Minutes of the Independence City Commission's April 22, 2021 Meeting

The Independence City Commission met for a regular meeting on April 22, 2021 at 5:30 P.M. at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Caflisch and Commissioner Dean Hayse were present. Others present included:

City Staff
Jeff Chubb, City Attorney
David Cowan, Assistant City Manager
Kelly Passauer, City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
Brian McHugh, Memorial Hall Supervisor
Jerry Harrison, Police Chief
Shawn Wallis, Fire/EMS Chief
Tyler Henry, Building Inspector
Lacey Lies, Director of Finance
Angela Anthony, Park and Zoo Director
John Garris, City Engineer/Director of Public Works and Utilities

Visitors
Larry McHugh
Taina Copeland
Chuck Mitchell
Jackie Lepley
Rick Lepley
Chuck Goad
Beth Chaney
Logan Null
Tabatha Snodgrass
Ned Stichman

I. REGULAR SESSION

A. Call to Order

Mayor Ysusi 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 Caflisch, seconded by Commissioner Hayse the Commission adopted the agenda with the modification that items "E" and "F" be removed from the consent agenda and moved to items for Commission action.

Aye: Ysusi, Caflisch, Hayse
Nay: None

II. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:
On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission moved to recess for an executive session for discussion of possible acquisition of real estate for economic development purposes pursuant to the preliminary discussion on acquisition of real estate exception (K.S.A. 75-4319(b)(6). The open meeting will resume at 5:49 P.M.

Aye: Ysusi, Caflisch, Hayse
Nay: None

The meeting resumed at 5:49 P.M.

III. APPOINTMENTS

A. Independence Historic Preservation and Research Commission – 2 resignations – Application date extended to noon on April 30, 2021

B. Land Bank Board of Trustees -- 7 new members – Applications due by noon on April 30, 2021

IV. PUBLIC HEARINGS

A. Public Hearing regarding a proposed loan in an amount not to exceed $3,800,000 to be taken by the City from the Kansas Public Water Supply Loan Fund.

On March 11, 2021 the City Commission set the date of April 22, 2021 at 5:30 PM for a Public Hearing regarding a proposed loan in an amount not to exceed $3,800,000 to be taken by the City from the Kansas Public Water Supply Loan Fund. The City has considered applying for a KDHE low interest loan for various improvements to the water delivery system, including replacement a portion of existing lines and installation of automated water meters. The loan process requires holding a public hearing. After the conclusion of the public hearing the next step would be adopting a resolution authorizing completion of the loan application and the execution and delivery of the loan documents.

The current interest rate is 1.33 % but will not be fixed until completion of the loan. The planned term for the loan is 20 years. The annual debt payment would total approximately $216,000 per year at the maximum loan amount. Payments for this loan are included in City budget.

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted Resolution 2021-013 authorizing completion of the loan application and the execution and delivery of the loan documents.

Aye: Ysusi, Caflisch, Hayse
Nay: None

B. Public Hearings to consider condemnation of 418 S. Wald Avenue as dangerous and unsafe.

The structure was involved in a fire on February 1, 2021, that destroyed the east half of the house and the house is inhabitable. The owner has been contacted multiple times and indicates he will submit a timeline of repairs. The owner has painted on the house's front side, but nothing has been done in the fire-damaged area. The owner also now has code enforcement issues related to disabled vehicles, trash and debris that is in the yard. The demolition fund balance is $137,885.38 with ($64,350) in contracts awarded, leaving a balance of $73,535.38. The budget impact would consist of the cost of demolition if the owner does not diligently pursue repair or removal.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission adopted Resolution 2021-011 condemning 418 S. Wald Avenue as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hayse
Nay: None

V. 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.)

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted the consent agenda with the exception of items "E" & "F" which were moved to items for Commission action.

Aye: Ysusi, Caflisch, Hayse
Nay: None

A. Appropriations
   1. A-1887
   2. P-1860

B. Consider authorizing City Staff to solicit proposals for financial services related to bond refinancing and bond issuance.

C. Consider authorizing the Mayor to sign a service agreement authorizing the City to participate in the Blue Cross and Blue Shield of Kansas, Inc. BeWell Pilot Program.

D. Consider authorizing the abatement of nuisance taxes for 112 W Chestnut Street.

E. Consider awarding the project for an ADA accessible restroom, located within Kiddy Land at Ralph Mitchell Zoo, to BG Consultants.

This item was removed from the consent agenda and moved to items for Commission action

F. Consider authorizing FORPAZ's ZooBrew for 2021 as well as adopting a blanket authorization for future ZooBrew events.

This item was removed from the consent agenda and moved to items for Commission action

G. Consider adopting Resolution 2021-012 rescinding Resolution 2020-083.

VI. ITEMS FOR COMMISSION ACTION

A. Consider a proclamation honoring fallen Independence Police Department Assistant Chief Charles "CA" McKinney.

On March 21st, 1920, IPD's Assistant Chief Charles "CA" McKinney was mortally wounded in the 100 block of East Main Street in Independence. His story was lost to history until local newspaper reporter Andy Taylor submitted an article about the shooting to Chief Harrison in November of 2020. A team of researchers was recruited in Independence and Harris County Texas, where McKinney was from. This team was formed with the goal of adding McKinney to the state and national memorials. Members of the team included Chief Harrison, Captain Helkenberg, Independence Public Library Librarian Nancy Kishpaugh, Independence Museum Coordinator Sylvia Augustine, Independence Museum Researcher Jackie Lepley, Harris County (TX) Librarian Molly McGinty, Montgomery County Chronicle Reporter Andy Taylor, and a living relative, Billy McKinney, also of Harris County Texas.

The team was able to gather enough documentation from the era to meet the criteria required to nominate the fallen officer for inclusion on the Kansas Law Enforcement Memorial in Topeka and the National Law Enforcement Officers' Memorial in Washington DC. Every year the names that are added to the wall are unveiled in May in coordination with National Police Week. This year the unveiling and vigils will be held in October due to the pandemic.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission honored the sacrifice of Independence Assistant Chief Charles "CA" McKinney and authorize the Mayor to sign the proclamation.

Aye: Ysusi, Caflisch, Hayse
Nay: None

B. Consider proclaiming May 9 through 15, 2021 as Police Week.

In 1962 President John F. Kennedy signed a proclamation designating May 15 as Peace Officers Memorial Day and that week Police Week

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission proclaimed May 9th through May 15th as Police Week in Independence in recognition of the commitment to excellence the members of the Independence Police Department demonstrate every day.

Aye: Ysusi, Caflisch, Hayse
Nay: None

C. Consider proclaiming April as Fair Housing Month.

During April 2021, the Independence Housing Authority joins in the national celebration in recognizing April 2021 as Fair Housing Month. During this month of celebration, the City of Independence, Kansas along with the Independence Housing Authority reaffirms its commitment to ending housing discrimination within the City limits of Independence, Kansas.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorized the Mayor to sign the attached proclamation declaring April 2021 as Fair Housing Month.

Aye: Ysusi, Caflisch, Hayse
Nay: None

D. Consider approving the RFP-RFQ for Construction Manager at Risk (CMAR) for Phase II 1916 City Hall and Fire/EMS facilities.

City Staff has worked with TreanorHL to prepare an RFP-RFQ for a Construction Manager at Risk for the City Hall renovation and Fire Station construction. The attached RFP-RFQ would have the following timeline:

• Issue RFP-RFQ	April 23
• Questions Deadline	April 30
• Addendum	May 7
• City Receipt	May 13
• Short list announced	May 18
• Top Ranked Finalist	May 27
• Contract Negotiations Completed	May 27
• Final Recommendation to Commission	June 10
• Notice to Proceed	June 24

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission approved the RFP-RFQ for Construction Manager at Risk for Phase II 1916 City Hall and Fire/EMS facilities as in the original RCA.

Aye: Ysusi, Caflisch, Hayse
Nay: None

E. Consider awarding the contract for the Removal of Taxiway B; and the rehabilitation of Taxiway D and Terminal Apron at the Independence Airport.

Lochner is conducting the bidding of the project on April 20, 2021. Bid results will be provided to the Commission after tabulation by Lochner, but prior to the Commission meeting. There is a deadline for Federal Aviation Administration (FAA) FY2021 project submission of May 3, 2021. In addition to award of the contract, other FAA documents and the Inspection Agreement contract will need to be submitted to the FAA.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorized awarding of the contract and the signing of any necessary documents for the "Removal of Taxiway B; and the rehabilitation of Taxiway D and Terminal Apron at the Independence Airport" project to JLT Contracting, LLC in the amount of $590,290.15, to award the final negotiated Inspection Agreement contract to Lochner, and to execute any other necessary documents required for the FAA grant.

Aye: Ysusi, Caflisch, Hayse
Nay: None

F. Consider authorizing the submission of an application for a KDHE Solid Waste Grant for a re-use project.

KDHE annually awards grants for projects that lower volumes of solid waste entering the waste stream. The attached "Solid Waste Grant Description" describes a potential project

that would fund the construction of physical facilities and initial operational cost of a re-use program as approved by the Beautification Committee.

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission authorized application for the KDHE Solid Waste Grant for the described re-use program.

Aye: Ysusi, Caflisch, Hayse
Nay: None

G. Consider ordinances pertaining to consumption of alcoholic beverages on public property and authorizing the issuance of special event permits in the Downtown Historic District.

At a previous meeting, the Independence Commission discussed developing a downtown property and right-of-way application process and alcohol consumption policy with staff. City staff has worked with the City Attorney and Chief of Police to review State and local laws and Ordinances. The prepared Ordinances allows for special event permits to be issued by the City of Independence in the Downtown Historic District. It also allows a property owner or his lessee to occupy and use the right of way as it relates to alcohol.

City staff has prepared a Use of Public Property and Right of Way application form for the public to access and submit for permission to hold an event in the Downtown District. This application would be reviewed by City Staff and approved by the City for the event. The processing fee for this application is $25.00.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved Ordinance 4356 amending 6-4 as Last Amended by Ordinance No. 4270 Pertaining to Consumption of Alcoholic Beverages on Public Property and authorizing the issuance of special event permits in the Downtown Historic District.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved Ordinance 4357 amending Appendix D to include an application fee for a special event permit.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved Ordinance 4358 creating a special event permit for Downtown Historic District.

Aye: Ysusi, Caflisch, Hayse
Nay: None

H. Consider setting the date of June 24th, 2021 for a public hearing to consider condemnation of 426 S. 16th Street as dangerous and unsafe.

The house is unsecured and the rear of the house structure was compromised by recent demolition activity. Building Inspector has visited the owner several times to obtain a timeline of repairs with no response back. The demolition fund balance is $137,885.38 with ($64,350) in contracts awarded, leaving a balance of $73,535.38.

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted Resolution 2021-010 setting the date of June 24th, 2021 at 5:30 p.m. for a public hearing to consider condemnation of 426 S. 16th Street.

Aye: Ysusi, Caflisch, Hayse
Nay: None

I. Consider approving a contract for mowing services for City-owned lots.

The City of Independence requested proposals for mowing services for the City. As previously discussed, we are needing outside assistance due to the inability to find qualified applicants to fill the mowing crew as originally budgeted.

The City has approximately 85 City-owned lots to maintain, most of which are flood lots. In addition, last year privately owned nuisance lots were mowed approximately 840 times.

The City received one proposal from J&S Enterprise LLC to mow the 85 City-owned lots. His original proposal submitted by the April 15, 2021 deadline totaled $1,689.70 per mowing for all locations listed, most of which are bi-weekly. However, on April 16, 2021 he physically reviewed the lots with Assistant City Manager David Cowan and due to the conditions he resubmitted $1,819.85 per mowing for all locations listed. He indicated that if this price could be locked in with a three-year agreement he would provide an additional 5% discount, which would make the total $1,728.86 per mowing for all locations listed. City staff requested that the City Attorney prepare the attached contract for a maximum fee of $1,728.86 per mowing for all locations for a three year period for the following reasons:

1. The Finance Director Lacey Lies has reviewed this amount and determined that we have sufficient funds budgeted for this expense.
2. We need to maintain these City-owned lots in a timely manner.
3. We currently do not have the workforce in place to maintain these lots in-house due to lack of available qualified applicants and current staff shortages.
4. The City received only one proposal and therefore negotiated an amount that we believe is a fair price.
5. Locking this amount in for a three year period with the 5% discount would reduce staff time in reprocessing these proposals in 2022 and 2023 and would allow us to have a more definitive amount in advance for budgeting purposes.

Regarding the nuisance lots, the proposal previously sent out established a $20 per mowing per lot price, however, no one submitted a proposal agreeing to perform this service for this amount. Therefore, we are reopening the proposals for nuisance lots mowing for an additional 10-days and modifying the RFP to request that the contractor provide an amount per lot rather than the City establishing a certain price. In the meantime, City staff has negotiated with J&S Enterprise LLC on a temporary basis to mow the nuisance lots until the proposals are received and approved.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved mowing services with J&S Enterprise LLC for a three-year mowing contract for City-owned lots.

Aye: Ysusi, Caflisch, Hayse
Nay: None

J. Consider authorizing the purchase of mobile and portable radio equipment for use in the Police Department.

The City Commission approved the scope of this project on March 11, 2021, authorizing City staff to seek quotes. The low quote came in well under the encumbered amount. Therefore, City staff negotiated with the vendor to maximize our purchasing power by increasing the amount of equipment purchased. Increasing the number of radios purchased allows us to update nearly all radio equipment and decreases radio replacement costs for the near future. This project totaling $32,006.00 will be paid for out of encumbered 2020 funds.

Item Description	Original Quantity	Negotiated Quantity
Motorola XPR5550E	12	14
Motorola XPR7550E (Portable Radio)	22	27
PMNN4491 2100 Battery	24	29
PMMN4025 IMPRESS Remote Speaker	23	28

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission authorized City Staff to purchase radio equipment from Communications Express LLC for the IPD Radio Project in the amount of $32,006.00.

Aye: Ysusi, Caflisch, Hayse
Nay: None

E. Consider awarding the project for an ADA accessible restroom, located within Kiddy Land at Ralph Mitchell Zoo, to BG Consultants.

This item was removed from the consent agenda and moved to items for Commission action

Ralph Mitchell Zoo, opened in 1925, currently does not have adequate restroom facilities within the interior of the zoo. The closest restrooms are located outside of the zoo's perimeter, near Miss Able's Snack Shack. This restroom is only accessible by exiting the zoo grounds entirely. By establishing an ADA accessible restroom that is also family friendly (baby changing station, etc.) near Kiddy Land, zoo guests will not have to exit zoo grounds to utilize a restroom. In addition, handwashing and baby changing areas will be more accessible and closer to Kiddy Land, which is the highest trafficked area within Ralph Mitchell Zoo. The proposed ADA accessing restroom at Kiddy Land is a budgeted capital expense for 2021. At the close of the proposal deadline, BG Consultants was the only architectural firm that submitted a proposal on this project. The cost of design, as proposed, is $7,500.

Motion:
On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved to award the project for an ADA accessible restroom, located within Kiddy Land at Ralph Mitchell Zoo, to BG Consultants and authorize the City Staff to have the consultant prepare a contract for architectural services in the amount of $12,000 for design and construction services.

Aye: Ysusi, Caflisch, Hayse
Nay: None

F. Consider authorizing FORPAZ's ZooBrew for 2021 as well as adopting a blanket authorization for future ZooBrew events.

This item was removed from the consent agenda and moved to items for Commission action

ZooBrew, sponsored by Friends of Riverside Park and Ralph Mitchell Zoo, is an annual event held at Ralph Mitchell Zoo each year in which patrons eat dinner, consume alcohol, and bid on auction items. The date for 2021 has been set for Friday, June 4. The proceeds of ticket sales and the auction are held by FORPAZ, and later go towards the needs at Riverside Park and Ralph Mitchell Zoo. ZooBrew is held on the open area adjacent to

Monkey Island and requires that the zoo closes early on the day in which the event is held. FORPAZ is requesting not only the approval for the 2021 ZooBrew, but also a blanket authorization for future ZooBrew events, which are held the first Friday in June each year.

Motion:
On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission approved to authorize ZooBrew for the 2021 year and approve closing the Zoo at 12:00 P.M. June 4th for preparations.

Aye: Ysusi, Caflisch, Hayse
Nay: None

VII. REPORTS

A. New City Licenses

B. City Board Minutes

1. March 2, 2021 Economic Development Advisory Board
2. February 17, 2021 Library Board of Trustees

VIII. CITY MANAGER'S COMMENTS

Assistant City Manager Cowan gave an update on AWOL using memorial funds to extend fencing to separate the big dog run from the little dog run and planting three trees as a memorial to Dr. Barta.

City Manager Passauer gave an update on the progress of the citizen survey and she reported that more surveys have been received than the previous survey.

IX. COMMISSIONERS' COMMENTS

Commissioner Hayse emphasized the need to stay on top of the marketing for Building D.

Mayor Ysusi commented that a couple from out of town was impressed with the town and how nice the people are in Independence.

X. PUBLIC CONCERNS

There were no public concerns.

XI. ADJOURNMENT

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

Aye: Ysusi, Caflisch, Hayse
Nay: None

Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Dean Hayse, Commissioner

Attest:

City Clerk/Treasurer