

Minutes of the Independence City Commission's December 23, 2021 Meeting

The Independence City Commission met for a regular meeting on December 23, 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 by phone
David Schwenker, City Clerk/City Treasurer
John Garriss, City Engineer/Director of Public Works and Utilities
Jerry Harrison, Police Chief
Shawn Wallis, Fire/EMS Chief
Scott Patton, Park and Zoo Director
Mike Devore, Memorial Hall Maintenance
Charlie Benedict, Animal Control Officer

Visitors

Larry McHugh
Shawn Turner
Jake Oberlechner
Travis Huffman
Dorcas Sutton
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 Hayse, seconded by Commissioner Caflisch the Commission adopted the agenda with the modification that item "O" be removed from the consent agenda and moved to items for Commission action.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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II. APPOINTMENTS

- A. Planning Commission –Three Terms Expire January 1, 2022 and One Resignation – Two eligible members wish to be Reappointed -- Applications for two open positions are due by noon on January 4, 2024

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission reappointed Mary Jo Meier, Brent Littleton and Tony Royse to a second term ending on January 1, 2025.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- B. Economic Development Advisory Board –Four Terms Expire January 1, 2022 – Three eligible members wish to be Reappointed -- Applications for one open position are due by January 4, 2022.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hayse the Commission reappointed Paul Yaroslaski, Chuck Goad and Wayne Stephany to a term ending on January 1, 2025.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- C. Historic Preservation Resource Commission – Two Terms Expire January 1, 2022 – One eligible member wishes to be reappointed –Applications for one open position are due by January 4, 2022.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission reappointed J. D. Cox to a term ending on January 1, 2025.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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.)

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Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission adopted the consent agenda with the modification that item "O" be removed from the consent agenda and moved to items for Commission action.

Aye: Ysusi, Caflisch, Hayse

Nay: None

A. Appropriations

1. A-1903
2. P-1877

B. Consider approving the following Cereal Malt Beverage licenses:

1. Gary Grewell DBA Jiffy Mart #1 - 600 W. Main
2. Jessica Box DBA Indy Brew Works - 223 W Main
3. Matthew Kent DBA Gramps Tavern - 811 N. 11th
4. Western Plains Operations DBA Jumpstart - 401. W Main
5. Akas 1 LLC - 3024 W. Main
6. Walgreens #09454 - 301 W. Main
7. Walmart #2893 - 121 Peter Pan
8. Pizza Hut Of SE Kansas - 1815 N. Penn
9. Casey's General Store #1814 - 1305 N Penn
10. DG Retail, LLC - 1210 East Main
11. G &W 2 LLC - 416 W Myrtle
12. Patrick Conway DBA Brothers RRI - 113 S Penn

C. Consider authorizing Fire/EMS to apply for the Assistance to Firefighter's Grant (AFG) to purchase a new pumper truck.

D. Consider adopting a resolution modifying the 2022 pay plan.

E. Consider authorizing updated renewal rates with Blue Cross/Blue Shield due to the BeWell program discount.

F. Consider rescinding the authorization for the mill and overlay of West Myrtle Street.

G. Consider request for change order to include removal of additional equipment from Kiddy Land.

H. Consider authorizing the abatement of nuisance taxes for 1732 N. 10th Street.

I. Consider authorizing the Mayor to sign the 2021 Tree City USA Application for Certification.

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- J. Consider adopting a resolution repealing and replacing Resolution 2020-002 related to the cost share program.
- K. Consider authorizing a contract with CivicPlus for CivicClerk agenda module software.
- L. Consider authorizing a contract with ClearGov for finance and budgeting software.
- M. Consider the 5-year Capital Improvement Program for the Independence Municipal Airport to submit to the FAA.
- N. Consider authorizing award of bridge inspections to TranSystems.
- O. Consider awarding Central Park storm water infrastructure investigation.

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

- P. Consider authorizing issuing a Request for Proposals (RFP) for preliminary design services for a new Public Works building.
- Q. Consider authorizing the bidding of the West Laurel Industrial Park infrastructure improvements.
- R. Consider adopting a resolution for the release of opioid settlement claims.

IV. PRESENTATION

- A. Presentation of 60% plans for 1916 City Hall.

Representatives from McCown-Gordon and Treanor HL presented the plans and budget.

V. ITEMS FOR COMMISSION ACTION

- O. Consider awarding Central Park storm water infrastructure investigation.

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

Design of the new Central Park athletic complex has uncovered the need for additional information on existing stormwater infrastructure in the area.

The stormwater infrastructure in the area of the new park is not well documented in City records. It consists of significant sections of brick channel of unknown age, some of which is below where new work will be done. Working around the stormwater infrastructure without more information poses significant project risk, since unless it is anticipated, it may cause disruption to contracted work and unnecessarily increase cost.

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PEC, a subcontractor of Indigo Design has bid the project and provided the attached information bid summary from the sole bidder, HK Solutions. The bid is a unit cost bid, but is expected to vary only if extensive cleaning is required. Note that PEC did request additional bidders but they did not respond with bids.

PEC did not provide an Engineer's estimate but did conclude that the price was reasonable for the work.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorized awarding the Central Park stormwater infrastructure investigation to HK Solutions for the cost of \$26,490.

Aye: Ysusi, Caflisch, Hayse

Nay: None

A. Consider authorizing a contract for construction of the Fire/EMS Addition.

McCown Gordon has provided the City of Independence Commission with a \$2,788,811 guaranteed maximum price for the Fire and EMS addition. They offered a list of fourteen alternates with a cost of \$310,126 and three deducts for (\$51,670) for the Commission to consider. The Fire-EMS staff have reviewed the alternates and recommend twelve of the fourteen alternates, and no deducts. Justification for those alternates are as follows:

1. New openings on the north side will allow for apparatus and ambulances to exit from both sides of the building, fit all Fire-EMS apparatus into the building and not have to move equipment to get an apparatus out of the building.
2. Additional tube heaters are needed as the current heating system is undersized and cannot adequately heat and maintain the required minimum temperatures required by KSA.
3. Vehicle exhaust is needed due to the living quarters attached to the apparatus bay and the known carcinogen of exhaust.
4. Overhead fans are needed to keep the apparatus bay cool and air circulating during the summer months. Fire-EMS ambulances carry medications that must be stored under 90 degrees.
5. Screen for patio is requested to maintain the area's privacy from public view.
6. Wavy baffles in the dayroom will assist in keeping the noise down in the living area of the quarters.
7. Tectum Panels in the weight room will help keep the noise down in the gym and not bother people in the living quarters or training room.

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8. The overhead fan will help circulate air and keep the area cool in summer.
9. Ceramic tile in the lobby is requested to provide an area to meet the public and visiting officials.
10. A display case is needed to display many memorabilia the fire department has for public viewing.
11. Not needed
12. Training involves Fire-EMS staff getting on the floor and working with mannequins and practicing caring for patients. Providing carpet is necessary for this training and will also assist with noise reduction.
13. Not needed
14. Athletic flooring will provide for a better training room floor, less noise from weights hitting concrete, and allow for exercises that are done on the floor.

Deducts Consideration

1. North patio is a provided space for employees to rest, cook, and maintain morale. (Request no deduct)
2. Full view glass provides added security by allowing visibility inside the bays, additional light, public viewing of fire apparatus and EMS units by passing visitors, and tours of the department. (Request no deduct)
3. Non-thermal doors with standard storefront framing will create more heat and cooling loss and should not be deducted. (Request no deduct)

Cost of alternates is \$ 304,764.00.

Total GMP would be \$ 3,093,575

Additional Cost. Site inspection by an engineering firm will be up to \$25,000.00 during construction and will be an additional cost to approve prior to construction.

The GMP does include all CMAR cost for the Fire/EMS portion of the project and TreanorHL's current contract includes up to eight site visits by TreandorHL during construction, review of submittals, and review of the CMAR's pay application requests.

Motion:

On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission authorized the Mayor to sign a contract with McCown Gordon for the guaranteed maximum price of \$ 3,075,249 that reflects the base bid plus the alternates as recommended by the staff with the deletion of item eight.

Aye: Ysusi, Caflisch

Nay: Hayse

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- B. Consider adopting an ordinance amending the subdivision regulations pertaining to procedures for minor subdivisions/replats; amending and repealing the existing subdivision regulations.

On December 7, 2021 the Planning Commission conducted a public hearing to consider a text amendment to Appendix A-Subdivisions of the City Code pertaining to procedures for minor subdivisions/replats. The original purpose of the code modification was to encourage development by streamlining minor modifications to an existing plat without having to go through the entire replating process.

A copy of the suggested modifications were reviewed with the Planning Commission by Anna Krstulic with Stinson LLP who specializes in zoning law. Ms. Krstulic was retained by the City to prepare these modifications to ensure they comply with current State laws. The Planning Commission unanimously recommended the text amendment for consideration by the Governing Body.

Since the Planning Commission, staff has requested some additional minor modifications, such as requiring electronic copies and unstriking "APPENDIX A-SUBDIVISIONS" to ensure it flows with our current code structure.

Ms. Krstulic will be available via conference phone if the Commission has any specific questions.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission accepted the recommendation of the Planning Commission and adopted an ordinance amending the subdivision regulations pertaining to procedures for minor subdivisions/replats; amending and repealing the existing subdivision regulations.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- C. Consider adopting an ordinance modifying the processing procedure for Conditional Use Permits.

On December 7, 2021 the Planning Commission conducted a public hearing to consider a text amendment to Appendix B-Zoning of the City code including, but not limited to Article IX. Processing Procedures for Conditional Uses. The original purpose of the suggested code modification was to clean up the code when dealing with a request for a conditional use permit within an existing structure (such as a home daycare), and to encourage new construction by providing flexibility regarding the level of project details required when applying for

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a conditional use permit. The Zoning Administrator and/or the Planning Commission would have the authority to require additional details when reviewing and considering the conditional use permit. The Planning Commission would also have the authority to add specific conditions to the conditional use permit to address any concerns they may have. Otherwise, these details would be reviewed at the Building Department stage if the conditional use permit was approved.

In addition, the length of time the application was required to be filed prior to the Planning Commission meeting was extended from 20 days to 30 days in order to meet publication requirements.

A copy of the suggested modifications were reviewed with the Planning Commission by the City Attorney. The Planning Commission unanimously recommended the text amendment for consideration by the Governing Body.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission accepted the recommendation of the Planning Commission and adopt an ordinance modifying the processing procedure for Conditional Use Permits.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- D. Consider adopting a resolution setting the date of February 24, 2022 at 5:30 PM for a public hearing to consider condemnation of 317 S. 2nd Street as dangerous and unsafe.

The structure was involved in a fire on October 14, 2021 that extended into the attic space and did substantial damage to the attic space structure, living room and bedrooms.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted a resolution setting the date of February 24, 2022 at 5:30 PM for a public hearing to consider condemnation of 317 S. 2nd Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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VI. REPORTS

A. City Board Minutes

1. October 5, 2021 EDAB
2. November 1, 2021 Park Board
3. November 2, 2021 Planning Commission/Board of Zoning Appeals

B. December 2021 Public Works Report

C. Report on 725 N. Penn Avenue

D. National Flood Insurance Program Community Rating System Field Verification Findings

VII. CITY MANAGER'S COMMENTS

City Manager Passauer reminded the Commission of a Special Meeting on December 29, 2021 at 9:00 a.m. and announced a reception to honor Commissioner Caflisch on January 13, 2022 at 4:45 p.m.

VIII. COMMISSIONERS' COMMENTS

Commissioner Hayse liked the changes being made around the City.

Commissioner Caflisch thought the awards luncheon went well and that City staff enjoyed themselves.

Mayor Ysusi appreciates the job that City staff does.

IX. PUBLIC CONCERNS

None

X. ADJOURNMENT

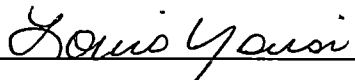
Motion:

Mayor Ysusi moved to adjourn. Commissioner Caflisch seconded.

Aye: Ysusi, Caflisch, Hayse

Nay: None

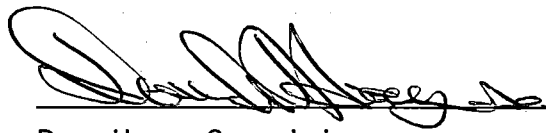
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Louis Ysusi, Mayor

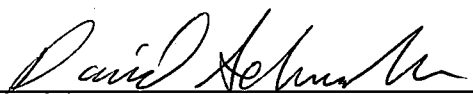


Leonhard Caflisch, Commissioner



Dean Hayse, Commissioner

Attest:



City Clerk/Treasurer