

Minutes of the Independence City Commission's January 9, 2020 Meeting

The Independence City Commission met for a regular meeting on January 9, 2020 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
Mike Passauer, Public Works Director
Terry Lybarger, Director of Utilities
Jerry Harrison, Police Chief
April Nutt, Director of Housing Authority
Shawn Wallis, Fire/EMS Chief
Barb Beurskens, Park and Zoo Director
Ed Sykes, Chief Water Plant Operator
David Cowan, Director of Safety/ADA Coordinator
Brian McHugh, Memorial Hall Supervisor
Lacey Lies, Director of Finance

Visitors

Larry McHugh
Susan Scovel
Andy Taylor
Dean Hayse
Mike Conway
Jerry Bright
Charlotte Caflisch
Kathy Shepard
Harold Baden
Robert Meadows
Jodi Hayse
Michelle Anderson
Rusty Arnold
Carolyn Torrance
Judy Ysusi
Edwin Donaldson
Ron Lawrence
Glenna Lawrence
Charles Barker
Ned Stichman
Tabatha Snodgrass

I. REGULAR SESSION

A. Call to Order

Mayor Ysusi called the meeting to order.

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- 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.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

II. OLD BUSINESS

- A. Appointments
 - 1. Planning Commission/Board of Zoning Appeals -- One Resignation and one additional term expiring (Applications Due January 17, 2020).
 - 2. Tree Board -- Three terms expired (Applications Due January 17, 2020).
- B. Consider minutes of the November 14, 20, December 5, 12, 17, 18, 19, and 20, 2019 meetings.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission approved the minutes.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

III. NEW BUSINESS

- A. Presentation of plaque to Gary Hogsett for his service as City Commissioner from August 2014 to January 2020, and his service as Mayor from February 2016 to January 2017.

Mayor Ysusi presented outgoing Commissioner Hogsett with a plaque and the Commissioners thanked him for his many years of service to the City.

- B. Reorganization of the Commission
 - 1. Oath of Office (Dean Hayse - 4 Year Term, and Louis Ysusi - 2 Year Term)

City Clerk David Schwenker gave the Oath of Office to newly elected Commissioner Dean Hayse and re-elected Commissioner Lois Ysusi.
 - 2. Election of Mayor

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Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hayse the Commission approved the nomination of Commissioner Caflisch as Mayor.

Aye: Ysusi, Caflisch, Hayse

Nay: None

3. Election of Vice Mayor

Motion:

On the motion of Commissioner Ysusi, seconded by Mayor Caflisch the Commission approved the nomination of Commissioner Hayse as Vice Mayor.

Aye: Ysusi, Caflisch, Hayse

Nay: None

4. Designation of Official City Newspaper

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission designated the Independence Daily Reporter as the Official City Newspaper.

Aye: Ysusi, Caflisch, Hayse

Nay: None

5. Designation of Official City Depository

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission designated Community National Bank as the Official City Depository.

Aye: Ysusi, Caflisch, Hayse

Nay: None

6. Consider changing day of week and time for Commission meetings

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted the 2020 City Commission Meeting schedule as previously presented with the deletion of the October 21 and November 18 Special Commission meetings.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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.)

A. Appropriations

1. A-1854

2. P-1826

B. Consider authorizing the abatement of nuisance taxes for 324 S. 17th.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adopted the Consent Agenda.

Aye: Ysusi, Caflisch, Hayse

Nay: None

V. ITEMS FOR COMMISSION ACTION

A. Consider a resolution to rescind condemnation action for the property located at 1701 North 10th Street (Garden Walk Apartments).

Director Cowan reported that the building is repaired, and an occupation license was issued and asked the Commissioners to rescind the condemnation proceedings.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted a resolution rescinding a previous resolution which set a hearing date to consider condemnation of 1701 N. 10th Street; and authorize the release of funds being held for possible demolition of the property.

Aye: Ysusi, Caflisch, Hayse

Nay: None

B. Consider a proclamation declaring January 19, 2020 as Dr. Martin Luther King, Jr. Commemoration Day.

Kathy Shepherd asked the City Commission to adopt the proclamation in honor of Dr. Martin Luther King and invited the Commissioners to join the celebration on January 19th.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission proclaimed January 19, 2020 as Dr. Martin Luther King, Jr. Commemoration Day and authorized the Mayor to sign the proclamation.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Mayor Caflisch read the proclamation.

- C. Consider Change Order #3 for \$20,610.70 for the 1916 City Hall Phase I project regarding additional needed roof repairs.

Mayor Caflisch noted that this was discussed at the last Commission meeting and asked the Commissioners if they had any questions.

Commissioner Ysusi and Commissioner Hayse replied they have none and the work is necessary.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission approve Change Order #3 for \$20,610.70 for the 1916 City Hall Phase I project regarding additional needed roof repairs.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- D. Consider updating the Sewer Cost Share Program.

Director Lybarger noted the increase cost in sewer repairs and felt that this is a good time to look at increasing the City's portion of the refunding costs.

Mayor Caflisch noticed that the original proposal only identified two basins that would be eligible and asked if this proposal would open it up citywide.

Director Lybarger noted that the program had already been opened to citywide but, the language in the proposal had never been changed.

Mayor Caflisch noted that the application of the program has wording leading to an understanding of residential but does not say it is not applicable to commercial property and asked if it is open to all property.

Director Lybarger believed that commercial buildings had been reimbursed in the

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past, but the program is geared more for residential buildings.

Mayor Caflisch asked if the program is open to rental property.

Director Lybarger reported that it is but the income guidelines are based on the landlord's income not the renter.

Commissioner Hayse noted that the program originated in 2004 and asked if that was the time frame of the original study.

Director Lybarger replied that the study was performed a few years before the program started.

Commissioner Hayse asked if a review of the cost program has been done since 2004.

Director Lybarger replied that no review had been done before now.

Commissioner Hayse asked how often the program should be reviewed.

Director Lybarger replied that the program should be reviewed every two to three years.

Commissioner Hayse asked how you measure the effectiveness of implementation of the program.

Director Lybarger replied that it is hard to measure until a new study is performed and he would be asking the Commission to approve a new study soon.

Mayor Caflisch asked if we should be devoting more to repair the sewer lines, than retaining money for a study.

Director Lybarger thought it would be a money well spent to send a camera into the sewer lines to determine the condition of those lines.

Mayor Caflisch asked if smoke testing something that City employees could perform or would that require a consultant.

Director Lybarger stated that his employees could do most of it but, having enough staff to go around is the issue.

Commissioner Hayse noted that most of the money budgeted for the program had been unspent.

Director Lybarger noted that those funds were budgeted for televising and smoke testing and his staff has been busy working on Basin Five.

Commissioner Hayse stated that it might be worthy to consider how those monies

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might be distributed from year to year, depending on how many applications are received and how much work can be accomplished.

Mayor Caflisch added that the City could separate the testing as a separate project.

Commissioner Hayse suggested that the application be simplified and review at some point in the next six months the maximum amount allowed per application.

Mayor Caflisch noted that the item can be tabled if there are specific changes or questions the Commissioners would like to make.

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission tabled the action to approve the updated sewer cost share program resolution until the next City Commission meeting.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- E. Consider scheduling a work session on February 19, 2020 at 9 AM to review the scope of work for Phase II of the Water Treatment Plant project.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission approved to schedule a work session on February 19, 2020 at 9 AM to review the scope of work for Phase II of the Water Treatment Plant project.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- F. Consider authorizing the revised 5-year CIP for the Independence Municipal Airport to be submitted to the FAA.

Commissioner Hayse inquired if there were additional costs associated with the revisions.

Mike Conway stated that the costs were the same and the FAA suggested different timelines for the projects and combining some projects.

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized City staff to sign the revised 5-year CIP for the Independence Municipal Airport and submit it to the FAA.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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VI. REPORTS

A. 223 W. Main Street Update.

Director Cowan reported that the State Fire Marshall rejected the plans for 223 W. Main.

Commissioner Ysusi asked what the next step will be.

Mayor Caflich replied that the items identified in the fire safety prevention plan need to be addressed.

Commissioner Ysusi asked if the City had received the updated plans.

Director Cowan replied that they had received the plans, but it was rejected by the State Fire Marshall.

Commissioner Hayse asked if the drawings were updated.

Mayor Caflich replied that we need the drawings that were received to note what action needs to be taken to correct what is in place.

VII. CITY MANAGER'S COMMENTS

A. Reminder of Planning Retreat on January 15, 2020 starting at 8 AM at the Independence Country Club.

Assistant City Manager Passauer reminded the Commissioners of the Planning Retreat scheduled for January 15, 2020 at 8 AM.

B. January 28, 2020 is the 106th Annual Chamber Meeting and Banquet at the Civic Center starting at 5:30 p.m.

VIII. COMMISSIONERS' COMMENTS

Commissioner Hayse replied that he is excited to be part of the Commission and is looking forward to getting work done.

IX. PUBLIC CONCERNS

X. EXECUTIVE SESSION

A. For consultation with the City Attorney regarding a legal issue pursuant to the attorney client privilege exception (KSA75-4319 (b)(2)). Terry Lybarger, myself, David Cowan and Jeff Chubb.

Motion:

On the motion of Mayor Caflich, seconded by Commissioner Ysusi the

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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, Terry Lybarger, Kelly Passauer, David Cowan and Jeff Chubb. The open meeting will resume at 7:00 P.M.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 7:00 P.M.

Motion:

On the motion of Mayor Caflisch, seconded by Commissioner Hayse 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, Terry Lybarger, Kelly Passauer, David Cowan and Jeff Chubb. The open meeting will resume at 7:10 P.M.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 7:10 P.M. with no action taken.

- B. For the purpose of reviewing and considering City Manager applications. 7:10 to 7:25 P.M.

Motion:

On the motion of Mayor Caflisch, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for review and discussion of City Manager applications pursuant to the non-elected personnel exception (K.S.A. 75-4319(b)(1)). The open meeting will resume at 7:25 P.M.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 7:25 P.M. with no action taken.

XI. ADJOURNMENT

Motion:

Commissioner Hayse moved to adjourn. Commissioner Ysusi seconded.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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Leonhard Caflich, Mayor

Louis Ysusi, Commissioner

Dean Hayse, Commissioner

Attest:

City Clerk/Treasurer