Minutes of the City Commission's April 28, 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; Lacey Lies, Director of Finance; Jerry Harrison, Chief of Police; April Nutt, Director of Housing Authority; John Garris, City Engineer/Director of Public Works and Utilities and Levi Lloyd, Intern.

Visitors Present: Larry McHugh, Nancy Manale, Babs Emert, Miguel Carrinco, Phillip Eastep, Tamisha Sewell. Miranda Breuning, Ned Stichman, Aubree Bainum and Hayden Campbell.

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 with the modification that item "B" be removed from the consent agenda and moved to Items for Commission Action.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

II. PRESENTATIONS

A. Presentation from Tamisha Sewell regarding a childcare facility.

Tamisha Sewell presented to the Economic Development Advisory Board regarding a potential childcare facility. The Economic Development Advisory Board recommended that she present to the City Commission to determine if the Commission had any interest and if so, then they could return the request to the Economic Development Advisory Board for a recommendation.

B. Presentation from AWOL requesting to partner with the City for building improvements.

AWOL is requesting the City partner with them on a 50/50 match of $25,000 each for a building improvement project. They are requesting that this be considered in the 2023 budget. They also request that this not decrease their annual funding for operations or maintenance.

III. CONSENT AGENDA

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission adopted the consent agenda with the modification that item "B" be removed from the consent agenda and moved to Items for Commission Action.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

A. Consider authorizing execution of Sole Bidder Approval Letter for the CDBG portion of the 2022 sewer improvement projects.

On April 19, a single bid was received for the CDBG portion of the 2022 sewer improvement projects, which includes the replacement lift station near the Country Club area. This bid was considered to be responsive and was within 8% of the most recent engineer's estimate for the work.

The bid is still being evaluated, but to secure the $683,000 in CDBG funding, approval of a single bid by the City is required.

A separate RCA will be generated for the final award of this contract.

C. Consider authorizing Bryant & Bryant Const., Inc. to replace the stormwater pipe as part of the Main Street project.

The existing vitreous clay stormwater pipe has failed at the intersection of 8th and Main so the current contractor, Bryant & Bryant Const., Inc. cannot connect to the pipe. TranSystems and Bryant & Bryant have determined the additional quantities required to make the connection. As this is a unit price contract, the pricing for the units of work is already established and this would merely be an additional quantity. The total estimated price is $10,841.

It is not anticipated that City forces could do this work in the timeframe

required without impacting the contractor. As this is a unit price contract, no formal change order is required.

D. Consider authorizing the submission of KDOT Economic Development Grants.

The KDOT Economic Development Grant is a grant accepted on an ongoing basis to help communities with road and rail improvement projects aimed at creating or responding to economic development opportunities within the community.

E. Consider authorizing the purchase of a parking lot northwest of Building D.

The 1916 City Hall renovation project has been approved and as part of that project, Building D will need to be repurposed. Based on the building's square footage and in order to more successfully market the building for another use, the availability of off-street parking will need to be addressed. The parking lot located southeast of Building D is not currently available for purchase. This leaves only the parking lot that is located northwest of Building D on Laurel Street as a possibility to supplement the future off-street parking needs for Building D.

F. Consider rescheduling the July 20, 2022 Special Commission meeting to July 13, 2022 at 9 AM.

The July 20, 2022 Special Commission meeting was set when the 2022 calendar was originally approved by the Commission on December 9, 2021 and subsequently affirmed on January 13, 2022 during Reorganization.

According to the budget timeline presented at the April 20, 2022 Special Commission meeting, we will need to reschedule the July 20, 2022 Special Commission meeting to July 13, 2022 at 9:00 AM to accommodate the budget timeline prepared by the Finance Director.

IV. <u>ITEMS FOR COMMISSION ACTION</u>

B. Consider partnering with the building owner for the construction of an ADA sidewalk and access to Indy Brew Works.

This item was removed from the consent agenda and moved to Items for Commission Action.

Previous City Commission discussions between the owner of the building housing the Indy Brew Works business led to the decision that the City would pay for a portion of the work required to bring the sidewalk into ADA compliance, and the building owner would pay for the other portion. As shown in the attached email the Building Owner has agreed to pay $1,700, which is 20% of the project cost that TranSystems has determined is attributable to the building owner. The email refers to a change order. However, it is more economical to have this work performed under a separate contract.

Motion:
On the motion of Dean Hayse, seconded by Louis Ysusi the Commission agreed to partner with the building owner for the construction of an ADA sidewalk and access to Indy Brew Works up to a maximum of $6,800 for the City's share.

Aye: Dean Hayse, Louis Ysusi
Nay: None

A. Consider proclaiming May 15 - 21, 2022 as Police Week.

In 1962 President John F. Kennedy signed a proclamation designating May 15th as Peace Officers Memorial Day and that week Police Week. National Police Week will be observed from May 15th through the 22nd this year.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission proclaimed May 15th through May 22nd as Police Week in Independence in recognition of the commitment to excellence the members of the Independence Police Department demonstrate every day.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

B. Consider setting the date of July 14, 2022 at 5:30 PM for a Public Hearing to consider the condemnation of 414 South 14th Street as dangerous and unsafe.

On April 08, 2022 the single-family residential structure located at 414 South 14th Street was involved in a fire that extensively damaged the dwelling which is currently not habitable. City Staff recommends setting the date of July 14, 2022 for a Public Hearing to consider condemnation as dangerous and unsafe.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert the Commission set a Public Hearing for July 14, 2022 at 5:30 p.m. to consider the condemnation of 414 South 14th Street as dangerous and unsafe.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

C. Consider Resolutions relating to the CIP and Authorizing the Sale of Bonds.

This resolution amends the previously adopted CIP amounts to provide an additional $500,000 in bonding authority for Facility Improvements included in the City's Capital Improvement Plan. This is needed due to the increase in cost of the City Hall bids, but does not exceed the overall authority established in the resolution.

This Sale Resolution authorizes the City to pursue a sale of General Obligation Bonds for Street and Building & Facility projects authorized in the City's Capital Improvement Plan.

Bond Principal & Interest would generally be paid from the renewed 1% Special Use Sales Tax. 31% was specifically allocated toward debt repayment, 27% for street projects, and 12% for buildings and facilities; additionally, 25% for General Fund support, and 5% for Economic Development.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission adopted Resolution No. 2022-13, amending Resolution No. 2022-06 to provide an additional $500,000 in bonding authority for Facility Improvements included in the City's Capital Improvement Plan.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted Resolution No. 2022-14, authorizing the offering of Series 2022-A Bonds for sale; authorizing the City Manager to award sale of bonds pursuant to stated economic parameters.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

D. Consider a request from Nancy Manela to exceed the sewer cost share maximum for property located at 628 South Park Blvd.

On October 27, 2021 the Commission adopted a resolution modifying the Sewer Cost Share Program. The resolution indicated that the maximum amounts could be exceeded with approval of the City Commission if the applicant is low income and if more than one estimate is received, and if the additional funding is reimbursed to the City pursuant to a signed agreement wherein the property owner consents to an assessment against the property for the extra amount approved, amortized over 10 years at 4% interest per annum. All property owners of record must sign a sewer cost share agreement authorizing the assessment prior to receiving any funding which exceeds the grant maximum as provided herein. Nancy Manela provided City staff with two estimates from Rincks Plumbing ($7,500) and Plumb-Crazy Plumbing ($18,064).

Motion:
On the motion of Dean Hayse, seconded by Louis Ysusi the Commission approved the request for $4,000.00 in additional funds not to exceed a total of $8,000.00 contingent upon Nancy Manela signing a sewer cost share agreement authorizing the assessment against the property amortized over 10 years at 4% annum.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

E. Consider adopting an ordinance establishing a moratorium for the requirement to obtain a conditional use permit for Upper Story Dwellings on the 2nd-floor story and above in the C-3, Central Business District for a period of 24 months from the adoption of the ordinance.

On April 5, 2022 the Planning Commission conducted a public hearing to consider a text amendment to the zoning code relating to dwellings in a C-3, Central Business District. Staff recommended that the permitted and conditional use table be modified to allow upper story housing as a permitted use in the C-3 District. Staff also recommended establishing a definition of "Upper Story Dwelling" as applying to the 2nd-floor story and above, and not including the ground floor or basement. Currently, the permitted and conditional use table does not allow any type of dwelling in structures located in the C-3, Central Business District that is not already grandfathered in without a conditional use permit.

After much discussion, the Planning Commission recommended a moratorium on the requirement to obtain a conditional use permit for Upper Story

Dwellings on the 2nd-floor story and above in the C-3, Central Business District for a period of 24 months from the adoption of the ordinance. After this moratorium period, the Planning Commission will review and determine if a permanent text amendment is recommended.

Motion:
On the motion of Louis Ysusi, seconded by Tim Emert the Commission adopted an ordinance prepared by the City Attorney placing a moratorium on the requirement to obtain a conditional use permit for Upper Story Dwellings on the 2nd-floor story and above in the C-3, Central Business District for a period of 24 months from the adoption of the ordinance.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

F. Consider the revised budget for remodel of the old EMS building for police evidence storage.

The original budget for the evidence remodel of the old EMS building was set at $150,000. The initial cost estimate was about $350,000. City staff worked with the architects to reduce the cost of the schematic budget to $261,615. Due to security reasons and accountability monitoring, Chief Harrison is recommending we add one key card activated lock back into the plan for a cost of $4,500. This will allow the police department to have an electronic log of who entered the building by name, date, and time. This lock will be on the main entrance. The rest of the building will have other security measures that meet KORA exceptions 45-221(a)(12), security of public facilities.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized city staff to move forward on the evidence remodel of the old EMS building..

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

G. Authorize the Purchase of Property Located at 300 N. 8th St.

This request is to acquire the property located at 300 N. 8th Street for the future development of a public parking lot to serve the downtown business district. The availability of off-street parking to serve the downtown has been expressed as a concern by citizens, downtown business owners, and most

recently the Planning Commission. Providing a plan for future additional off-street parking will also support the efforts of the Housing Authority and the City to encourage the development of upper-story housing downtown. Additional parking will also provide more opportunities for employees of downtown businesses to park off-street rather than taking up valuable on-street parking which should be reserved for customers.

Motion:
On the motion of Tim Emert, seconded by Louis Ysusi the Commission authorized the purchase of 300 N. 8th St.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

V. REPORTS

A. Capital Projects and Public Works Report

City Engineer Garris presented a report.

VI. CITY MANAGER'S COMMENTS

The Health Fair is scheduled for June 7, 2022.

VII. COMMISSIONERS' COMMENTS

None.

VIII. PUBLIC CONCERNS

None.

IX. EXECUTIVE SESSION

A. Personnel matters of non-elected personnel.

Motion:
On the motion of Dean Hayse, seconded by Tim Emert the Commission recessed for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception, (KSA75-4319(b)(1). The open meeting will resume at 7:02 p.m. in the Civic

Center of Memorial Hall.

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

The open meeting resumed at 7:02 with no action taken.

X. ADJOURNMENT

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

Aye: Tim Emert, Dean Hayse, Louis Ysusi
Nay: None

Dean A. Hayse, Mayor

Louis Ysusi, Commissioner

Tim Emert, Commissioner

Attest:

City Clerk/Treasurer