

Minutes of the City Commission's April 14, 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; David Schwenker, City Clerk/City Treasurer; Shawn Wallis, Fire/EMS Chief; Brian McHugh, Memorial Hall Supervisor; Lacey Lies, Director of Finance; Jerry Harrison, Chief of Police; April Nutt, Director of Housing Authority and Dustin Stafford, Police Officer.

Visitors Present: Larry McHugh, Brea Sanford, Nijah White, Jeff Ports, Keimara Jones, Madelyn Crawford. Remington Easley, Coop Smith and Hannah Fairbank.

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 Louis Ysusi, seconded by Tim Emert the Commission adopted the agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

II. CONSENT AGENDA

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted the consent agenda.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

A. Consider authorizing the Mayor to remove a member from the Independence Historic Preservation and Research Commission (IHPRC) for non-attendance.

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On March 28, 2022 the IHPRC voted to request that Mary Kathleen Babcock be removed from the board due to non-attendance. This member has not attended any meetings since being appointed on May 27, 2021.

The Commission adopted an ordinance on March 10, 2022 authorizing the Mayor to remove City board members for non-attendance based on the following criteria:

- a. Absence from three consecutive meetings at which a vote can be taken;
or**
- b. Absence during any 12-month period of one-third of the total meetings at which votes can be taken.**

Having a member consistently not participate negatively affects the ability of the board to conduct regular business if a quorum is not present.

- B. Consider approving the parking plan and street closure on April 30, 2022 for the Independence High School Prom.**

Whitney Chism, IHS Prom sponsor, is working with the Independence Police Department on the 2022 Prom at Memorial Hall. Attached is the parking plan for the Prom on April 30, 2022. IHS and the City request that the parking plan be approved to prohibit parking from 4:00 p.m. until approximately 8:30 p.m. on April 30, 2022. The streets to be closed are 5th & Chestnut, alleys in the 200 block of E Chestnut, 6th & Chestnut, 6th & Locust, and Penn & Locust Street.

- C. Consider concrete repair at 217 W. Myrtle Street and request from Farm Bureau.**

The City of Independence utility department repaired a broken water line at 217 W. Myrtle which caused damage to the concrete sidewalk around the meter set and the curb. The cost to repair the damaged sidewalk and curb is \$2,091.03. Farm Bureau has reviewed the sidewalk condition and has decided to visit with their board about replacing the entire sidewalk. If their board elects to replace the sidewalk, they have requested that the City pay \$2,091.03 towards the sidewalk replacement rather than repairing the damaged area as a stand-alone project. If the Commission approves this request, it is recommended that the City's share not be paid until the sidewalk project is complete and passes the City inspection. If their board elects not to replace the sidewalk, the City will complete the repair as originally planned.

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- D. Consider adopting a Resolution establishing the Demolition Cost Share Program.

The purpose of the program is to assist property owners with the demolition cost of blighted structures in Independence. Blight is defined as any structure exhibiting objectively determinable signs of deterioration sufficient to constitute a threat to public health, safety or welfare. **Beautification is one of the City's strategic initiatives. As such, the City budgets \$50,000 each year that is used to remove properties deemed unsound or unsafe through the condemnation process. This program would encourage property owners to take action on their blighted properties whether or not they were in the condemnation process.**

- E. Consider adopting an ordinance modifying the pretreatment section of the City Ordinance.

The Kansas Department of Health and Environment (KDHE) and the US Environmental Protection Agency have reviewed the existing City Ordinance sections related to pretreatment of waste prior to entry into the City of Independence waste collection system for ultimate treatment at the City Wastewater Treatment Plant. The changes are as noted. There is no significant anticipated impact from these technical changes. A public notice is required prior to final EPA approval.

- F. Consider approving a change order with Color-Ad.

This deduct change order is for the Wayfinding sign project with Color-Ad. The change order is for the removal of three signs due to space restrictions found while out marking (V1a, V1b, V2a) as well as changes required by KDOT to modify three V2b signs to the larger V1b signs.

This is a deduct change order of \$11,164.68. If approved the new project cost will be \$328,017.07.

- G. Consider authorizing additional street lighting at the West Laurel Industrial Park.

With the new roadway and additional business traffic anticipated on Hackney Avenue and Enterprise Drive, Evergy has been consulted and the following street lighting configuration has been suggested:

- **10 LED "D" Streetlights from Hackney to the railroad crossing**
- **3 LED "D" Streetlights from the railroad crossing to the Enterprise intersection**

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- **6 LED "D" Lights along Enterprise to the Fed-Ex facility.**

The April 7, 2022 Evergy correspondence that outlines the lighting, responsibilities, and costs is attached.

- H. Consider approving the sale of 309/313 South Cement Street to Class LTD.

SeeKan CDI and the Independence Housing Authority constructed 309/313 South Cement (Lots 3 and 4, and the South 25 feet of Lot 2, Block 1, Chaney's Second Addition, City of Independence, Montgomery County, Kansas) in 1999 using Independence Housing Authority Development Funds and HOME grant funds awarded by Kansas Housing Resources Corporation to SeeKan CDI. As part of the HOME fund program, a 20 year compliance period required the duplex located at 309/313 Cement Street to be rented to low-income disabled or elderly families. The program compliance period has expired and both the Independence Housing Authority Board of Directors and the SeeKan CDI Board of Directors have approved the sale of the property to Class LTD. Since the City of Independence, Kansas holds title to property developed or paid for by the Independence Housing Authority, the City of Independence, Kansas must approve the sale of the property.

- I. Consider amending Resolution 2022-004 establishing Rural Housing Incentive Districts.

The Independence City Commission adopted Resolution 2022-004 at their February 24, 2022 meeting. Upon further understanding of establishing Rural Housing Incentive Districts, the Independence Housing Authority staff recognized two buildings were not included in the Downtown Historic District that needed to be included; 200 ARCO Place and 811 West Laurel Street. In addition, the Independence Housing Authority is recommending removing the Cohen-Esrey Subdivision District, Water Tower East Subdivision District, and Watts Subdivision. Currently, there is no known intent in developing these districts; therefore it is not beneficial to include them at this time. Due to the fact that Resolution 2022-004 had not been published in the Independence Daily Reporter Resolution 2022-004 is to be amended rather than repealed.

- J. Consider authorizing an agreement with Shift-S3ector, LLC to hold a racing event at Independence Municipal Airport on October 8-9, 2022.

Shift-S3ector, LLC has requested use of the Independence Municipal Airport on October 8-9, 2022 for the purpose of holding a racing event. This is a similar request as has been granted in 2020 and 2021. It is felt that this event brings significant exposure to the City as well as providing a revenue opportunity for

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local businesses. While the Operations Plan shows a 2020 date, it is unchanged for the proposed 2022 event.

Textron Aviation has indicated that they find the event acceptable from a business standpoint and that it will not interrupt their planned operations.

III. ITEMS FOR COMMISSION ACTION

- A. Consider proclaiming April 2022 as Child Abuse Prevention Month.**

Samantha Maritt, a supervisor with Kansas Children's Service League, requested the Commission declare the month of April 2022 as Child Abuse Prevention Month. Samantha has provided a proclamation for the Mayor to read publically declaring April as Child Abuse Prevention Month.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission Proclaimed April 2022 as Child Abuse Prevention Month..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- B. Consider proclaiming April 2022 as Fair Housing Month.**

During April 2022, the Independence Housing Authority joins in the national celebration in recognizing April 2022 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 Louis Ysusi, seconded by Tim Emert the Commission authorized the Mayor to sign the attached proclamation declaring April 2022 as Fair Housing Month..

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- C. Consider a request from Jeff Ports representing SCFRC-HW-V LLC (Sonic Drive-In) regarding a request to receive City property taxes back due to an issue with the Neighborhood Revitalization Program.**

The City has been contacted by Jeff Ports representing Sonic Drive-In which is currently listed under the ownership of SCFRC-HW-V LLC. Sonic applied to be part of the Neighborhood Revitalization Program when they constructed the new Sonic. This program is managed by the County. One of the stipulations of the program is that property taxes have to be kept up to date. The property taxes were not paid on time and the County has denied the rebate. The business owner has indicated that the taxes were not paid on time because the County did not send the tax statement to the correct location. City staff has contacted the County to verify this and as of the date of this memo has not received a reply. It should be noted that whatever decision is made would set a precedence for future similar situations.

Below is the section in the Neighborhood Revitalization Plan for the Downtown Area that addresses this situation:

- f. Any taxpayer that is delinquent on a real estate tax payment or special assessment payment on any property located in Independence, Kansas, will not be eligible to participate in the plan that tax year only. Any rebate lost for a specific year due to a delinquent payment cannot be retroactively restored. If a taxpayer cures the delinquency, the taxpayer shall be eligible for tax rebates under the plan in future years. Eligibility for any year shall not cause the term of the plan to be extended.

Motion:

Tim Emert moved to authorize the County to rebate \$5,743.55 in City property taxes to SCFRC-HW-V LLC (Sonic Drive-In) that were not previously rebated as part of the Neighborhood Revitalization Program due to the late payment of property taxes because the applicant indicated that the property tax statement was not sent to the correct address. Louis Ysusi seconded.

Aye: Tim Emert

Nay: Dean Hayse, Louis Ysusi

The Motion failed.

- D. Consider contracting with TUSA as a consultant for the public safety communications project.

On 2-16-22 the City Commission authorized City staff to request proposals for a communication tower and communications system for public safety communications. TUSA is the only firm to submit a proposal. City staff consulted with other public safety agencies that have worked with TUSA and reviewed TUSA's qualifications and references as submitted. City staff

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compared the proposal to the RFP and determined the only item missing from the proposal is seeking and applying for any potential grant support for the project. City staff will handle the grant research and application process. All other requirements of the RFP were covered in TUSA's proposal.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission authorized City staff to contract with TUSA Consulting Services on the public safety communications tower and radio project for Phases 1 and 2.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- E. Consider setting the date for a Public Hearing to consider the condemnation of 1010 W. Myrtle Street as dangerous and unsafe.

The residence at 1010 W. Myrtle was initially started in the condemnation process on June 25, 2020. The residence has changed owners several times and now belongs to Chris Linker. The Building Department last had contact with Chris last year, but we understand he has relocated out of state. There has been no progress or work done on the structure.

The City has made several attempts in the last month to make contact with the owner and a final letter was sent informing him of the Public Hearing date of June 23, 2022 at 5:30 p.m.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted a resolution to set a Public Hearing date to consider the condemnation of 1010 W. Myrtle as dangerous and unsafe on June 23, 2022 at 5:30 p.m.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- F. Consider setting the date for a Public Hearing to consider the condemnation of 1020 W. Myrtle Street as dangerous and unsafe.

The residence at 1020 W. Myrtle was initially started in the condemnation process on June 25, 2020. The residence has changed owners several times and now belongs to Chris Linker. The Building Department last had contact with Chris last year, but we understand he has relocated out of state. There has been no progress or work done on the structure.

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The City has made several attempts in the last month to make contact with the property owner and a final letter was sent informing him of the Public Hearing date of June 23, 2022 at 5:30 p.m.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission adopted a resolution to set a Public Hearing date to consider the condemnation of 1020 W. Myrtle Street as dangerous and unsafe on June 23, 2022 at 5:30 p.m. .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- G. Consider setting the date for a Public Hearing to consider the condemnation of 1102 W. Myrtle Street as dangerous and unsafe.**

The residence located at 1102 West Myrtle was occupied last year and has since become vacated and in disrepair. The residence is unsecured, windows missing, and a large second-story window has fallen into the structure.

Staff recommends setting the date of June 23, 2022 at 5:30 p.m. to consider condemnation of this structure.

Motion:

On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted a resolution to set a Public Hearing date to consider the condemnation of 1102 W. Myrtle Street as dangerous and unsafe on June 23, 2022 at 5:30 p.m. .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

- H. Consider setting the date for a Public Hearing to consider the condemnation of 1809 N. 9th Street as dangerous and unsafe.**

This structure is in blighted condition. The property owner has passed away and unauthorized individuals are trespassing on the property. The City has received numerous complaints from neighbors.

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission adopted a resolution to set a Public Hearing date to consider the condemnation of 1809 N. 9th Street as dangerous and unsafe on June 23, 2022 at 5:30 p.m. .

Aye: Tim Emert, Dean Hayse, Louis Ysusi

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Nay: None

- I. Consider cost deducting items for the 1916 City Hall renovation project.

City staff has been working with McCown Gordon, TreanorHL and contractors on possible cost savings associated with the City Hall renovation. The cost-saving items were:

- 1. (\$18,530) roofing – remove 1960's app bay elastizell and provide tapered ISO in lieu of. The roofing contractor has checked this and approved it.**
- 2. (\$106,550) Otis elevator did an elevator inspection and repairs can be made to the current elevator.**
- 3. (\$11,747) Replacing sliding doors with standard doors.**
- 4. (\$1,395) Changing door hardware**
- 5. (\$5,500) Changing brands of ceiling tile**
- 6. (\$12,300) Changing brands of paint to ProMar 200.**
- 7. (\$91,000) Remove plaster repair on 3rd floor and how we deal with cracks less than 1/16".**

Electrical Options:

- 1. (98,671) Killian Electric package**
- 2. (81,000) Kelley Electric package**

Total deductions with option 1: (\$345,693)

Total deductions with option 2: (\$328,022)

Motion:

On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized City Hall renovation deductions of \$328,022 and place the money in a contingency line item.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

IV. REPORTS

A. City Board Minutes

V. CITY MANAGER'S COMMENTS

City Manager Passauer reported a potential groundbreaking on April 25 for the Fire/EMS building at 10:30 AM. and announced the Clerk's office will close on

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April 26, 2022 for Love Independence Day.

City Manager Passauer wanted to thank Assistant City Manager David Cowan for his outstanding job filling in for her.

VI. COMMISSIONERS' COMMENTS

Commissioner Ysusi inquired about the attendance of Board members and if they are informed of when meetings are taking place.

Mayor Hayse welcomed City Manager Passauer back and thanked David Cowan for a job well done and the citizens who serve on the City Boards for their hard work.

VII. PUBLIC CONCERNS

None

VIII. EXECUTIVE SESSION

A. Discussions prior to acquisition of real estate.

Motion:

On the motion of Dean Hayse, seconded by Tim Emert 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, (KSA 75-4319(b)(6)). The open meeting will resume at 6:42 PM.

Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

The open meeting resumed at 6:42 PM with no action taken.

IX. ADJOURNMENT

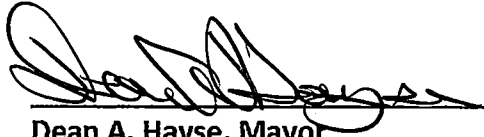
Motion:

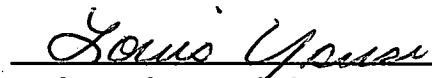
Mayor Hayse moved to adjourn. Commissioner Emert seconded.

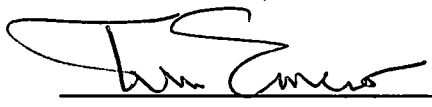
Aye: Tim Emert, Dean Hayse, Louis Ysusi

Nay: None

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Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:



City Clerk/Treasurer