

Minutes of the Independence City Commission's July 22, 2021 Meeting

The Independence City Commission met for a regular meeting on July 22, 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

Dan Reynolds, City Attorney
David Cowan, Assistant City Manager
Kelly Passauer, City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
Brian McHugh, Memorial Hall Supervisor
Shawn Wallis, Fire/EMS Chief
Lacey Lies, Director of Finance
Tyler Henry, Building Inspector
John Garris, City Engineer/Director of Public Works and Utilities
April Nutt, Director of Housing Authority

Visitors

Larry McHugh
Taina Copeland
Ruth Overfield
Jeri Hopkins
Julie Voelker
Tom Sewell
Chuck Goad
Jim Kelly
Brian Hight
Tabatha Snodgrass
Clayton Kelly

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 Caflisch the Commission adopted the agenda with an additional Executive Session.

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Aye: Ysusi, Cafilisch, 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 Cafilisch 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 the exception (K.S.A. 75-4319(b)(4)). The open meeting will resume at 5:55 P.M.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

The meeting resumed at 5:55 P.M. with no action taken.

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.)

Motion:

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

Aye: Ysusi, Cafilisch, Hayse

Nay: None

A. Appropriations

1. A-1893
2. D-2018
3. P-1866

B. Consider requesting proposals for vending services.

C. Consider authorizing the Mayor to sign a release of temporary construction easement related to the property being sold in the West Laurel Industrial Park for the construction of a distribution facility.

D. Consider authorizing acceptance of an American Rescue Plan Act 2021 grant

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from the Federal Aviation Administration.

- E. Consider authorizing TranSystems to prepare and submit a KDOT Off-System Bridge grant applications for replacement of the Cherry Street Bridge.
- F. Consider approving a Park Event Permit for a "Together as One" event sponsored by multiple churches which includes allowing Rick's BBQ to set up at the park oval as part of the event.
- G. Consider adjoining public hearings for 801 E. Birch and 2009 ½ N. Penn to September 9, 2021 at 5:30 PM.
- H. Consider authorizing the Mayor to sign a request for military aerial support for a flyover on October 30, 2021 for the Neewollah Grand Parade.

IV. PRESENTATION

A. 2022 Budget Presentations:

- 1. Independence Main Street

Tabatha Snodgrass, Brian Hight and Julie Voelker presented the budget request.

- 2. Montgomery County Action Council

Jim Kelly presented the budget request.

- 3. Independence Public Library

Tom Sewell presented the budget request.

V. PUBLIC HEARING

- A. Public hearing to consider condemnation of 505 N. 24th Street as dangerous and unsafe.

The structure was involved in a fire on May 6, 2021, that destroyed the house, and it is uninhabitable. The budget impact would consist of the cost of demolition.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hayse the Commission on the recommendation of the Building Inspector and having declared the building as dangerous and unsafe approved City staff to seek bids for removal of the property.

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Aye: Ysusi, Caflich, Hayse

Nay: None

VI. ITEMS FOR COMMISSION ACTION

- A. Consider a request from Ruth Overfield to purchase her home at 523 E. Cedar Street.

Ruth Overfield is requesting to visit with the Commission about her property located at 523 E. Cedar Street. Ms. Overfield has indicated her house is built on an old landfill and there is creek that runs under the house. She would like to visit with the Commission about purchasing her property and turning it into a bird sanctuary/park.

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hayse the Commission denied the request to purchase the property at 523 E. Cedar Street.

Aye: Ysusi, Caflich, Hayse

Nay: None

- B. Consider authorizing the Mayor to sign an Interlocal Cooperation Agreement between the City and the Independence Area Public Library.

City staff, the City Attorney and the Library Director have worked together to propose an interlocal agreement that will delineate the respective responsibilities about funding of the public library, maintenance of the facility owned by City and the overall relationship between the parties regarding the public library.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission tabled the authorization for the Mayor to sign the agreement between the City of Independence and the Independence Area Public Library.

Aye: Ysusi, Caflich, Hayse

Nay: None

- C. Consider approving the Kiddy Land Restroom design.

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The City of Independence received two options for the Kiddy Land Bathroom from BG Consultants. The Riverside Park Board and staff have reviewed this along with a representative from the Lions Club. They have prepared a cottage-style (gingerbread) bathroom that allows door décor art and/or faux planter boxes near the window decoration. Both drawings provide for a faux chimney which may act as a chase for the bathroom vent pipe. The second option has all the décor elements on the facades directly accessible to the sidewalks, keeping all decor elements where people are supposed to be gathering.

The plan was taken to the Park Board for review, and a representative from Lions Club was also present, and they selected option 2. City Staff has reviewed the options and agreed with option 2. If the Commission agrees, City Staff will instruct BG Consultants to finalize the plan and update cost estimates for bidding on the project.

Motion:

On the motion of Commissioner Cafilich, seconded by Commissioner Hayse the Commission approved option 2 by BG Consultants for the Kiddy Land Bathroom project.

Aye: Ysusi, Cafilich, Hayse

Nay: None

- D. Consider adopting resolutions authorizing financing for projects and authorizing the sale of bonds.

This resolution establishes the following projects as a part of the City's Capital Improvement Plan and establishes the intent to finance all or a portion of the projects with general obligation bonds.

<u>Description</u>	<u>Estimated Cost</u>
<i>Street Improvements</i>	
Maple Street - (KDOT Joint Project)	\$1,041,363
Maple Street – 10 th to 17 th	405,000
Main Street – 8 th to 10 th	744,234
Enterprise Drive Improvements	260,000
Park Blvd – Cottonwood to Parkhurst	500,000
<i>Public Facility Improvements</i>	
Central Park Sports Complex	4,549,403

Bond Principal & Interest would be paid from the renewed 1% Special Use

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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 Commissioner Hayse, seconded by Commissioner Caflich the Commission approved resolution 2021-022 authorizing and providing for improvements included in the multi-year capital improvement plan for the City of Independence, Kansas: and providing for the payment of the costs thereof.

Aye: Ysusi, Caflich, Hayse

Nay: None

- E. Consider recommendation from McCown Gordon to seek bids to address the 1916 City Hall ventilation and water issues.

The City Commission directed staff to have McCown Gordon investigate the continued water infiltration into the basement of City Hall and ventilation of the building. After review, McCown Gordon is recommending implementing a new waterproofing system due to the previous system is at the end of life and water infiltration {30 years}. The waterproofing will require excavating the dirt around the foundation, removing the basement steps, and installing a 3-part waterproofing and foundation drainage system to ensure a waterproof basement. Vance Kelley will be available to review with the Commission the recommendation and answer questions. Vance will also be seeking direction on whether the Construction Manager can proceed with receiving bids or if you wish TreanorHL to prepare the waterproofing bid documents. Either way TreanorHL will work with McCown Gordon and provide submittal reviews and construction contract administration of the proposed waterproofing plan. McCown Gordon did not include architectural services and drawings in the estimated cost.

McCown Gordon and Treanor HL have also submitted a ventilation plan for the building. This system will allow for ventilation of the building, drying out of the masonry and stone in the building. Vance Kelley will be present to review this with the Commission.

The estimated cost of waterproofing and ventilation is \$285,078 and Vance will discuss the overall project cost and funding with the Commission.

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner

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Hayse the Commission approved McCown Gordon to seek bids for the waterproofing and ventilation of 1916 City Hall.

Aye: Ysusi, Caflich, Hayse

Nay: None

- F. Consider adopting Ordinance #4367 authorizing the execution of a loan agreement between the City of Independence and the State of Kansas for the purpose of obtaining a loan in the amount of \$3,776,894 from the Kansas Public Water Supply Loan Fund to finance replacement of certain water lines and installation of AMI meters.

The City has applied and been approved for a Kansas Department of Health and Environment (KDHE) low interest loan for replacement of approximately 6,780 L.F. of cast iron/steel waterlines with 8" PVC and installation of approximately 4,400 AMI meters. The project cost estimate of \$3.8M was provided by PEC, project engineers, and KDHE has approved the loan in the amount not to exceed \$3,776,894. If those cost increase, the loan can be amended. The current interest rate is 1.33%. The maximum term for the loan is 20 years. The annual debt payment would total approximately \$216,000 per year with that amount divided into two semi-annual payments. Payments for this loan are included in the City budget

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission adopted Ordinance #4367, authorizing the execution of a loan agreement between the City of Independence, Kansas and the State of Kansas, acting by and through the Kansas Department of Health and Environment for the purpose of obtaining a loan from the Kansas Public Water Supply Loan Fund for the purpose of financing a public water supply project; establishing a dedicated source of revenue for repayment of such loan; authorizing and approving certain documents in connection therewith; and authorizing certain other actions in connection with the loan agreement.

Aye: Ysusi, Caflich, Hayse

Nay: None

VII. DISCUSSION

- A. Discuss the disposition of a lot on East Myrtle Street adjoining Montgomery County property.

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City Manager Passauer reviewed this item.

VIII. REPORTS

A. Public Works Project Report

City Engineer Garris reviewed the progress of all City projects.

B. City Board Minutes

1. May 3, 2021 Electrical Board
2. May 4, 2021 Economic Development Advisory Board
3. May 19, 2021 Library Board of Trustees
4. June 30, 2021 Recreation Commission

IX. CITY MANAGER'S COMMENTS

City Manager Passauer asked to schedule a pair of upcoming Special Commission Meetings.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission established a Special Commission Meetings on July 26, 2021, at 9:00 A.M. and August 18, 2021 at 9:00 A.M.

Aye: Ysusi, Caflich, Hayse

Nay: None

City Manager Passauer reported the City received two CCLIP Grant awards from KDOT and the City hired a new Park & Zoo Director Scott Patton.

X. COMMISSIONERS' COMMENTS

Commissioner Hayse asked for an update on the sale of Temporary City Hall.

XI. PUBLIC CONCERNS

XII. 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 Caflich the

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Commission moved to recess for an executive session for consultation with an attorney representing the City regarding a legal issue pursuant to the attorney/client privilege exception found at (K.S.A. 75-4319(b)(2). The open meeting will resume at 8:45 P.M.

Aye: Ysusi, Caflich, Hayse

Nay: None

The meeting resumed at 8:45 P.M. with no action taken.

B. Non-elected personnel.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission moved to recess for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception found at (K.S.A. 75-4319(b)(1). The open meeting will resume at 9:02 P.M.

Aye: Ysusi, Caflich, Hayse

Nay: None

The meeting resumed at 9:02 P.M. with no action taken.

XIII. ADJOURNMENT

Motion:

Mayor Ysusi moved to adjourn. Commissioner Caflich seconded.

Aye: Ysusi, Caflich, Hayse

Nay: None

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Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Dean Hayse, Commissioner

Attest:

City Clerk/Treasurer