

Minutes of the Independence City Commission's January 28, 2021 Meeting

The Independence City Commission met for a regular meeting on January 28, 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
Shawn Wallis, Fire/EMS Chief
Jerry Harrison, Police Chief
John Garris, City Engineer/Director of Public Works and Utilities
Lacey Lies, Director of Finance
April Nutt, Director of Housing Authority
Daniel Bowers, Police Officer
Ken Devore, Memorial Hall Maintenance

Visitors

Larry McHugh
Taina Copeland
Linda Hernandez
Stacy Boyer
Pearl Gilbert
Mark Gilbert
Kurt Seiler
Richard Hoose
David Shatney
Nancy Clubine
Gayle Wallingford
Ron Lawrence
Glenna Lawrence
Anita Atherton
Karen Ferrell
Mike Mantle
Alan Betchan
Kathleen Reynolds
Richard Reynolds
Vivian Cottrell
Tim Raglin
Shawn Turner
Loretta McDiarmid
Mary Vining

Minutes of the Independence City Commission's January 28, 2021 Meeting

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 Cafilich the Commission adopted the agenda with the modification that item "D" be removed from the consent agenda and moved to items for Commission action.

Aye: Ysusi, Cafilich, Hayse

Nay: None

II. PRESENTATION

A. Presentation of Meritorious Award for Police Officer Daniel Bowers and Citizen Copeland Musgrove.

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.)

A. Appropriations

1. A-1881
2. D-2012

B. Consider approving the minutes of the November 12, 2020 City Commission meeting.

C. Consider authorizing the City Manager to sign an agreement with Joanne Smith for public relations services.

D. Consider authorizing Indy Brew Works to utilize the right-of-way on the East side of 8th street on Feb. 13th, March 20th, April 17th, and May 22nd.

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

E. Consider renewal of the EAA lease for five years.

F. Consider authorizing the Mayor to sign the Moderate-Income Housing Agreement

Minutes of the Independence City Commission's January 28, 2021 Meeting

with Kansas Housing Resources Corporation.

- G. Consider authorizing the receipt of bids for a Type I replacement ambulance.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission adopted the consent agenda with the exception of item "D" which was moved to items for Commission action.

Aye: Ysusi, Caflisch, Hayse

Nay: None

IV. ITEMS FOR COMMISSION ACTION

- D. Consider authorizing Indy Brew Works to utilize the right-of-way on the East side of 8th street on Feb. 13th, March 20th, April 17th, and May 22nd.

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

Indy Brew Works is requesting permission to use the right-of-way for a food truck on the following dates. February 13, 2021, March 20, 2021, April 17, 2021 and May 22, 2021. They will use the right-of-way on the East side of 8th street along the side of Indy Brew Works and allow 8th street to stay open for traffic.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorized the Indy Brew Works to utilize the right-of-way on the East side of 8th street on Feb. 13th, March 20th, April 17th, and May 22nd.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- A. Consider authorizing staff to set the date to receive bids for removal of 201 E. Main Street.

City staff is requesting permission to seek bids for the removal of 201 E. Main Street. City Staff is working with structural engineer Patrick Stewart and will be preparing a bid document. We are asking permission to seek bids as soon as the documents are ready.

Minutes of the Independence City Commission's January 28, 2021 Meeting

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission authorized City staff to set the date to receive bids for removal of 201 E. Main Street.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- B. Consider recommendation from the Planning Commission regarding a request to rezone a tract of land from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District at 2313 North Pennsylvania Avenue.

On January 5, 2021 the Planning Commission conducted a public hearing to consider rezoning a tract of land from R-1, Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District at 2313 North Pennsylvania Avenue with conditions. The applicant requested to adjourn the public hearing until the February 2, 2021 Planning Commission meeting to allow them time to file a PUD overlay, as the building they proposed was larger than the maximum 5,000 square foot allowed in a C-1 zone. There was a motion made to adjourn the hearing as requested which died due to a lack of a second. There were several citizens in attendance, all of those that spoke were in opposition to the rezoning. On a 5-2 vote the rezoning request was recommended to be denied.

The Commission has the following options:

1. Approve the recommendation of the Planning Commission (this would be a denial of the zoning request).
2. Disapprove the recommendation of the Planning Commission with a statement specifying the basis for disapproval and such recommendation shall be considered in like manner as that required for the original zoning recommendations returned to the Planning Commission.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission returned the recommendation of the Planning Commission to deny a request to rezone a tract of land from R-1. Large Lot Single-Family Dwelling District to C-1, Neighborhood Business District at 2313 North Pennsylvania Avenue for further consideration regarding clarification of their action taken.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Minutes of the Independence City Commission's January 28, 2021 Meeting

- C. Consider adopting Ordinance 4348 creating the Independence Land Bank pursuant to K.S.A. 12-5901, et seq.

The Independence Housing Authority Board of Directors discussed this at their July 21, 2020 board meeting requesting the IHA Director obtain additional information from area/like sized communities that have a land bank. As well as obtain a copy of the State Statute establishing Land Banks. IHA Director made a presentation to the IHA Board of Directors on August 18, 2020. The IHA Board of Directors approved the funds to establish an Independence Land Bank upon the establishment of the Independence Land Bank by the Independence City Commission. IHA Director made a presentation to the Economic Development Advisory Board on September 1, 2020. The Economic Development Advisory Board voted in support of the establishment of the Independence Land Bank. IHA Director made a presentation concerning the establishment of an Independence Land Bank to the Independence City Commission on September 24, 2020. The Independence City Commission requested City Attorney, Jeff Chubb write an ordinance establishing the Independence Land Bank to be discussed at a future Independence City Commission meeting. Ordinance 4348 was presented at the December 17, 2020 City Commission meeting. The City Commission requested that a proposed Independence Land Bank budget be presented at a future City Commission meeting.

There is no anticipated budget impact. The Independence Housing Authority Board of Directors has committed funds to establish and maintain the Independence Land Bank.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission adopted Ordinance 4348 establishing the Independence Land Bank.

Aye: Ysusi, Caflich, Hayse

Nay: None

- D. Consider authorizing a contract amendment with TranSystems to add the design and inspection of the 2nd and Locust and Westminster Street sewer projects to the contract approved on January 14, 2021 for the 1st and Birch sewer project.

City of Independence is aware of several issues with connections at up to seven houses around the 2nd and Locust area and nine houses around Westminster Street. Shawn Turner will be present to provide the Commission with an update and plan to install a City sanitary sewer system for this area.

Minutes of the Independence City Commission's January 28, 2021 Meeting

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hayse the Commission authorized the Mayor to sign a contract amendment with TranSystems to add the design and inspection of the 2nd and Locust and Westminster Street sewer projects.

Aye: Ysusi, Caflich, Hayse

Nay: None

- E. Consider authorizing the development of Mechanical Codes.

City Staff has developed a plan to invite all current businesses licensed in the City for HVAC to a meeting to establish Mechanical Codes. The attached outline will provide the City's basis to begin enforcing the adopted 2012 IBC Mechanical Code, currently adopted by the City.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission authorized City staff to develop mechanical codes for Commission consideration.

Aye: Ysusi, Caflich, Hayse

Nay: None

- F. Consider adopting a resolution declaring the necessity for street improvements and authorizing a survey.

The City has approved the improvements to the 200-300 block of West Main Street. These improvements require the City to acquire a temporary construction easement and to eliminate the south driveway to meet ADA requirements. City Staff and TranSystems have not been able to get O'Reilly real estate to return our calls. Therefore we need to start the procedures outlined by KDOT to obtain the easement to meet our deadlines for this project.

The first step is to adopt the attached resolution. Once the publication requirement is met, then a Special Meeting will be needed sometime early next week to adopt an ordinance.

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hayse the Commission adopted Resolution 2021-002 and authorize the Mayor the sign

Minutes of the Independence City Commission's January 28, 2021 Meeting

the Resolution.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission scheduled a Special Commission meeting for February 1, 2021 at 9:00 a.m.

Aye: Ysusi, Caflisch, Hayse

Nay: None

G. Consider bids received for Power Factor Correction for Building D.

On September 10, 2020 Evergy presented information regarding a potential power factor reduction that would create efficiencies and ultimately save on future electrical costs for Building D. The Commission subsequently directed staff to pursue a potential power factor reduction for Building D. On December 9, 2020 an RFP was posted on the City website for a Power Factor Correction Analysis for Building D with proposals due by 2 PM, January 7, 2021. The City of Independence received three proposals for Power Factor Correction for Building D which are summarized as follows:

Company	Project Cost	Est. Annual Savings	Payback in Years	Warranty
Managed Energy Systems (110-kvar)	\$ 21,000.00	\$ 7,369.00	2.85	Eliminate power factor "penalty" for 3 years
Semco -- Approach #1 (125-kvar)	\$ 14,800.00	\$ 7,172.00	2.06	5 year warranty on capacitors
Semco -- Approach #2 (40-kvar)	\$ 7,500.00	\$ 4,915.00	1.53	5 year warranty on capacitors
Omniverter (160-kvar)	\$ 41,320.00	Not Stated	Not Stated	12-18 months

Note: The proposal from Omniverter includes options such as harmonic correction, freight to site and commissioning on site. Without these options their proposal was \$28,750.00.

City staff understands that depending on when Phase II of 1916 City Hall and the addition of the Apparatus Building is completed, the City may or may not be responsible for paying the utilities for Building D at the end of the payback period depending on when the facility is vacated and subsequently sold. However, the improvements would benefit whoever the owner is at the end of the payback period and could potentially assist in marketing the facility to others.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorize the Mayor to sign an agreement prepared by the City Attorney for the Power Factor Correction for Building D with Semco for

Approach #1 in the amount of \$14,800.

Aye: Ysusi, Caflisch, Hayse

Nay: None

V. REPORTS

A. TranSystems Update

Shawn Turner presented the following report:

Maple Street:

The Maple Street project area begins at 17th Street and ends at Peter Pan Road. This project received a KDOT Cost Share grant. The project area has been surveyed by our sub-consultant, Cornerstone Survey, and we have begun preliminary design. We have also conducted preliminary design meetings with utilities. The current project schedule follows:

Preliminary Design (30% plans)	March 2021
60% Plans	May 2021
Final Plans	July, 2021
Project Bids	August 2021

Main, 8th to 10th:

This project received a KDOT GI grant. The project is in design, with Field Check Plans being completed. The City is currently obtaining the required easements for the project. The project is scheduled to be bid in June, 2021.

So that the inspection fees are grant eligible (if the final budget allows) the City, with the assistance of KDOT, has advertised for a consultant to provide inspection.

KDHE/CDBG Loan Grant

The loan and grant have been applied for and it is in process. We provided KDHE with additional information recently requested (capital improvement financing plan) The projects to be funded by the grant/loan include:

Basin V, Phase 2-	Previously Designed
Lakeview Lift Station	Previously Designed
Wald Lift Station	

Minutes of the Independence City Commission's January 28, 2021 Meeting

1 st and Birch (new)	Recently Contracted for design. Survey underway
2 nd and Locust (new)	Contract Amendment pending
Westminster (new)	Contract Amendment Pending

West Main and Peter Pan

Start date of project was extended to this spring at the request of the Contractor, Heckert Construction. It is anticipated to start on or about March 15th when asphalt is available.

Whiskey Creek

City did not receive the EDA grant for work near 20th and Sycamore. The clearing work (phase 1 and phase 2) is underway.

ADA

Graham has completed the project with the scope, including all previously executed Change Order.

For the potential Change Order for:

1. East Main Street ADA Parking Stall
2. Parking lot on S Penn
3. NE corner of 14th and Chestnut

Graham has requested that in lieu of a Change Order, that we start a new contract. His reasoning is that the original contract is over 2 years old and his bond for the original amount is still tied up, which impacts his ability to bid work.

We met with Staff and Commissioner Cafilisch at Kiddy land to review proposed improvements to the sidewalks and a potential restroom facility.

B. City Board Minutes

1. November 5, 2020 and November 16, 2020 Economic Development Advisory Board
2. November 9, 2020 Electrical Board Minutes

VI. CITY MANAGER'S COMMENTS

City Manager Passauer gave an update on the North Park Sports Complex.

Assistant City Manager Cowan gave an update on the COVID-19 vaccinations and the closing of 27th Street from Main Street to the alley south of Myrtle.

Minutes of the Independence City Commission's January 28, 2021 Meeting

City Manager Passauer informed the Commission that leaf pickup will resume and the IT position was opened up for applications.

VII. COMMISSIONERS' COMMENTS

Commissioner Hayse commented on the cost analysis of Phase II construction for 1916 City Hall.

Commissioner Caflisch wants to look at ways to market Building D.

VIII. PUBLIC CONCERNS

There were no additional public concerns.

IX. ADJOURNMENT

Motion:

Commissioner Caflisch moved to adjourn. Commissioner Hayse seconded.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Dean Hayse, Commissioner

Minutes of the Independence City Commission's January 28, 2021 Meeting

Attest:

City Clerk/Treasurer