. May 5, 2020 Joint Meeting with the Economic Development Advisory Board
3. June 2, 2020 Economic Development Advisory Board
4. July 15, 2020 Library Board of Trustees
5. August 19, 2020 Independence Joint Recreation Commission

VII. CITY MANAGER'S COMMENTS

Acting City Manager Passauer gave an update on the fire apparatus bay and reminded the Commission of an upcoming special meeting for ALICE training.

VIII. COMMISSIONERS' COMMENTS

Commissioner Ysusi thanked Chief Harrison for his work regarding a previous comment the Commissioner made at the last meeting.

Commissioner Hayse voiced a citizen's concern over street resurfacing and utility concerns.

IX. PUBLIC CONCERNS

There were no public concerns.

X. EXECUTIVE SESSION

A. For the purpose of consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship pursuant to the attorney client privilege exception (K.S.A. 75-4319(b)(2). The open meeting will resume at 11:05 A.M.

Aye: Ysusi, Caflisch, Hayse
Nay: None

The meeting resumed at 11:05 A.M. with no action taken

B. For the purpose of reviewing and considering City Manager applications.

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for review and discussion of City Manager applications pursuant to the non-elected personnel exception (K.S.A. 75-4319(b)(1). The open meeting will resume at 11:20 A.M.

Aye: Ysusi, Caflisch, Hayse
Nay: None

The meeting resumed at 11:20 A.M. with no action taken

XI. ADJOURNMENT

Motion:
Mayor Caflisch moved to adjourn. Commissioner Ysusi seconded.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Leonhard Caflisch, Mayor

Louis Ysusi, Commissioner

Dean Hayse, Commissioner

Attest:

City Clerk/Treasurer