

Minutes of the City Commission's March 24, 2022 Meeting

I. REGULAR SESSION

Commissioners Present: Mayor Dean Hayse, Vice-Mayor Tim Emert, Commissioner Louis Ysusi

City Staff Present: Jeff Chubb, City Attorney; David Cowan, Assistant City Manager; Kelly Passauer, City Manager by phone; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; Brian McHugh, Memorial Hall Supervisor; John Garris, City Engineer/Director of Public Works and Utilities; Lacey Lies, Director of Finance; Jerry Harrison, Chief of Police; April Nutt, Director of Housing Authority; Scott Patton, Park and Zoo Director; Dustin Stafford, Police Officer; Hillary Cook, Police Officer; Derek Bryant, Detective; Raina Gour, Records Clerk; Daniel Bowers, Police Officer; Joseph Gregory, Dispatcher and Mark McCleary, Dispatcher.

Visitors Present: Larry McHugh, Andy Taylor, Brea Sanford, Alan Youngers, Todd Dumler, Jake Oberlechner, Mike Conway, Ray Rothgeb, Andrea Ballard, Hannah Ballard, Charles Ballard, Jim Kelly, Amanda Bryant, Ginger Hill, Ned Stichman and Miranda Bruening.

A. Call to Order

Mayor Hayse 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 Emert, seconded by Commissioner Ysusi the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. PRESENTATIONS

A. Presentation of Meritorious Award to Detective Bryant.

On 2-9-2021 IPD and the State Fire Marshal's Office investigated an arson. The suspect set fire to a house with three people inside. One was

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resuscitated and transported by helicopter for care. During the investigation, Det. Bryant served five search warrants on electronic devices, assisted canine teams, and utilized advanced investigative services with other agencies. Bryant was able to get the suspect to admit to setting the fire. The suspect was charged with aggravated arson and attempted murder.

Detective Bryant was nominated for this award by his fellow detectives and the State Fire Marshal's Office.

For dedicated service and outstanding performance on a major case, Detective Bryant is receiving an Award of Meritorious Conduct.

B. Presentation of Life Saving Award to Officer Cook.

On 2-8-2022 at 7:20 AM, Officer Hilary Cook was working as a dispatcher for IPD Dispatch. She received a call regarding a woman that had fallen and was not breathing. Hilary's years of experience as an EMT and experience in dispatch providing emergency medical dispatch pre-arrival instructions allowed her to respond from memory. Hilary coached the patient's husband through all the steps of providing CPR. Hilary stayed on the line coaching the man until EMS arrived and took over medical care. The woman was flown to a hospital and has since returned home. EMS personnel stated that it is most likely the patient would have died had Hilary not acted so decisively.

For her quick decision and ability to coach CPR in accordance with her training and experience, Officer Hilary Cook is being recognized with a Life Saving Award.

C. Presentation from Four County Mental Health on Programs that utilize the City's Special Alcohol Funds.

The City budgets \$30,000 annually for support of Four County Mental Health's Alcohol and Substance Abuse programs out of the City's Special Alcohol Funds. These funds are distributed to the City from the State from the Liquor Drink Tax collected. The use of these funds is restricted to supporting alcohol and substance abuse programs in the community.

III. CONSENT AGENDA

Motion:

On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission adopted the Consent Agenda.

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Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- A. Consider approving City Commission minutes from January 19, 27, and 28, 2022, and corrected minutes from January 13, 2022.
- B. Consider approving a grant project with Fort Hays State University.

IPD has been selected by the National De-Escalation Training Center (NDTC) of Fort Hays State University (FHSU) to participate as a sub-recipient of their Community Policing Development De-Escalation Training Center grant. The NDTC training model has been approved by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). As a sub-recipient of the grant, IPD will have two instructors trained to teach the De-escalation Principles and Practice training program. This course is a comprehensive, innovative, and evidence-based experiential program for law enforcement. Officers are trained to recognize personality traits to maximize effective communication, recognize active or passive threats, practice verbal judo, and active listening, convey respect, and permit venting to resolve conflict.

The direct benefit to the City is valued at \$11,610 and the grant runs until the end of 2025. The grant provides for two IPD personnel to be trained as instructors, including travel, lodging, and per diem at FHSU for the instructor workshop. It also covers overtime for training department members and marketing of community policing to the community.

As a participant in the grant IPD agrees to train our own officers as well as other officers in the southeast Kansas region. We also agree to report all categories of use of force, complaints, calls for service, and proactive policing activity on a monthly basis from 2016 through 2025. We also agree to report crime statistics for murders, rapes, robberies, aggravated assault, burglary, theft, motor vehicle theft, and arson. IPD began tracking all these statistics in 2016, so the only additional work for us will be to forward the information to the NDTC. The purpose of this monitoring is to demonstrate objectively if the program is successful at reducing the use of force and violent crime in our community.

Parsons Police Department has also been selected to participate and IPD and PPD have already begun collaborating on a training event. Upon completion of the instructor course, we are making plans to train both of our departments, Pittsburg PD, and other SEK law enforcement agencies that

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want to attend our tentatively scheduled class. This is a unique opportunity to strengthen community relationships and reduce the use of force incidents in our communities at no additional cost to our local taxpayers.

IV. ITEMS FOR COMMISSION ACTION

A. Consider an agreement with Rainbow Fireworks for the July 4th Fireworks show.

Jim Kelly will present the options for the 2022 July 4th Fireworks show. The community feedback regarding the show in 2021 was exceptional. Jim requested a quote based on the exact shell count in 2021 and a quote for the 2021 budget amount. Rainbow Firework's quote for the exact shell count increased the cost by \$2,100.00 to \$19,750.00.

City Staff would like to show our appreciation to Jim Kelly for his continued support of the community and his 31 years of fundraising for the fireworks show. 2021 was the first year in 30 years that Jim was unable to fundraise the full amount of the show. 2022 will be Jim's last year fundraising for the fireworks show.

Motion:

On the motion of Commissioner Emert, seconded by Commissioner Ysusi the Commission approved an agreement with Rainbow Fireworks for the 2022 July 4th Fireworks Show in the amount of \$19,750.00.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

B. Consider proclaiming April 2022 as the Lions Club 100 Year Anniversary month.

In April 1922, the Independence Lions Club was started and is among the oldest service clubs in Independence, Kansas. The Independence Lions Club is a big supporter of the community and is actively involved in Kiddy Land, the annual Ham and Bean Feed, New Life Baptist Church clothes closet, Red Cross blood drive, and the annual Neewollah parade.

The Lions Club is asking the City of Independence to proclaim that the Independence Lions Club 100th Anniversary will be celebrated throughout the month of April 2022 in honor of their ongoing, excellent service to the community.

Motion:

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On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission proclaimed April 2022 as the Independence Lions Club's 100th Anniversary month.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

C. Consider Proclaiming April 10-16, 2022 as Telecommunicators' Week.

In 1991 National Public Safety Telecommunicator Week was formally recognized by Congress and is celebrated each year during the second full week of April.

We would like to take this opportunity to introduce new employees working in the 911 center.

Raina Gore started as our new records clerk on 12-27-21. She worked in the restaurant industry in Independence for 18 years before coming to IPD. Her father is a veteran of the US Army and she has lived all over, moving to Kansas with her three kids in 2001. Her husband, Bill Gour is from Canada and has worked at the Independence Public Library for six years.

Joseph Gregory started working in IPD Dispatch on December 27th, 2021. He is a husband and father to three young boys. His family moved to Independence in 2020 when his wife started working as a teacher in Independence Schools. Joseph enjoys traditional karate and CrossFit and is excited to serve his community.

Mark McCleary transferred from Independence Fire-EMS to IPD Dispatch on 9-27-21 after serving as a Firefighter/EMT since 2018. Prior to working for the fire department, Mark served in Montgomery County Dispatch, Caney Police Department, and Coffeyville Police Department. Mark has been in public safety for more than 14 years. Mark and his wife call Coffeyville home.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Emert the Commission authorized April 10th through the 16th of 2022 as Public Safety Telecommunicator Week in Independence in recognition of the commitment to excellence the members of the Independence Police Department 911 Communications Center demonstrate daily in their service to the Independence area.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None

D. Consider awarding the bid for the 1916 City Hall Remodel.

On February 10, 2022 the City Commission approved the final bid documents from Treanor HL with bids due on March 4, 2022. The City Commission then approved extending the bids until March 15, 2022, at 11:00 a.m. to allow the Trade Partners more time to digest the response to questions and eliminate any assumptions in their bid proposals.

On March 22, 2022 the City of Independence received the GMP from McCown Gordon. The GMP is \$7,320,973, which represents an approximate \$900,000 increase from the February 15, 2022 estimate. The increased cost is related to inflation, equipment, labor and materials, mobilization, and rising fuel costs.

City Staff does not recommend taking any of the \$305,947 deductions in the project. City staff will continue to work with McCown Gordon to identify potential cost savings that do not compromise the function, safety, integrity, or longevity of the facility.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized the Mayor to sign a contract with Mccown Gordon for the guaranteed maximum price of \$7,320,973.

Aye: Tim Emert, Louis Ysusi

Nay: Dean Hayse

E. Consider adopting an ordinance establishing regulations for Tiny Houses.

City Staff has been working with the Housing Director and the Planning and Zoning Board regarding tiny houses. The City has received multiple inquiries about tiny houses and if they could be built inside the City limits. City Staff has been working with Stinson LLP to assist us with the changes as requested from the December Planning and Zoning meeting. The goals were to draft an Ordinance that provided the following:

- 1. Tiny houses must be on permanent foundations (Ordinance, Section 1).**
- 2. A tiny house for use by the property owners' family is a permitted accessory use(Ordinance, Section 2).**
- 3. A tiny house for "short term rentals not elsewhere listed" is a conditional accessory use (Ordinance, Section 3). This seemed like**

the best way to accommodate an Airbnb type use. If there are special provisions that the City would like to impose for such use, they can be inserted into Article X of the Zoning Code. There aren't any special provisions listed for Bed and Breakfasts, which is the most similar conditional use.

4. Tiny houses must be constructed and installed in accordance with the then-current version of all applicable codes as adopted by the City (Ordinance, Section 4). If there are any known issues with respect to tiny houses under codes currently adopted by the City, it would be possible to address such issues through an amendment. In addition, the 2018 Edition of the International Residential Code contains an Appendix specific to Tiny Houses. It appears that this Appendix helped resolve issues confronted by cities in applying prior building codes to tiny houses.
5. The revisions to Section 507 allow for a Tiny Houses/PUD. The minimum PUD size is one acre (Section 507.2.d). Permitted dwelling units are determined by doubling the amount of dwelling units that would be calculated if it was a normal residential PUD (Section 507.2.h).

On March 01, 2022, the Planning and Zoning Board reviewed the Ordinance and approved allowing a dwelling 400 square feet in floor area or less on a permanent foundation. Other uses allowed were for a permitted accessory-use for a family member, and for short-term rentals with a conditional use permit. All of the tiny houses, whether permitted or granted under conditional use, must be constructed and installed in accordance with the current versions of all applicable codes as adopted by the City of Independence. The Planning Commission recommended approving the ordinance as prepared with a modification to the Minimum Average Land Area by Unit Type and PUD District table. This modification has been made in the final draft provided to the City Commission.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted an ordinance amending the Independence Zoning Ordinance pertaining to regulations for Tiny Houses.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider placing a temporary barrier around the AT&SF 1050 Steam Locomotive in Riverside Park until a rehabilitation project can be completed.

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In 1952, Atchison, Topeka, and Santa Fe Railroad donated an AT&SF 1050 Prairie Type Steam Locomotive to the City of Independence to be placed in Riverside Park. Since then, it has become a favorite pastime of park patrons to climb into the cab of the train, and on top of the steam drum to take photos. Several generations of Independence citizens have enjoyed watching their children and grandchildren climb and play on the same locomotive that they had when they were young.

Over the past 70 years, the locomotive has deteriorated significantly. Areas have rusted away, leaving holes and jagged edges, especially on top of the steam drum. This has created a safety hazard that I feel we must address by fencing off the train until repairs can be made. Three options for rehabilitation have been compiled for the Commission's review. If approved, the amount of time that the locomotive would remain fenced off will depend on the time required to raise funding for a rehabilitation project.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized the request to erect a temporary barrier around the AT&SF 1050 steam locomotive in Riverside Park until a rehabilitation project can be completed.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider a Request from Brian Bremer to donate property located at 712 East Maple Street to the City with the stipulation that it be developed into a future dog park.**

The City was contacted by Brian Bremer about a vacant lot he owns at 712 E. Maple Street. Mr. Bremer loves animals and would like to donate his property at 712 E. Maple Street to the City of Independence for an additional dog park. Mr. Bremer is willing to donate some labor, materials for fencing and bags for keeping the park clean.

The City staff did visit with Mr. Bremer about our current dog park and he was aware of it and felt an additional park offers a place for the neighborhood and an alternate place if the current park is busy. The staff also visited with him about the land bank and Mr. Bremer was not interested in housing or donating the land for that purpose.

City Staff does not recommend accepting the donation of land. The parcel is

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currently located between two houses and there would be a large expense in developing the dog park and continual maintenance going forward.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission denied the request to accept the donation of land at 712 East Maple Street.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider authorizing an application for FAA Terminal Replacement Grant.

Under the Bipartisan Infrastructure Law, \$5 billion was set aside for terminal work, with not less than 10% of that set aside for smaller airports like Independence Municipal Airport. With help from our consultant, Lochner, and local architect, HB&K, a draft application has been created.

Although the draft indicates a total cost of the project of \$2.7 million (over multiple years) the actual cost to be submitted with the grant is likely to be \$3 million. Other changes in language used in the grant are likely, but are not anticipated to be significant or material.

This particular grant has a very high match rate: if selected for the \$3 million grant, the City would pay only 5%, or \$150,000 to replace the aging terminal with a larger, more energy efficient terminal to better serve the public. \$100,000 had already been budgeted for renovation of the interior of the terminal, so, if awarded, an entirely new terminal could be constructed for only \$50,000 additional cost.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission authorized an application for the FAA Terminal Replacement Grant and for execution of any required documentation for the application.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- I. Consider waiving the ordinance prohibiting food trucks in the Park on April 9, 2022 for the Annual Park Opening.

Park staff is working on the Park Opening sponsored by FORPAZ on April 9, 2022, and would like to allow Food Trucks in the Park during the opening. The current City Ordinance only allows the City Manager to "give

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the privilege of a day to any school, church or association to sell refreshments." We do not believe this includes a private vendor selling refreshments, even though it is part of an association's event. Therefore, we are asking permission from the Commission to waive this requirement on April 9, 2022 for the FORPAZ Park Opening event.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission Approved to waive the Ordinance prohibiting food trucks in the Park on April 9, 2022, for the FORPAZ Park Opening.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

V. REPORTS

A. City Board Minutes

B. City Projects Report

Engineer Garris presented the report.

C. January and February 2022 Sales Tax Reports

VI. CITY MANAGER'S COMMENTS

Assistant City Manager Cowan noted on April 6 the Clerks office will be closed for training.

VII. COMMISSIONERS' COMMENTS

Commissioner Emert commended City staff for the signage on Main Street.

VIII. PUBLIC CONCERNS

None.

IX. EXECUTIVE SESSION

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A. Discussions prior to acquisition of real estate.

On the motion of Mayor Hayse, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for discussion of possible acquisition of real estate for City and public purposes pursuant to the preliminary discussion on acquisition of real estate exception found at K.S.A. 75-4319(b)(6). The open meeting will resume at 7:13 p.m.

Aye: Ysusi, Emert, Hayse

Nay: None

The meeting resumed at 7:13 P.M. with no action taken.

X. ADJOURNMENT

Motion:

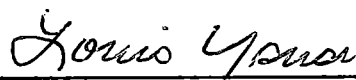
On the motion of Dean Hayse, seconded by Louis Ysusi the Commission Adjourn.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None



Dean A. Hayse, Mayor



Louis Ysusi, Commissioner



Tim Emert, Commissioner

Attest:



City Clerk/Treasurer