

Minutes of the Independence City Commission's May 13, 2021 Meeting

The Independence City Commission met for a regular meeting on May 13, 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
Lacey Lies, Director of Finance
April Nutt, Director of Housing Authority
John Garriss, City Engineer/Director of Public Works and Utilities

Visitors

Larry McHugh
Taina Copeland
Jim Kelly
Greg Kelley
John Heckman
Emily Haynes
Doug Stacey
Tony Royse

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 "F" and "J" be removed from the consent agenda and moved to items for Commission action.

Aye: Ysusi, Caflisch, Hayse

Nay: None

II. APPOINTMENTS

A. Electrical Board – 2 expired terms (1 eligible for reappointment) – Applications due by noon on May 21, 2021

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- B. Independence Historic Preservation and Research Commission – 2 resignations – Applications due by noon on May 21, 2021
- C. Land Bank Board of Trustees -- 7 new members – Nine applications received

Motion:

On the motion of Mayor Ysusi seconded by Commissioner Hayse the Commission appointed Lori Wesselowski to a three-year term.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Mayor Ysusi seconded by Commissioner Hayse the Commission appointed John Heckman to a three-year term.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Mayor Ysusi seconded by Commissioner Hayse the Commission appointed Gary Hogsett to a three-year term.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Mayor Ysusi seconded by Commissioner Hayse the Commission appointed Shelly Hudson to a two-year term.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Mayor Ysusi seconded by Commissioner Hayse the Commission appointed Mary Jo Wallis to a two-year term.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Mayor Ysusi seconded by Commissioner Hayse the Commission appointed Tim Emert to a one-year term.

Aye: Ysusi, Caflisch, Hayse

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Nay: None

Motion:

On the motion of Mayor Ysusi seconded by Commissioner Hayse the Commission appointed Lisa Richard to a one-year term.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- D. Library Board of Trustees – 2 terms expired (1 eligible for reappointment) – Applications due by noon on May 21, 2021
- E. Tree Board – 3 terms expire on June 1, 2021 (1 eligible for reappointment) – Applications due by noon on May 21, 2021

III. 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 "F" & "J" which were moved to items for Commission action.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- A. Appropriations
 - 1. A-1888
 - 2. D-2015
 - 3. P-1861
- B. Consider minutes of the March 17, March 25, April 8, and April 14, 2021 City Commission meetings.
- C. Consider authorizing the abatement of nuisance taxes for 1020 W. Myrtle Street.
- D. Consider approval of addendum to the mowing contract and awarding nuisance lot contract.
- E. Consider approval of the Central Business District Commercial Building "CBDCB" grant requests.
- F. Consider authorizing upgrading streetlights on North Penn between Oak and Mulberry.

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

- G. Consider the AIA Agreement, Scope of Services, and Cost and Schedule of the ADA accessible restroom, located within Kiddy Land at Ralph Mitchell Zoo, that was submitted by BG Consultants

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as an amendment to the original proposal.

- H. Consider proclaiming April 30, 2021 as Arbor Day.
- I. Consider authorizing the Mayor to sign a License Agreement with Missouri Network Alliance, LLC dba Bluebird Network.
- J. Consider an ordinance amending Ordinance 4348 creating the Independence Land Bank.

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

IV. ITEMS FOR COMMISSION ACTION

- F. Consider authorizing upgrading streetlights on North Penn between Oak and Mulberry.

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

Mayor Ysusi requested that staff review the possibility of working with Evergy to upgrade street lighting in a commercial area from Oak to Mulberry primarily on the east side of North Penn Avenue. The project would consist of increasing the lighting output of 16 existing streetlights, with seven being upgraded from 6,400 to 9,624 lumens; and nine being upgraded from 4,834 to 9,624 lumens. The additional monthly cost would be \$65.18 per month.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hayse the Commission authorized the upgrading of 16 streetlights to 9,624 lumens between Oak and Mulberry on North Penn in the amount of \$65.18 per month.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- J. Consider an ordinance amending Ordinance 4348 creating the Independence Land Bank.

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

On January 28, 2021 the City Commission adopted Ordinance 4348 creating the Independence Land Bank. After further review of the ordinance by City Administration and the Housing Director, we recommend incorporating demonstrated interest in related topics that would be helpful to the success of the Land Bank. The Independence Historic Preservation and Resource Commission ordinance contains similar language regarding topics relating to historic preservation.

Also, we have received a request to allow a portion of the members to be from outside the City. The amendment includes language that modifies the requirement for all members to live inside the City to a majority.

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The language that allowed members to serve three full terms was inconsistent with Resolution 2011-57 previously adopted by the City Commission, so that language was deleted.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission tabled an ordinance amending Ordinance 4348 creating the Independence Land Bank.

Aye: Ysusi, Caflisch, Hayse

Nay: None

A. Consider proposal for the annual fireworks display.

Jim Kelly has obtained two proposals from Rainbow Fireworks, Inc., for the annual 4th of July show in Independence. One in the amount of \$17,650 with the shell count at 683 shells, same as last year, and the other in the amount of \$16,700, the same cost as last year, but with 646 shells, 37 fewer than last year. To have the same show as last year, the cost would be \$17,650 or an additional \$950. The City normally contracts for the show and funds are raised to reimburse the City for this expense. If adequate funds are not raised, then the City makes up the difference. The City also provides special event insurance. The 2021 budget includes \$15,000 for this expense. If the lower amount proposed is accepted, the budget impact would consist of \$16,700 plus the cost for special event insurance which is estimated at \$350 - \$400, which is approximately \$2,100 over the amount budgeted.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission authorized the Mayor to sign an agreement with Rainbow Fireworks, Inc. for the 4th of July Fireworks show in the amount of \$17,650, subject to City Attorney approval.

Aye: Ysusi, Caflisch, Hayse

Nay: None

B. Consider authorizing the Mayor to sign a proclamation declaring May 16th - 22nd, 2021 as Emergency Medical Services Week.

The American College of Emergency Physicians was instrumental in establishing EMS Week when President Gerald Ford declared November 3rd- 10th, 1974 as the first "National Emergency Medical Services Week." In 1992, EMS Week was moved to the 3rd week in May to separate EMS Week from Fire Prevention Week in October. This rationale for the move was the majority of Fire and EMS services felt having the two events back-to-back hurt the effectiveness of each program.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorized the Mayor to sign a proclamation declaring May 16th - 22nd, 2021 as Emergency Medical Services Week.

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Aye: Ysusi, Caflisch, Hayse

Nay: None

C. Consider the following recommendations from the Planning Commission:

1. Adopt an ordinance setting forth text amendments to the zoning code on the subject of medical clinics, outpatient services and medical laboratory services; and
2. Adopt a resolution authorizing a conditional use permit to operate medical clinics, outpatient services and medical laboratory services at 2700 West Main Street.

The Planning Commission held the following public hearings on April 20, 2021:

1. 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 "Medical clinics, outpatient services" and "Medical laboratory services."
2. To consider a request for a conditional use permit for "Medical clinics, outpatient services" and "Medical laboratory services" in an M-1, Light Industrial District at 2700 West Main Street, Suite A.

The Planning Commission recommended approval of both requests. The minutes of this meeting are located under reports in this agenda packet.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted an ordinance setting forth text amendments to the zoning code to allow "Medical clinics, outpatient services" and "Medical laboratory services" as a conditional use in an M-1, light industrial district.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted a resolution granting a conditional use permit for "Medical clinics, outpatient services" and "Medical laboratory services" in an M-1, light industrial district at 2700 W. Main Street with the following conditions:

- a. The conditional use permit is not transferable to another location.
- b. The applicant must follow all City codes.

Aye: Ysusi, Caflisch, Hayse

Nay: None

D. Consider approval of Patio 210 sidewalk modifications.

Miranda Bruening contacted City Staff on behalf of Main Street regarding requested modifications

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in the sidewalk reconstruction by Patio 210.

Those requests were:

1. Install a trench with a grate cover in the sidewalk for electrical cords.
2. Install a French drain under the sidewalk to the curb to drain the artificial turf.
3. Install a 5' ramp into Patio 210 rather than a second curb for ADA access.

Shawn Turner reviewed the changes requested with Miranda and Main Street and estimated the additional costs at \$4,500.00. Main Street requests the City add these modifications to the plan and cover the additional cost.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission tabled the changes to the Patio 210 sidewalk during the reconstruction of West Main Street estimated to cost \$4,500.00.

Aye: Ysusi, Caflisch, Hayse

Nay: None

E. Consider proposals for work at Memorial Hall.

City Staff is recommending approval of the following Memorial Hall Projects:

Project #1 : Award Base Bid and Alternate #1 to Hofer & Hofer & Associates, Inc for \$109,300.00.

The work includes removing and replacing (6) existing wood doors on the North and Alt. #1 replacement of (6) existing wood doors located at the main west entrance. John Heckman has worked with the Kansas State Historical Society to approve replacement aluminum swing doors and storefront framing to maintain the historical significance of the building.

Additional work includes replacing three (3) existing smoke hatch vents and releases located on the fly tower roof of Memorial Hall.

This project will be paid from 2021 budgeted funds and 2020 encumbered Memorial Hall project funds.

Project #2: Projectors and Screen for the auditorium stage for \$63,853.65.

The work includes installing a projection system in the Memorial Hall auditorium theater to project backgrounds for sets, video playback, slideshows for lectures, movies, and other purposes.

Heartland AV cost for dual projectors is \$45,951.47, the screen options include a cyclorama curtain for \$5,781.80, front projection screen for 16 x 9 ratio projection for \$11,721.38,

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and DVD player for \$399.00.

Neewollah has collaborated with City Staff throughout this project and agreed to fund \$8,795 (17%) of the projector and cyclorama curtain. This project was budgeted in 2020 and the funds have been encumbered.

Project #3: Memorial Hall Rigging Maintenance

JR Clancey was the only bid for the Rigging Maintenance at the cost of \$141,581.16. Due to this project exceeding the available budgeted 2021 funds, staff will recommend including this project in the 2022 budget.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission approved Hofer & Hofer's proposal for \$109,300 for door and smoke hatch repairs and authorize the Mayor to sign any related documents.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission approved Heartland AV's proposal for \$63,853.65 for dual projectors, cyclorama, screen and DVD player and authorize the Mayor to sign any related documents.

Aye: Ysusi, Caflisch, Hayse

Nay: None

F. Consider awarding the Zoo Master Plan project to PGAV Architects.

The Ralph Mitchell Zoo is currently in early stages of pursuing Association of Zoo and Aquariums accreditation, with the application date for submittal projected to occur in March of 2026. One of the AZA accreditation documents that is needed is a Zoo Master Plan, which serves as the cornerstone document that provides a roadmap for all changes to the zoo for the next twenty years. This document will discuss building needs, landscaping, the acquisition and deposition of animals, other secondary plan creation and implementation (such as educational and conservation plans) as well as personnel needs. This document is necessary to pursue accreditation and to further the mission of the zoo. PGAV Architects was one of two firms that submitted a proposal for the Zoo Master Plan for Ralph Mitchell Zoo. Based upon the proposal submitted, PGAV provides the best value for the Zoo Master Plan including site visits, exhibit planning, circulation diagrams, and avenues to improve revenues.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hayse the Commission tabled

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awarding the Zoo Master Plan project to PGAV Architects.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- G. Consider approving a contract with Graham Construction for ADA work.

The City Commission previously approved ADA work at 113 E. Main, Parking lot on So. Penn Ave, and 14th and Chesnut ADA ramp. Due to bonding and the length of the previous 2018 ADA contract, Graham Construction needed to close that contract. Graham Construction has provided a new contract for the work with the approved cost from the 2020 meeting.

Added to this agreement is the dog park sidewalk on N. Park Blvd. The City of Independence received an ADA complaint, and the Dept. of Interior is requiring ADA improvements to the site, including accessible sidewalk, water fountains, and benches. The concrete work for this project is \$29,980.00. City departments will assist with the placement of the benches and water lines for the water fountain installation. Once this project is completed, the City will notify the Dept. of Interior for their final review and closure of the complaint.

Additionally, the ADA ramp located in the 100 blk of West Main was recently damaged. The accident was a hit and run, and it is unknown who caused the damage. Repairs to this ramp total \$4,400.00.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved the contract for ADA work with Graham Construction for \$58,848.50 for work at 113 E. Main; S. Penn Ave parking lot; 14th and Chestnut; Dog Park; and 100 block of West Main ramp.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- H. Consider authorizing a contract for a modified City paving program with Heckert Construction Company, Inc.

Annually the City has gotten bids for paving along with the County in order to get the most advantageous price. This year the contract was bid on by a single bidder, Heckert Construction Company, Inc. (Heckert). The original plan was to do the mill and overlay on West Maple, from 10th to 17th Street but it was suggested that segment of the work could be combined with the planned KDOT work to expand it and potentially increase the bidding interest in the project.

The pricing for milling and overlay on this project is estimated at \$166,000, which includes a 5% overage in quantity on this unit-price contract. The street segments are collectively known as the "2021 Independence Paving Program" and included in that program are:

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- West Myrtle, 10th to 17th Street: 2" mill, 2" overlay.
- Intersection of 11th and Chestnut and patching at N. 19th Place and Beech: 2" mill, 2" overlay.

Additional costs will be required based on this construction, namely the installation of 26 ADA sidewalk curb cuts on Myrtle intersections, with an estimated cost of approximately \$100,000.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission authorized a unit-price contract with Heckert Construction Company, Inc. for the construction of the 2021 Independence Paving Program at the unit prices as shown on the bid documents, for an amount not to exceed \$166,000.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- I. Consider authorizing blocking of the 600 blk of South 8th Street on Friday, May 14, 2021, for Spring Fling Activity at Montgomery Place Nursing Home.

The City of Independence was contacted by Ivy Johnson, Activities Director for Montgomery Place at 614 S. 8th. Ms. Ivy is requesting to block the 600 blk of South 8th Street on Friday, May 14, 2021, for the Spring Fling Activity at the nursing home. The residents will be outside for the day and enjoy a car show and other activities.

City Staff is still working out final details with the nursing home on the event times and will update the Commission at the meeting.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorized blocking of the 600 blk of South 8th Street on Friday, May 14, 2021, for Spring Fling Activities at Montgomery Place Nursing Home.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- J. Consider adopting an ordinance initiating the Independence Farmers and Makers Market Board.

City Staff is requesting the City Commission approve an ordinance establishing the Independence Farmers & Makers Market. By establishing this Ordinance, the City will comply with our Use of Public Property and ROW Ordinance in the downtown historic district and with State regulations for Farmers Markets. City staff has reviewed this with our City Attorney and EMC insurance for their approvals.

Motion:

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On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted an ordinance establishing the Independence Farmers & Makers Market.

Aye: Ysusi, Hayse

Nay: Caflisch

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hayse the Commission established the location of the market at Ane Mae's parking lot.

Aye: Ysusi, Caflisch, Hayse

Nay: None

V. REPORTS

A. Lexipol Audit

Chief Harrison presented the results of the audit.

B. City Board Minutes

1. February 22, 2021 Electrical Board
2. March 17, 2021 Library Board of Trustees
3. April 6, 2021 Economic Development Advisory Board
4. April 20, 2021 Planning Commission/Board of Zoning Appeals
5. April 21, 2021 Recreation Commission

VI. CITY MANAGER'S COMMENTS

Shawn Turner gave an update on KDOT projects.

Chief Harrison gave an update on the C.A. McKinney fundraiser.

City Engineer Garris gave an update on the Southeast Lift Station.

City Manager Passauer gave an update on the 1916 City Hall project.

Assistant City Manager Cowan reported that the city received four CMAR proposals and the committee is working on finding the best possible candidate.

City Manager Passauer suggested having a worksession with the County Commissioners on their Conditional Use Permit.

VII. COMMISSIONERS' COMMENTS

There were no comments.

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VIII. PUBLIC CONCERNS

There were no public concerns.

IX. EXECUTIVE SESSION

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

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission moved to recess for an executive session for consultation with the City's attorney regarding possible litigation pursuant to the attorney client privilege exception (K.S.A. 75-4319(b)(2)). The open meeting will resume at 8:02 P.M.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 8:02 P.M. with no action taken.

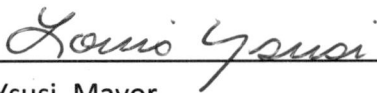
X. ADJOURNMENT

Motion:

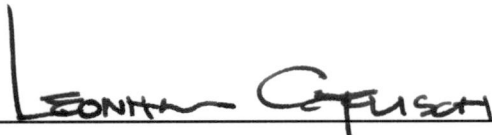
Mayor Ysusi moved to adjourn. Commissioner Caflisch seconded.

Aye: Ysusi, Caflisch, Hayse

Nay: None



Louis Ysusi, Mayor



Leonhard Caflisch, Commissioner



Dean Hayse, Commissioner

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Attest:

A handwritten signature in black ink, appearing to read "David Schumacher", is written over a horizontal line.

City Clerk/Treasurer