

Minutes of the Independence City Commission's August 12, 2021 Meeting

The Independence City Commission met for a regular meeting on August 12, 2021, at 5:30 P.M. at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Cafilisch 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
Brian McHugh, Memorial Hall Supervisor
Shawn Wallis, Fire/EMS Chief
Lacey Lies, Director of Finance
John Garris, City Engineer/Director of Public Works and Utilities
Jerry Harrison, Police Chief

Visitors

Larry McHugh
Neil Phillips

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 Cafilisch, seconded by Commissioner Hayse the Commission adopted the agenda with the modification that Item "J" be removed from the consent agenda and moved to items for Commission action.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

II. APPOINTMENTS

A. Economic Development Advisory Board – One Resignation – Applications Due by September 17, 2021

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.)

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Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Cafilich the Commission adopted the consent agenda with the modification that Item "J" be removed from the consent agenda and moved to items for Commission action.

Aye: Ysusi, Cafilich, Hayse

Nay: None

- A. Appropriations
 - 1. A-1894
 - 2. P-1867
 - 3. P-1868
- B. Consider minutes of the June 10, 16 and 24; and July 8, 14, 22 and 26 meetings.
- C. Consider a request for the annual Yona Julian Fun Run on September 11, 2021 at Riverside Park.
- D. Consider a request from the Chamber of Commerce to hold Movie Night in the Park on August 28 and September 25, 2021.
- E. Consider a request from ICC to hold a Student/Staff Social event at Riverside Park on August 13, 2021.
- F. Consider sponsorship for the MCAC Golf Tournament on September 24, 2021.
- G. Consider authorizing the award for the KDOT project on West Main from 8th to 10th.
- H. Consider an ordinance vacating certain lots and easement designations in the West Laurel Industrial Park; and granting and reserving itself certain utility easements.
- I. Consider authorizing City Staff to submit a KDOT Economic Development grant application for replacement of 100 linear feet of Hackney Avenue and installation of two entrance drives on Enterprise Drive and Hackney Ave.
- J. Consider authorizing an engineering HVAC study of Building D to save energy, lower costs, and increase the future marketability of the building.

This item was removed from the consent agenda and moved to items for Commission action.
- K. Consider the following actions:
 - 1. Authorizing the Mayor to sign a Quitclaim Deed for a lot on East Myrtle Street; and
 - 2. Adopting an ordinance vacating a portion of East Myrtle Street.
- L. Consider renewing health insurance with Blue Cross.
- M. Consider a resolution exempting the City from GAAP (Generally Accepted Accounting Principles) requirements.

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- N. Consider approving the First Amendment to the City Manager's Employment Agreement.

IV. PRESENTATIONS

- A. Presentation of the 2020 Audit.

Neil Phillips presented the 2020 audit report of the City's finances.

V. ITEMS FOR COMMISSION ACTION

- J. Consider authorizing an engineering HVAC study of Building D to save energy, lower costs, and increase the future marketability of the building.

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

Building D has HVAC systems that were designed for use as a hospital. Based on a preliminary review by an engineer in preparing the study, it was felt that through a lowering of fan speeds that the overall electricity bill could be dropped without impacting performance of the system. This lowered cost of operations would benefit the City through lowered utility bills. The lowered cost of operation would also likely lead to a more marketable building. Although the size of the savings will not be quantified until completion of the study, in general it would be expected that any costs would have a fairly rapid payback.

PEC has provided a not-to-exceed quote based on hourly rates to perform the study. The City Attorney has reviewed the proposed contract and provided edits which PEC has agreed to.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorized execution of the contract with PEC for \$15,000 to perform the HVAC study on Building D.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- A. Consider adopting a resolution rescinding previous condemnation action for 818 E. Edison Street.

On February 29, 2020 this structure was involved in a fire that did significant damage to a first-floor bedroom, bathroom and kitchen rendering the structure uninhabitable. The condemnation process was initiated and Alisha Florio submitted a timeline and completed the repairs and passed an HQS inspection. The house has since been sold and it was discovered that the condemnation had not been

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released.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted a resolution rescinding previous condemnation action for 818 E. Edison Street.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- B. Consider bid received for the removal of 505 N. 24th Street.

At the July 22, 2021 meeting, the Commission instructed staff to take bids for the immediate removal of 505 N. 24th Street. The City of Independence received one bid and is recommending awarding the bid to JRB Industries, Inc. for \$5,400.00

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission awarded a bid received from JRB Industries, Inc. in the amount of \$5,400.00 to remove the structure at 505 N. 24th.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- C. Consider recommendation to authorize ventilation work for 1916 City Hall.

The City Commission directed McCown Gordon to bring back a proposal for ventilation of 1916 City Hall. Ventilation of 1916 City Hall will help in the water proofing effort by drying out the masonry of the building and moving air through the building. McCown Gordon's proposal for the work is \$44,761.00 and they be available on the phone to answer any questions the Commission may have.

Update on City Hall work:

- Waterproofing – TreanorHL and McCown Gordon continue to work on this and will have a report for the Commission on the 26th of August. The concern is the East interior wall is clay tile and they are working with a structural engineer.
- August 19th – McCown Gordon and TreanorHL will be working with administration on management procedures and final design.
- Sept 1 – Design Development Review and cost with City Staff
- Sept. 9 – Presentation of final design and cost estimates to the City Commission

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Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission authorized ventilation work at 1916 City Hall not to exceed \$44,761.00.

Aye: Ysusi, Caflich, Hayse

Nay: None

D. Consider authorizing acceptance of KDOT City Connecting Link Improvement Program (CCLIP) grants for two projects:

1. Pavement Restoration – Penn Avenue (US 75) from Morningside Drive to North City Limits; and

Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) applications were submitted in March. KDOT has selected both of these projects for funding in state fiscal year 2023 (July 1, 2022 – June 30, 2023).

The following projects were funded:

1. CCLIP Application, Pavement Restoration – Penn Avenue (US 75) from Morningside Drive to North City Limits
 - a. 3” mill, construct 2’ widening with 6” gravel and 4’ asphalt base, then 4” overlay cross section.

Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$505,127.00	\$41,415.60	\$90,971.00	\$132,386.60

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hayse the Commission approved acceptance of KDOT’s CCLIP Pavement Restoration Program funding Penn Avenue (US 75) from Morningside Drive to North City Limits and for execution of any necessary documents required by KDOT.

Aye: Ysusi, Caflich, Hayse

Nay: None

2. Surface Preservation – Chestnut Street (US 75) from near Penn Avenue to 9th Street.
2. CCLIP Application, Surface Preservation – Chestnut Avenue (US 75) from near Penn Avenue to 9th Street.
 - a. 2” mill & overlay; replace non-compliant curb ramps that abut new asphalt.

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Estimated Cost	Estimated City Match – (10%)	Non-Participating Costs	Total City Cost
\$218,829.00	\$16,275.10	\$56,078.00	\$72,353.10

The projects were funded to a maximum KDOT obligation of \$1,000,000 and \$300,000, respectively.

Motion:

On the motion of Commissioner Cafilich, seconded by Commissioner Hayse the Commission approved acceptance of KDOT’s CCLIP Surface Preservation Program for Chestnut Avenue (US 75) from near Penn Avenue to 9th Street. and for execution of any necessary documents required by KDOT.

Aye: Ysusi, Cafilich, Hayse

Nay: None

E. Consider modifying the City’s Supplemental Retirement program.

The Admin Team has been brainstorming ways to encourage tenure and financial planning for our employees. Something that has been mentioned to the Commission previously is expanding our supplemental retirement plan for employees. The purpose of this plan is to encourage employees to save for retirement. KPERS does not provide the same benefit levels to new employees as it did several years ago. Therefore, KPERS is not as attractive as it once was when recruiting and retaining public employees. City staff and the City Commission recognized this, and in 2014 began a supplemental retirement program. The program provided matching levels based on tenure in a supplemental retirement account. The intention was for the City to periodically review the program for needed adjustments to keep the plan current and effective. However, the program has not been modified since it was adopted over seven years ago. Currently 50.5% of City employees are participating which represents 55.6% (\$25,500) of the maximum City match (\$45,900) if all employees participated. The variation between 50.5% and 55.6% is due to different tenure levels.

The current program works as follows:

- City Matching Amounts Per Month
 - 0 – 10 years of service -- \$25
 - 11 – 20 years of service -- \$50
 - 21+ years of service -- \$75
- Vesting Schedule*
 - 0 – 5 years of service – 0%
 - 6 years of service – 20%
 - 7 years of service – 40%
 - 8 years of service – 60%

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- 9 years of service – 80%
- 10 years of service – 100%

*The City's match is placed in a separate account. If the employee leaves City employment prior to their 6th anniversary, then the City retains the matching amount. If the employee leaves City employment on or after their 6th anniversary, then they receive a percentage of the City's match based on their years of service. Once they reach their 10th anniversary, they receive 100% of the City's match.

The Admin Team reviewed two options that modify the City matching amounts per month. Option 1 simply doubles the City's match at the same tenure levels as the current plan, while Option 2 provides additional steps at accelerated tenure levels. The vesting schedule for both options remains the same as the current plan.

- Option 1
 - 0 – 10 years of service -- \$50
 - 11 – 20 years of service -- \$75
 - 21+ years of service -- \$150
- Option 2
 - 0 – 2 years of service -- \$25
 - 3 – 4 years of service -- \$50
 - 5 – 9 years of service -- \$75
 - 10 – 14 years of service -- \$100
 - 15 – 24 years of service -- \$125
 - 25+ years of service -- \$150

The anticipated increased cost to the City for either Option 1 or 2 is estimated at approximately \$35,000 more annually than currently being expended which assumes a 10% increase in participation.

Annual Est. Costs	Current Plan	Option 1		Option 2	
	Current Costs	Estimated Cost	Increase	Estimated Cost	Increase
55.6% of Maximum	\$ 25,500.00	\$ 51,000.00	\$ 25,500.00	\$ 50,666.67	\$ 25,166.67
With Additional 10%		\$ 60,180.00	\$ 34,680.00	\$ 59,786.67	\$ 34,286.67
100% Participation	\$ 45,900.00	\$ 91,800.00	\$ 45,900.00	\$ 91,200.00	\$ 45,300.00

The Admin Team suggests Option 2 as they believe it will help improve tenure by providing opportunities to achieve a higher-level match in a shorter timeframe. The increased cost at the current level of participation would be \$25,166.67 annually, and with a 10% increase in participation it is estimated at \$34,286.67 annually.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Cafilich the Commission authorized modifying the City's supplemental retirement program

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as recommended by City staff.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- F. Consider adopting a resolution amending the Neighborhood Exterior Grant Program.

This program was established in April of 2021 and has been very well received throughout the community. We have received 13 applications representing almost \$164,000 in homeowner investment. The City funded this program with \$50,000 and as the applications began to come in, the Independence Housing Authority agreed to fund the program with an additional \$25,000. Currently, there is a little over \$21,000 in funding available. As the program has been administered, there were a few requirements that city staff saw as an unintended barrier to participation that are asked to be removed. The proposed changes to Resolution 2021-008 are as follows:

The property must be located in a Neighborhood Revitalization District, or
By Montgomery County records be valued at \$100,000 or less, or
By Montgomery County records be rated as an Average Minus or below.

EXCLUSIONS: Any property located in a flood plain.

We are receiving regular inquiries and recently we have had to turn applications down due to the property not being located within a Neighborhood Revitalization District, yet when looking at the applicant's home the improvements are needed. With one of the goals of the program being stabilization of our existing housing stock, it appears we may be too restrictive. According to data received from Montgomery County in March of 2020, Independence has 3,590 single-family houses. Of those 3,590 houses, 1,939 are rated Average Minus or below, or 54%. Making the recommended amendments to the program, will allow a little over 50% of the community property owners to participate as well as be more inclusive of the homes that are in need of restoration. On August 3, 2021, the Economic Development Advisory Board unanimously recommended to approve the proposed changes.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hayse the Commission adopted Resolution 2021-026 prepared by the City Attorney incorporating the proposed changes to the Neighborhood Exterior Grant Program as recommended by the Economic Development Advisory Board.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

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- G. Consider authorizing the installation of electrical service at Celebration Park.

City of Independence was contacted by Don Farthing and the Pride Committee regarding the electrical service at Celebration Park which is owned and maintained by the City. Currently, if power is needed for Christmas decoration, lights, displays, and other activities at the Park, extension cords are used and ran to Bill White Real estate office. The committee would like to install an electrical service at the northwest corner of Celebration Park. All of the supplies and labor have been donated for the installation. The committee asks the City to pay the electrical bill that should be approximately \$35.00 a month.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Cafilich the Commission tabled the installation of electrical service at Celebration Park.

Aye: Ysusi, Cafilich, Hayse

Nay: None

- H. Consider submittal to the County for ARPA Funds.

Director Lies reviewed future projects that are eligible for use with ARPA funds.

Motion:

On the motion of Commissioner Cafilich, seconded by Commissioner Hayse the Commission approved the submittal to the County for ARPA Funds.

Aye: Ysusi, Cafilich, Hayse

Nay: None

VI. REPORTS

- A. July 2021 Sales Tax Report

- B. City Board Minutes

1. January 4, 2021 through June 7, 2021 Park Board
2. May 4, 2021 Planning Commission/Board of Zoning Appeals
3. June 7, 2021 City Recreation Commission Minutes
4. June 16, 2021 Library Board
5. June 6, 2021 Economic Development Advisory Board

VII. CITY MANAGER'S COMMENTS

Assistant City Manager Cowan gave an update on the Whiskey Creek Project.

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City Manager Passauer gave an update on the telephone system at City Hall.

VIII. COMMISSIONERS' COMMENTS

Commissioner Ysusi asked whether the survey for City Hall and 811 W. Laurel was complete.

IX. PUBLIC CONCERNS

None

X. 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 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 7:45 P.M.

Aye: Ysusi, Caflich, Hayse

Nay: None

The meeting resumed at 7:45 P.M. with no action taken.

- B. Data related to financial affairs or trade secrets of second parties.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich 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 8:05 P.M.

Aye: Ysusi, Caflich, Hayse

Nay: None

The meeting resumed at 8:05 P.M. with no action taken.

- C. Personnel matters of non-elected personnel.

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Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch 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 8:25 P.M.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 8:25 P.M. with no action taken.

XI. ADJOURNMENT

Motion:

Mayor Ysusi moved to adjourn. Commissioner Caflisch seconded.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Dean Hayse, Commissioner

Attest:

City Clerk/Treasurer