

Minutes of the Independence City Commission's August 13, 2020 Meeting

The Independence City Commission met for a regular meeting on February 6, 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
Lacey Lies, Director of Finance
Mike Passauer, Public Works Director
Shawn Wallis, Fire/EMS Chief
April Nutt, Director of Housing Authority
David Cowan, Director of Safety/ADA Coordinator
Barb Beurskens, Park and Zoo Director
Brian McHugh, Memorial Hall Supervisor

Visitors

Larry McHugh
Taina Copeland
Jerry Bright
Jeri Hopkins
Carolyn Torrance
Ned Stichman
Brent Julian
Kathy Shepard
Beth Prezal
Trisha Purdon
Shawn Yurner
Anthony Vaughan
Doug Stacy
Christy Mavers
Brian Williams
Kyle Spielbusch 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

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Motion:

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

Aye: Ysusi, Caflisch, Hayse

Nay: None

II. APPOINTMENTS

- A. Tree Board – Two terms expired (One eligible for reappointment)

Motion:

On the motion of Mayor Caflisch, seconded by Commissioner Ysusi the Commission reappointed Twylia Hawthorne and appointed Tim Haynes to the Tree Board.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- B. Housing Authority – One resignation – Unexpired term ends April 11, 2023 – Applications Due by 5 PM, September 4, 2020
- C. Plumbing Board – One term expired

Motion:

On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission reappointed Paul Lemon to the Plumbing Board.

Aye: Ysusi, Caflisch, Hayse

Nay: None

III. PRESENTATIONS

- A. Presentation by Labette Health regarding the final update on the 2016 Economic Development Grant, and a request for funds to expand the Independence Health Care Center.

Brian Williams made a presentation.

- B. Presentation of the 2019 Audit.

Kyle Spielbusch from Jarred, Gilmore and Phillips presented the audit.

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- C. Presentation from MCAC regarding 2021 Funding Request.

Trisha Purdon made a presentation.

Motion:

On the motion of Mayor Caflich, seconded by Commissioner Ysusi the Commission recessed for a five-minute break.

Aye: Ysusi, Caflich, Hayse

Nay: None

The meeting resumed at 6:46 P.M.

IV. PUBLIC HEARINGS

- A. Public Hearing to consider adopting the 2021 Budget as proposed.

Director Lies presented the budget.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission approved the 2021 budget as presented.

Aye: Ysusi, Caflich, Hayse

Nay: None

- B. Public hearing to consider authorizing the Mayor to required documentation for the submission of a grant request with Kansas Department of Agriculture to request a USDA Rural Development Grant for \$50,000 to purchase crucial public safety equipment.

The USDA recently announced that they had \$150 million - \$2.7 million for Kansas alone – in grants available through the Community Facilities Program to help rural communities continue their recovery from the devastating effects of natural disasters. This grant is available for Rural Community Infrastructure & Equipment. The City of Independence hopes to purchase two new cardiac monitors, two new SCBA replacements, and one police vehicle (including up-fitting). Currently, two Fire-EMS vehicles have cardiac monitors that will be considered outdated and out of compliance on January 1, 2021. Replacing the monitors is required by law. The SCBA equipment that would be replaced is from 1997. The typical life of this equipment is 15 years and requires replacement in 2020 to maintain the safety of Fire-EMS personnel and the public. The police vehicle in need of replacement has significantly higher maintenance costs than other vehicles in the fleet and is often out of service for repairs. Replacing the requested equipment will

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reduce costs associated with maintenance, improve quality, and reduce incidents associated with old or faulty equipment, providing better public safety to our community. City staff, along with the help of USD 446 high school student Lux Wright, has submitted preapplication documents and received notification of eligibility for the requested funding. The next steps are to submit the attached application documentation for further review.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized the Mayor to sign all required forms and for City staff to submit all application documents, and any related documents to the USDA for consideration.

Aye: Ysusi, Caflisch, Hayse

Nay: None

V. 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-1868
 - 2. D-2006
 - 3. P-1841
- B. Consider minutes of the March 31, April 2, April 9, April 23, and May 1, 2020 meetings.
- C. Consider authorizing the Mayor to sign joint letters with the Planning Commission thanking recent past members.
- D. Consider partnering with the Chamber for the KAN-OKLA 100-Mile Highway Sale on Friday, September 11th and Saturday, September 12th, 2020.
- E. Consider adopting an ordinance dealing with the disposal of abandoned or unclaimed property.

Motion:

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

Aye: Ysusi, Caflisch, Hayse

Nay: None

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Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission agreed to move the discussion item for the Independence Recreation Commission to the next item of business.

Aye: Ysusi, Caflisch, Hayse

Nay: None

VI. DISCUSSION

- A. Discuss a request from the Independence Recreation Commission for assistance and guidance on repairing flood damage to the ballfield electrical system.

Director Brent Julian presented a timeline of the events.

The Commission decided to get proposals for an engineering study to get a picture of the deficiencies that would need to be addressed.

VII. ITEMS FOR COMMISSION ACTION

- A. Consider a request from the Library for approval of renovations relating to COVID-19 protection.

The Library is requesting to make modifications to the library, which is a City owned building, to protect the staff and patrons from COVID-19.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized renovations to the Independence Public Library relating to COVID-19 protection contingent upon compliance with fire safety regulation NFPA-13.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- B. Consider a resolution authorizing the abatement of unhealthy and unsafe exterior conditions at 414 South Wald Avenue; and consider a resolution setting the date of September 24, 2020 at 5:30 PM for a public hearing to consider condemnation of a structure located at 414 South Wald Avenue as dangerous and unsafe.

Code Enforcement Officer Musgrove found abatement issues and damage to a structure at 414 S. Wald Ave. Contact was made with Paulette Hasen, and she indicated she was doing a rent to own with Damone Hatch, who resides at 418 S. Wald Ave. Contact was made with Damone; he stated he made a garage and was working on vehicles in the living room of the house. A stop-work order was issued,

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and Mr. Hatch was informed that he would need to apply for the proper permits through the owner of the residence and that he needed to clean up the debris.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted a resolution authorizing abatement of unhealthy and unsafe exterior conditions at 414 S. Wald Ave Street and setting the date of September 27, 2020, at 5:30 p.m. for a public hearing to consider condemnation as dangerous and unsafe.

Aye: Ysusi, Caflich, Hayse

Nay: None

- C. Consider adopting a resolution authorizing and providing for the calling of a special question election in the City of Independence, Kansas, for the purpose of submitting to the electors of the City the question of imposing a one percent (1%) City-wide retailers' sales tax; and providing for the giving of notice of said election.

On August 10, 2020 the City Commission provided direction to move forward with the ballot language for the November 3, 2020 election with modifications as recommended by staff and percentages assigned by the Commission. After the meeting, the City Attorney recommended removing the word "required" in regard to "related ADA improvements" which the bond attorney had no issue with. In addition, a question was asked regarding whether a project that was contracted for could be paid out of debt repayment if it is not financed. The bond attorney suggested modified language on item b) which is included along with the other modifications that are highlighted as follows:

DRAFT November 3, 2020 Language:

Shall the City of Independence, Kansas, be authorized, pursuant to the authority of K.S.A. 12-187 et seq., to impose a special purpose one percent (1%) Citywide retailers' sales tax, the revenues to be derived therefrom to be used for the purpose of financing the costs of the following and related expenditures:

- a) 0.25% for *continued* mill levy support;
- b) 0.31% for payment of contractual obligations for, or debt repayment, including repayment of general obligation bonds of the City financings issued or to be issued to pay the costs of, previous or future improvements including but not limited to streets, sidewalks, buildings, facilities, equipment, and ~~required~~ related ADA improvements;
- c) 0.12% for equipment, building and facility improvements, including but not limited to Riverside Park and Ralph Mitchell Zoo; Riverside Beach Family Aquatic Center; neighborhood parks; ballfields, and other recreational facilities; Public Safety including Police and Fire/EMS; City Hall; Library; Public Works; ~~required~~ related ADA improvements; and City government technology and communications infrastructure;

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- d) **0.27%** for street and sidewalk improvements, including but not limited to multimodal routes to schools, healthcare, recreation, and business; drainage and stormwater management; alley improvements; **required related** ADA improvements; public parking; traffic control; and
- e) **0.05%** for economic development initiatives, including but not limited to incentives for business retention and recruitment; Memorial Hall improvements; initiatives for new recreational facilities; **planning for a future** Senior Citizens Center; wayfinding signage; housing initiatives; airport improvements; healthcare facility expansions; industrial park improvements; beautification initiatives, and expanded community broadband access;

the collection of the special sales tax to commence on the expiration date of an existing 1% special Citywide retailers' sales tax approved at an election held on April 3, 2012, in the City for the purpose of financing all or a portion of the costs associated with debt repayment and mill levy support; building and facility improvements, including Riverside Park and Ralph Mitchell Zoo; improvements to streets and sidewalks; and improvements required for compliance with the requirements of the Americans with Disabilities Act of 1990 (which is expected to be October 1, 2022); with the special sales tax to expire ten (10) years after its commencement?

The City Commission also asked some additional questions that were answered by the bond attorney, Garth Hermann with Gilmore Bell which are attached.

A question was also raised on how staff came up with the maximum bond payments due from Special Use Sale Tax. The City Clerk/Treasurer prepared a new Bond and Interest Summary that included only Special Use Sales Tax regarding bond payments which is attached.

The Finance Team is also reviewing the questions asked about the Capital Reserve Account, and City staff will provide that information as soon as it is available.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adopted a resolution authorizing and providing for the calling of a special question election in the City of Independence, Kansas, for the purpose of submitting to the electors of the City the question of imposing a one percent (1%) City-wide retailers' sales tax; and providing for the giving of notice of said election.

Aye: Ysusi, Caflisch, Hayse

Nay: None

D. Consider a change order with Graham Construction and TranSystems for the 2020

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Overlay ADA curb ramps.

The City of Independence is required by the 2010 ADA Standards to provide ADA curb ramp improvement when making street improvements. The attached change order for \$67,304.00 is for the 2020 approved street overlay program. The pricing is based on the 2018 ADA bid project and includes inspections.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized the Mayor to sign a change order with Graham Construction for the 2020 Overlay ADA curb ramps.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- E. Consider authorizing City staff to bid out connection to the sanitary sewer main in the 300 block of Westminster and assess the cost back to the property owners.

In 2012 the City was made aware of an issue with the private sewer line in the 300 block of Westminster Place, former City Manager Micky Webb and Utilities Director Terry Lybarger met with all of the property owners and came to an agreement that if the City installed a new sewer main in the alley behind the affected properties the property owners would connect to the new main line at their own expense. The City installed the new sewer main line in 2013 and since that time 3 of the 9 properties have connected. On February 6, 2020, the City sent letters to the property owners advising them that they needed to connect by April 1, 2020. With the pandemic occurring, on May 11, 2020 another letter was sent extending the deadline to August 1, 2020. There have been no new connections as of August 10, 2020. If the Commission approves bidding this work out, we will send a follow up letter advising the property owners that the City is taking action to connect their property to the City's sanitary sewer system and that the cost will be assessed to their property. If the property owners will complete a Sewer Assistance Application, a portion of the costs could be provided as a grant. Another option would be to assess the balance of the costs over a ten-year period.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized City staff to bid out connection to the sanitary sewer main in the 300 block of Westminster Place and assess the cost back to the property owners.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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- F. Consider bids for Whiskey Creek drainage way clearing.

The City of Independence received one bid for the Whiskey Creek drainage way clearing from MEGA, LLC. As requested, they submitted pricing for three phases of work from Laurel Street to Cherry Street. City Staff, before bidding the job, visited with the Commission about starting at Cherry Street and working north clearing the drainage way. It is staff recommendation to authorize MEGA to begin at Cherry Street and work north until \$50,000 has been expended. Mega has informed staff this would be the railroad track by Birch or approximately two blocks of work. Mega anticipates starting this work in December of 2020. City Staff will then return on January 14, 2021, and seek Commission approval to use 2021 funds, or \$50,000, to continue additional work between Birch and Walnut, or an additional two blocks of drainage way clearing. MEGA anticipates it will take two weeks of work per section.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized the Mayor to sign an agreement with Mega, LLC, to perform \$84,000 of drainage way clearing from Cherry north to Walnut.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- G. Consider setting the date of August 27, 2020 at 5:30 PM for a public hearing regarding a CDBG grant.

The City has been working with Susan Galemore of Southeast Kansas Regional Planning Commission and Shawn Turner, TranSystems to apply for a CDBG grant in the category of Water/Sewer projects. The scope of work included in the grant proposal includes sanitary sewer improvements in Basin 5 and replacement of Lakeview Lift Station. The grant application is due September 25, 2020.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission set the date of August 27, 2020 at 5:30 PM for a public hearing regarding an application for CDBG funds for sewer system improvements.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- H. Consider providing direction for inspection and bidding services for Sanitary Sewer Basin V, Phase II and Lakeview Liftstation that were previously designed by

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TranSystems as part of a CDBG/KDHE loan project.

Previously the City had the sanitary sewer improvements in Basin 5 and replacement of Lakeview Lift Station designed by TranSystems. These projects are part of a CDBG/KDHE loan application. Having these projects designed assists the City with readiness points when the CDBG grant application is reviewed. In order to capitalize on the greatest amount of readiness points the City would like permission to contract the bidding and inspection services for these two projects with TranSystems. If the Commission authorizes us to proceed, we will present a contract with Transystems on August 27, 2020 for formal consideration.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized to direct staff to present a contract at a future meeting with TranSystems for bidding and inspection services for sanitary sewer improvements to Basin V, Phase II and replacement of Lakeview Lift Station.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- I. Consider approving a cereal malt beverage license for Ace & Gunner's Tavern at 112 S. 25th Street.

We have received a request for a cereal malt beverage license. The business is wanting to open this weekend, therefore they requested that this item be added to tonight's agenda.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission approved a cereal malt beverage license for Ace & Gunner's Tavern at 112 S. 25th Street.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- J. Consider signing a Coronavirus Relief Fund Resolution to participate in the SPARK Relief Fund.

As part of the C.A.R.E.S Act, Montgomery County was awarded approximately \$6.2M to be distributed throughout the county to eligible participants via the SPARK Relief Fund. The City of Independence has been selected as a SPARK grant recipient. Attached is the Coronavirus Relief Fund Resolution which was adopted by the Montgomery County Commission. The resolution must be signed and returned

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as soon as possible. The resolutions outline the type of expenditures eligible for funding and assures the issuing party that the City will comply with reporting requirements. Pending state approval, the funds awarded can be disbursed after this Resolution has been submitted.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopt the Coronavirus Relief Fund Resolution as presented.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission recessed for a five-minute break.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 8:03 P.M.

VIII. DISCUSSION

B. Discuss programming for City facilities.

Acting City Manager Passauer informed the Commission that staff has an upcoming meeting with Treanor.

Commissioner Hayse is working with staff on a cost benefit analysis of the mechanical systems at the temporary City Hall building.

IX. REPORTS

A. Gravel streets.

Director Passauer presented a map of the city streets that are paved with gravel.

B. 223 West Main Street Update.

Director Cowan had nothing to report.

C. 2020 Census Update.

Acting City Manager Passauer presented the update.

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D. Update on Code Enforcement Efforts.

Director Cowan provided an update.

E. City Board Minutes

1. November 4, 2019 Park Board
2. January 6, 2020 Park Board
3. February 3, 2020 Park Board
4. May 5, 2020 Planning Commission/Board of Zoning Appeals
5. June 17, 2020 Library Board
6. July 15, 2020 Recreation Commission

X. CITY MANAGER'S COMMENTS

None

XI. COMMISSIONERS' COMMENTS

None

XII. PUBLIC CONCERNS

None

XIII. EXECUTIVE SESSION

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

Motion:

On the motion of Mayor Caflich, 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 8:50 P.M.

Aye: Ysusi, Caflich, Hayse

Nay: None

The meeting resumed at 8:50 P.M.

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 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 9:00 P.M.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 9:00 P.M. with no action taken.

XIV. ADJOURNMENT

Motion:

Mayor Caflisch moved to adjourn. Commissioner Ysusi seconded.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Leonhard Caflisch, Mayor

Louis Ysusi, Commissioner

Dean Hayse, Commissioner

Attest:

City Clerk/Treasurer