

## Minutes of the Independence City Commission's June 10, 2021 Meeting

The Independence City Commission met for a regular meeting on June 10, 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

Tim Emert, City Attorney  
David Cowan, Assistant City Manager  
Kelly Passauer, City Manager/Zoning Administrator  
David Schwenker, City Clerk/City Treasurer  
Brian McHugh, Memorial Hall Supervisor  
Jerry Harrison, Police Chief  
Shawn Wallis, Fire/EMS Chief  
Lacey Lies, Director of Finance  
April Nutt, Director of Housing Authority

### Visitors

Larry McHugh  
Chuck Goad  
Larry Walker  
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 Caflisch, seconded by Commissioner Hayse the Commission adopted the agenda.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

#### II. EXECUTIVE SESSION

##### A. Data Relating to Financial Affairs or Trade Secrets of Second Parties.

#### **Motion:**

**On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission moved to recess for an executive session concerning confidential data relating to financial affairs and/or trade secrets of a company pursuant to**

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the exception (K.S.A. 75-4319(b)(4)). The open meeting will resume at 5:50 P.M.

**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

The meeting resumed at 5:50 P.M. with no action taken.

### III. APPOINTMENTS

A. Independence Recreation Commission – 1 Opening – Applications due by noon on June 18, 2021.

### IV. 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.)

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission adopted the consent agenda.**

**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

A. Appropriations

1. A-1890
2. D-2016
3. P-1863

B. Consider minutes of the May 13 and 24, 2021 meetings.

C. Consider initiating a public hearing to consider a text amendment to the zoning code to add "Utility substations not elsewhere listed" to the permitted and conditional use table.

D. Consider authorizing a change order to the airport pavement marking contract with Hi-Lite Airfield Services, LLC (Hi-Lite).

E. Consider waiving the fees for using the Civic Center for a public legislative event hosted by the Chamber of Commerce on June 30th, 2021.

F. Consider authorizing City staff to negotiate an agricultural ground lease at the wastewater treatment plant.

G. Consider authorizing the mortgage release for 1903 MacArthur Court.

H. Consider authorizing a purchase and sale agreement to sell 36.1 acres in the West Laurel Industrial Park and any additional related action.

V. ITEMS FOR COMMISSION ACTION

- A. Consider authorizing the City Manager to sign a Greenbush Energy Group Participation Agreement & Hedging Authorization; and an Encore Base Agreement to acquire natural gas.

City staff has been working with Greenbush Energy Group for approximately five years for the acquisition of Natural Gas for Building D and Memorial Hall. This agreement kept the price volatility of February's unprecedented winter storm from having a significant impact on the current budget. However, we have been advised by David Banks who manages the Greenbush Energy Group that no supplier in the mid-continent area will agree to a contract (full requirements) like the Group has had in the past. David Banks has advised that after extensive negotiations, the Greenbush Advisory Committee has recommended the group move forward next year with Encore Energy as their sole natural gas supplier. It should be noted that there has been a substantial change to the negotiated agreement as compared to the previous agreement with Constellation. Current market price increases and additional cost of the new agreement will likely require a 20-25% increase to the heating fuel (natural gas) budget. Previously under this agreement the City's supplier was Constellation. We will be receiving from Encore a Base Agreement for one year as well as a confirmation order based on normalized historic volumes that David Banks indicated that we need to sign and return as soon as possible to avoid an interruption in service.

**Motion:**

**On the motion of Commissioner Cafilisch, seconded by Commissioner Hayse the Commission authorized the City Manager to sign a Greenbush Energy Group Participation Agreement & Hedging Authorization; and an Encore Base Agreement to acquire natural gas.**

**Aye: Ysusi, Cafilisch, Hayse**

**Nay: None**

- B. Consider approval of the Central Business District Commercial Building "CBDCB" grant requests for roof replacements at 101 N. Penn Avenue and 317 North Penn Avenue.

The City received two Central Business District Commercial Building grant requests for 101 N. Penn Ave, owned by George Nicely; and 317 N. Penn Ave, owned by Melvin and Marilyn Deshon. The applications are requesting funding for roof replacements at both locations. The grant committee met on June 2, 2021, with the applicants and reviewed the applications. The main questions were related to the buildings' historical significance and ensuring the application of the roofing material did not damage those areas.

Lacey Lies reported there were grant funds available to cover these requests. The

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committee voted to approve the requests and submit them to the City Commission for their review and consideration.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission approved George Nicely's grant funding request for a roof replacement at 101 N. Penn Avenue in the amount of \$7,500.00.**

**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission approved Melvin and Marilyn DeShon's grant funding request for a roof replacement at 317 N. Penn Avenue in the amount of \$10,271.67.**

**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

### VI. DISCUSSION

- A. Discuss request of Larry Walker regarding a found shotgun.

Chief Harrison reviewed the policy regarding recovered firearms.

- B. Discuss 2022 budget expectations.

Director Lies asked the Commission for their input on the budget.

### VII. REPORTS

- A. City Board Minutes

1. April 26, 2021 Independence Historic Preservation Resource Commission
2. May 19, 2021 Recreation Commission

- B. May 2021 Sales Tax Report

Director Lies reviewed the report.

- C. Reminder of June 16, 2021 Special Commission meeting.

1. Water Plant Master Plan
2. Possible Budget Worksession

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VIII. CITY MANAGER'S COMMENTS

No comments

IX. COMMISSIONERS' COMMENTS

No comments

X. PUBLIC CONCERNS

No concerns

XI. EXECUTIVE SESSION

- A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

**Motion:**

**On the motion of Mayor Ysusi, seconded by Commissioner Hayse the Commission moved to recess for an executive session for consultation with the City's attorney regarding possible litigation pursuant to the attorney client privilege exception (K.S.A. 75-4319(b)(2). The open meeting will resume at 6:47 P.M.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

The meeting resumed at 6:47 P.M. with no action taken.

XII. ADJOURNMENT

**Motion:**

**Mayor Ysusi moved to adjourn. Commissioner Caflisch seconded.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

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Louis Ysusi, Mayor

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Leonhard Caflisch, Commissioner

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Dean Hayse, Commissioner

Attest:

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City Clerk/Treasurer