

## Minutes of the Independence City Commission's May 28, 2020 Meeting

The Independence City Commission met for a regular meeting on May 28, 2020 at 5:30 P.M. at the Memorial Hall. Mayor Leonhard Caflisch, Commissioner Louis Ysusi and Commissioner Dean Hayse 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  
Mike Passauer, Public Works Director  
Brian McHugh, Memorial Hall Supervisor  
Lacey Lies, Director of Finance  
Jerry Harrison, Police Chief  
April Nutt, Director of Housing Authority  
Dustin Stafford, Police Officer  
Ty Lupardus, Police Officer  
Daniel Bowers, Police Officer  
John Anderson, Police Officer

### Visitors

Larry McHugh  
Lisa Wilson  
Patrick Conway  
Lori Kelley  
Tabatha Snodgrass  
Tom Sewell by phone  
Jeri Hopkins by phone

#### I. REGULAR SESSION

##### A. Call to Order

Mayor Caflisch 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 Ysusi, seconded by Commissioner Hayse the Commission adopted the agenda.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

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### II. PRESENTATIONS

- A. Friend of Education Award Presentation to Officer Dustin Stafford.

Chief Harrison presented the award.

- B. Meritorious Conduct Award Presentation for Conspicuous Bravery to Officers Ty Lupardus, Daniel Bowers, and John Anderson.

Chief Harrison presented the award.

- C. Presentation of Independence Public Library Budget.

Tom Sewell and Jeri Hopkins presented the Library budget by phone.

### III. PUBLIC HEARING

- A. Public hearing to consider condemnation of a structure located at 818 E. Edison Street as dangerous and unsafe.

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 owner has been diligently pursuing repairs and we anticipate completion of those repairs by July 23, 2020.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adjourned the Public Hearing for 818 E. Edison Street until July 23, 2020 at 5:30 p.m.**

**Aye: Ysusi, Caflich, 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-1863

2. D-2004

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3. P-1836
- B. Consider minutes of the following City Commission meetings:
  1. February 6, 2020 Regular Commission Meeting
  2. February 6, 2020 Special Commission Meeting
  3. February 10, 2020 Special Commission Meeting
  4. February 19, 2020 Special Commission Meeting
  5. February 20, 2020 Special Commission Meeting
  6. February 27, 2020 Regular Commission Meeting
- C. Consider adopting an ordinance assessing nuisance costs for mowing.

**Motion:**

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

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

V. ITEMS FOR COMMISSION ACTION

- A. Consider setting the date of July 23, 2020 for public hearings to consider condemnation of the following structures as dangerous and unsafe:
  1. 1516 W. Laurel Street

The structure was involved in a fire on May 9, 2020, that destroyed the house, and the house is not habitable. This property is currently being rented to own, and neither party had insurance coverage of the property. The purchaser has informed the City they would begin working to clean up the property but did not know how much of the cleanup they would be able to complete.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission set the date of July 23, 2020, at 5:30 p.m. for a public hearing to consider condemnation of the back residential structure of 1516 W. Laurel Street.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

2. 2009 1/2 N. Penn Avenue

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The structure was involved in a fire on May 14, 2020, that destroyed the interior of the house and the house is not inhabitable. The owner of this property resides in Oklahoma City, Ok. and the house is insured.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission set the date of July 23, 2020, at 5:30 p.m. for a public hearing to consider condemnation of the back residential structure of 2009 ½ N. Penn Ave.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- B. Consider ordinances and a resolution modifying the Residential Dumpster Program.

The City operates a Residential Dumpster Program, where residents within the City of Independence can rent 8-yard dumpsters for a significantly reduced cost. The City would like to simplify the rental process and increase the cost of the program to \$75 to be more in line with the operating costs to the City.

Rental Type	Previous Cost	New Cost
Resident/Tenant	\$40	\$75
Landlord	\$150	\$75

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adopted the attached ordinances and resolution modifying the Residential Dumpster Program.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- C. Consider a request from Montgomery County to allow work on City property to relocate the entrance to the ballfields on South 10<sup>th</sup> Street 180' south.

The project would require moving the entrance to the ballfields south 180'. The reason for relocating the entrance is due to the narrow roadway where the entrance currently exists. It is believed this project will make this area safer for vehicular traffic.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the**

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**Commission authorized allowing work on City property to relocate the entrance to the ballfields on South 10th Street 180' south as requested by Montgomery County.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- D. Consider a recommendation from the Planning Commission to approve a conditional use permit for a communication tower in a C-2, commercial services district at 1101 East Main Street.

The Planning Commission held a public hearing on May 5, 2020 to consider a request for a conditional use permit for a communication tower in a C-2, commercial services district at 1101 E. Main Street. The Planning Commission recommended approval.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized the Mayor to sign the attached resolution to grant a conditional use permit for a communication tower in a C-2, commercial services district at 1101 E. Main Street.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- E. Consider a request for assistance for ADA repairs by the Episcopal Church.

The City of Independence was contacted by the Episcopal Church related to an ADA issue with the sidewalk crossing the alley by their parking lot. The Episcopal Church is asking that the sidewalk be repaired to assist those parking in the parking lot and attempting to get into the church. They are estimating 350 people use the building for various meetings and church services. They are also asking if the city would also consider reimbursing half of the cost, they have already expended repairing the sidewalks at the church.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission approved making a commitment of \$1,713 to make improvements to the alley sidewalk at the Episcopal Church.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

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- F. Consider authorizing pursuing an EDA grant for Whiskey Creek drainage improvements in the area of Sycamore and 20<sup>th</sup> Streets.

City staff has been working with the Southeast Kansas Regional Planning Commission on a possible EDA grant for drainage improvements in the area of 20<sup>th</sup> and Sycamore. Part of the process is the requirement to solicit qualifications for engineering services, then once an engineering firm is selected an application can be prepared along with an official cost estimate and preliminary engineering report.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized City staff to pursue and apply for an EDA grant for Whiskey Creek drainage improvements in the area of Sycamore and 20th Streets.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- G. Consider adopting an ordinance adding exemptions to the Systems Development Charge.

Previously the Commission has asked staff to review the Systems Development Charge (SDC) as it relates to non-profits, particularly those who assist lower income persons or families. The attached ordinance allows exemptions if the end user is any 501(c)(3) entity, any nonprofit entity, any governmental entity, or any person or family verified as low income. The standard to determine whether a person or family qualifies would be the current HUD income guidelines for low income.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized the Mayor to sign the ordinance adding exemptions to the Systems Development Charge.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

## VI. DISCUSSION

- A. Discussion regarding scheduling a special meeting to discuss expanding the sale at retail of cereal malt beverage and alcoholic liquor on Sundays.

The Commission scheduled a special meeting for July 14, 2020 at 6:00 P.M.

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- B. Discussion regarding scheduling a special meeting to discuss renewing the special use sales tax.

The Commission scheduled a special meeting for June 3, 2020 at 9:00 A.M.

- C. Discussion regarding scheduling a special meeting to discuss Phase II of 1916 City Hall renovations.

The Commission scheduled a special meeting for June 29 or 30, 2020 at 9:00 A.M.

### VII. REPORTS

- A. 2020 Census Update

Acting City Manager Passauer gave an update.

- B. Wayfinding Signage Design Update

Lori Kelley gave an update on this project.

### VIII. CITY MANAGER'S COMMENTS

Director Lies gave a report on sales tax.

Acting City Manager Passauer gave an update on the Peter Pan Road drainage work and an update on a CDBG grant.

Chief Harrison gave an update on the Police operational audit.

Acting City Manager Passauer asked for guidance on condemnations.

The Commission decided to proceed and would table demolitions if the financial picture takes a downward turn.

### IX. COMMISSIONERS' COMMENTS

Commissioner Hayse would like to encourage everyone to take care of themselves during this pandemic.

### X. PUBLIC CONCERNS

None

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XI. EXECUTIVE SESSION

A. For the purpose of reviewing and considering City Manager applications.

**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 7:45 P.M.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

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

XII. ADJOURNMENT

**Motion:**

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

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

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Leonhard Caflisch, Mayor

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Louis Ysusi, Commissioner

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Dean Hayse, Commissioner

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Attest:

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City Clerk/Treasurer