

Minutes of the Independence City Commission's September 26, 2019 Meeting

The Independence City Commission met for a regular meeting on September 26, 2019 at 5:30 P.M. in the Veterans Room at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Caflisch, and Commissioner Gary Hogsett were present. Others present included:

City Staff

Jeff Chubb, City Attorney
Kelly Passauer, Assistant City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
David Cowan, Director of Safety/ADA Coordinator
Lacey Lies, Director of Finance
Mike Passauer, Public Works Director
Terry Lybarger, Director of Utilities
Shawn Wallis, Fire/EMS Chief
Jerry Harrison, Police Chief
April Nutt, Director of Housing Authority
Barb Beurskens, Park and Zoo Director
Brian McHugh, Memorial Hall Supervisor

Visitors

Sue Scovel
Larry McHugh
Barb Emert
Julie Eisele
Geo Eisele
Eenie Fitzpatrick
Dean Hayse
Jeri Hammerschmidt
Dorcus Sutton
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 Mayor Ysusi, seconded by Commissioner Hogsett the Commission adopted the agenda with the modification that item "G" be added to Items for Commission Action and the addition of an Executive Session under Attorney Client privilege.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

II. APPOINTMENTS

A. Electrical Board – 1 Resignation

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission approved the appointment of Rick Kiister for an unexpired term ending October 1, 2020 to the Electrical Board.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

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-1847

2. D-1907A

3. P-1819

B. Consider minutes of the July 24 and August 6, 2019 meetings.

C. Consider a request to place the ladder truck on Purple Wave.

D. Consider authorizing the use of the Civic Center for the 2nd Annual Celebrate Our Community Potluck dinner on November 17, 2019.

E. Consider a request to block streets for the Chamber of Commerce Trunk or Treat event scheduled for Thursday October 31, 2019.

F. Consider authorizing the police department to purchase a 2019 Dodge Ram from Quality Motors for \$27,336 and trade the current detective's vehicle to Quality Motors for \$3,000.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission adopted the consent agenda.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

IV. ITEMS FOR COMMISSION ACTION

A. Consider ADA improvements at 113 East Myrtle Street.

Director Cowan and Shawn Turner presented the item and noted that the ramp to the building was removed from the original design and added ramps at the alleyway.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission authorized City Staff to do a change order with Graham Construction for ADA ramps and parking stalls at 113 E. Myrtle and the parking lot for \$7,721.55.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- B. Consider an agreement with TranSystems for engineering services for milling and concrete overlay of a portion of West Main Street.

Director Passauer noted that TranSystems is on the list of eligible engineering firms approved by KDOT for this project.

Commissioner Caflisch asked if this was originally an asphalt mill and overlay.

Shawn Turner explained that KDOT would like to see the Peter Pan intersection to be in concrete.

Commissioner Caflisch asked if that would reach the City limits.

Shawn Turner explained that KDOT has allowed \$300,000 for the concrete roadway and the asphalt mill and overlay would cover the difference.

Mayor Ysusi asked about funding options for additional concrete to the City Limits.

Shawn Turner replied that the City could pay for it out of their own funds or apply next year for that under a KDOT program.

Mayor Ysusi asked for an estimate.

Shawn Turner replied that it be around \$100,000.

Commissioner Caflisch asked for an update on the Peter Pan extension.

Shawn Turner noted that the notice to proceed is October 14th.

Mayor Ysusi asked what the estimated time of completion is for this project.

Shawn Turner replied that it was 90 calendar days.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission authorized the mayor to sign an engineering agreement with TranSystems for West Main KLINK project, including clarification of the scope of work that includes milling and overlaying to the west City limits of Main Street.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

- C. Consider conditional use permits for Bed and breakfast; Boarding and rooming houses; and Short term rentals not elsewhere listed at the following locations:
1. Short term rentals not elsewhere listed in a R-3, low density multifamily dwelling district at 305 South 10th Street.
 2. Bed and breakfast in a R-1, large lot single-family dwelling district at 2712 Rolling Green Drive.

George Eisele appeared and was available for any questions the Commissioners may have.

Assistant City Manager Passauer reviewed the City Code.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission accepted the recommendations from the Planning Commission and adopt a resolution approving a conditional use permit for a short term rental in an R-3 zoned district at 305 South 10th Street

Aye: Ysusi, Caflisch, Hogsett
Nay: None

Assistant City Manager Passauer reviewed the application for 2712 Rolling Green and noted that several neighbors opposed this, and the owner has pulled the application.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission denied a conditional use permit for a bed and breakfast at 2712 Rolling Green.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

- D. Consider a resolution adopting an administrative policy to define credit card procedures for city departments and employees.

Commissioner Caflisch asked why there is a separate policy and why isn't it in the procurement policy.

Director Lies replied that procurement is process and this policy deals with how you pay for the items purchased.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission approved a resolution to adopt the formal credit card policy as provided to the Commission with changes mentioned to match the procurement policy.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- E. Consider adopting a resolution to enter into a forgivable loan agreement with Indy Brew Works.

Commissioner Hogsett recused himself from the discussion.

Director Lies presented the resolution and the potential tax revenue that would be generated from this business.

Mayor Ysusi thanked Director Lies for the additional information.

Director Lies added that it is important that the City show their support for this business and it helps the City's image and perception has lots of benefits.

Commissioner Caflisch noted that policies should have been established ahead of time and the Commission should not be binding the Economic Development Advisory Board to this decision.

Director Lies replied that approving this Resolution would neither help nor harm the Economic Development Advisory Board.

Commissioner Caflisch asked why they need the money now.

Director Lies reported that it was to assist them with startup costs.

Commissioner Caflisch noted that the Commission said from the beginning if a program is adopted, they could reapply.

Director Lies asked if the Board takes a year to develop a policy does that mean there will be no incentives for a year.

Commissioner Caflisch stated that would be between the Commission and the Advisory Board.

Motion:

A motion was made by Mayor Ysusi, seconded by Commissioner Caflisch to approve a resolution to enter into a forgivable loan agreement with Indy Brew Works and authorize the \$5,000 loan payment.

Aye: Ysusi
Nay: Caflisch
Abstain: Hogsett

The motion was a split vote and did not pass.

- F. Consider setting the date of November 21, 2019 at 5:30 PM for a public hearing to consider the condemnation of a structure located at 301 Cement Street as dangerous and unsafe.

Director Cowan stated that he has had contact with the owner, and it is their desire to move forward with demolition of the property.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission scheduled a Public Hearing for consideration of Condemnations be set for November 21, 2019 at 5:30 p.m. for 301 Cement Street.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

- G. Consider scheduling a Special Commission Meeting for October 9, 2019 for a site visit to the water plant at 9 AM; and a worksession at Memorial Hall to review Phase II at 10 AM.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission scheduled a Special Commission Meeting for October 9, 2019 for a site visit to the water plant at 9 AM; and a worksession at Memorial Hall to review Phase II at 10 AM.

Aye: Ysusi, Caflisch, Hogsett
Nay: None

V. REPORTS

- A. 223 W. Main Street Update.

Director Cowan reported that Mr. Morrison is focusing on getting the brewery open before addressing the other areas of concern.

Commissioner Caflisch asked if any revised drawings since the drawings were submitted with the building permit.

Director Cowan reported that the only thing he has received is the code footprint.

B. City Board Minutes

1. February 13, 27, and March 13, 2019 Tree Board Minutes.
2. July 22, 2019 Independence Historic Preservation Commission Minutes.

C. Thank you letter from EAA regarding Cody Shamblin, Airport Supervisor.

Mayor Ysusi read a letter from the local EAA chapter thanking Mr. Shamblin for his hard work and professionalism during the Celebration of Flight event held at the airport.

VI. CITY MANAGER'S COMMENTS

None

VII. COMMISSIONERS' COMMENTS

Commissioner Caflisch reported that on Monday at 5:30 PM the American Legion National Director will be here, and the Commissioners were invited to stay for the meal at 6 PM.

VIII. PUBLIC CONCERNS

IX. EXECUTIVE SESSION – ATTORNEY CLIENT

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission moved to recess for an executive session for consultation with the City Attorney regarding a legal issue pursuant to the attorney client privilege exception (K.S.A. 75-4319(b)(2)). In attendance will be the Commission, Assistant City Manager Kelly Passauer, Director of Safety/ADA Coordinator David Cowan, Director of Finance Lacey Lies, Public Works Director Mike Passauer and City Attorney Jeff Chubb. The open meeting will resume at 7:25 P.M.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

X. ADJOURNMENT

Motion:

Mayor Ysusi moved to adjourn. Commissioner Caflisch seconded.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

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Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Gary Hogsett, Commissioner

Attest:

City Clerk/Treasurer