

Minutes of the Independence City Commission's June 25, 2020 Meeting

The Independence City Commission met for a regular meeting on June 11, 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
Shawn Wallis, Fire/EMS Chief
Terry Lybarger, Director of Utilities
Jerry Harrison, Police Chief
Barb Beurskens, Park and Zoo Director
Lacey Lies, Director of Finance
April Nutt, Director of Housing Authority
Mike Passauer, Public Works Director
Brian McHugh, Memorial Hall Supervisor
Barry Beurskens, Memorial Hall Maintenance

Visitors

Larry McHugh
Taina Copeland
Jerry Bright
Jennifer Hoelscher
Lisa Drumeller
Dorcus Sutton
Mark Leaman

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. APPOINTMENTS

- A. Park Board – Three terms expiring July 1, 2020 (All eligible for Reappointment)
- B. Board of Examiners – Plumbers – One term expiring August 15, 2020 (Eligible for Reappointment)
- C. Historic Preservation and Resource Commission (IHPRC) – Two terms expired January 1, 2020 (All eligible for reappointment)
- D. Tree Board – One term expired June 1, 2020 – Applications are due by August 7, 2020.

III. PRESENTATIONS

- A. Presentation to Judge William “Bill” J. Kelly.

An award was presented to William “Bill” J. Kelly for his 40 years of service as Municipal Court Judge for the City of Independence.

IV. PUBLIC HEARING

- A. Public hearings to consider condemnation of the following structures as dangerous and unsafe:

- 1. 801 E. Birch

On March 15, 2020, this structure was involved in a fire that damaged the walls, floors, and attic with smoke and heat. Based on the damage throughout the structure, the house is uninhabitable. The building department was initially informed that the owner would make repairs to the home. However, the owner has now relocated to Claremore, Ok and work has stopped.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adjourned the Public Hearing for 801 E. Birch Street until August 27, 2020 at 5:30 p.m.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- 2. 1008 W. Laurel

This structure was involved in a fire on January 31, 2020. The fire caused substantial damage to the structure and wiring of the house. The owner has been diligently pursuing repairs and passed the housing inspection on June 18, 2020.

Motion:

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

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Commission adopted a resolution rescinding the condemnation of 1008 W. Laurel Street and authorized returning any insurance proceeds being held by the City.

Aye: Ysusi, Caflisch, Hayse

Nay: None

3. 1208 N. 6th

The structure was involved in a fire on April 10, 2020, that destroyed the house. The owner of the house worked with a private contractor to remove the structure and clear the lot. The work has been completed and the sewer line capped.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adopted a resolution rescinding the condemnation of 1208 N. 6th Street and authorized returning any insurance proceeds being held by the City.

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-1865
2. D-2005
3. P-1838

B. Consider minutes of the March 14, 2020, March 25, 2020, and March 26, 2020 meetings.

C. Consider an agreement with Viking Industrial Painting for the inspection of the clear wells at the Water Treatment Plant.

D. Consider authorizing the Mayor to sign the TBRA grant application.

E. Consider authorizing blocking Myrtle Street from Pennsylvania Avenue to 8th Street on July 25, 2020 from 8 AM to 2 PM for the Auto-Rama Car Show as part of the City of Independence 150th Anniversary (Sesquicentennial) celebration and the Professional Building's 100th Anniversary (Centennial) celebration.

F. Consider authorizing the following regarding the SHIFT S3CTOR events:

1. Amending the agreement to change the date for the Kansas Airstrip Attack at the Airport to July 18 – 19, 2020

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2. Authorize a Car Show downtown on July 18, 2020.
- G. Consider waiving the rental fee for the Civic Center on July 16, 2020 for a candidate forum and sponsoring the videographer.
- H. Consider acceptance of a (CESF) Coronavirus Emergency Supplemental Fund Grant Award for Fire-EMS.
- I. Consider setting a Special Meeting on July 7, 2020 at 3:30 PM for a joint worksession with the Economic Development Advisory Board.

Motion:

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

Aye: Ysusi, Caflisch, Hayse

Nay: None

VI. ITEMS FOR COMMISSION ACTION

- A. Consider a Sesquicentennial Proclamation proclaiming July 25, 2020 as Independence Sesquicentennial Day, and July 4, 2020 through July 4, 2021 as the Year of the Independence Sesquicentennial.

The Sesquicentennial Committee has requested that the Mayor proclaim July 25, 2020 as Independence Sesquicentennial Day, and July 4, 2020 through July 4, 2021 as the Year of the Independence Sesquicentennial.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission proclaimed July 25, 2020 as Independence Sesquicentennial Day, and July 4, 2020 through July 4, 2021 as the Year of the Independence Sesquicentennial.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- B. Consider scope of work to bid clearing out Whiskey Creek drainage way from Pine Street south to Cherry Street.

City of Independence is requesting approval of a scope of work to seek bids for the maintenance of Whiskey Creek from Pine Street and Cherry Street. The purpose of this maintenance is to remove downed trees, debris, and driftwood within 25' of the centerline of the creek. Work will include removing silt and replacement of the allowable amount of rip rap in the creek.

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Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission approved the scope of work and authorized City staff to bid clearing out Whiskey Creek drainage way from Pine south to Cherry Street.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- C. Consider Requests for Qualifications for Engineering Services for EDA Grant for Whiskey Creek Drainage Improvements (Sycamore Street & 20th Street).

On May 28, 2020 the City Commission authorized City staff to solicit qualifications for engineering services. Once an engineering firm is selected an application can be prepared along with an official cost estimate and preliminary engineering report for this project. City staff received four applications by the due date of June 18, 2020. A subcommittee consisting of the City Manager, Director of Finance, Director of Safety and Code Enforcement, and Public Works Director reviewed the submissions and assigned the following point values based on 100 points maximum possible:

| | |
|--------------------------------|----|
| EBH Engineering | 85 |
| Midwest Engineering Group, LLC | 79 |
| PEC | 94 |
| TranSystems | 95 |

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission selected TranSystems to perform engineering services related to an EDA grant for Whiskey Creek drainage improvements in the area of Sycamore and 20th Streets.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- D. Consider updating and modifying the Independence Gun Club lease to allow for the construction of a building subject to FAA approval, and updating the maintenance agreement.

Mark Leaman contacted the City of Independence requesting permission to start the process of modifying the lease and obtaining FAA approval for a new building at the Independence Airport Gun Club. Mark will be present at the meeting to discuss with the Commission the project and steps to obtain approval of the new building.

It should also be noted that the original lease and maintenance agreements were approved on February 24, 2005. At that time the Independence Gun Club was to pay the City \$94.71

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per month for the lease, and the City was to pay the Independence Gun Club \$69.71 per month for maintenance around the Rifle Berm. These amounts were to be adjusted every five years to reflect any increase in the Consumer Price Index, which would have increased the amounts in 2010, 2015, and 2020. It appears that this has not occurred, therefore, the new lease reflects what the current amount should be based applying the cumulative CPI rate since March 2005 through March 2020 which is 28.38% for the Kansas City Region (Midwest Area). The revised amounts will be \$121.59 for the lease, and \$89.49 for the maintenance agreement.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission directed City staff request FAA approval of a new building at the Independence Airport Gun Club, and approved the updated and modified lease agreement as prepared by the City Attorney.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- E. Consider setting the date of August 27, 2020 at 5:30 PM for condemnation of the following structures as dangerous and unsafe:
1. 800 E. Edison Street
 2. 816 E. Magnolia Street
 3. 909 W. Chestnut Street
 4. 912 W. Laurel Street
 5. 1020 W. Myrtle Street
 6. 1214 W. Main Street
 7. 2009 ½ N. Penn Avenue
 8. 704 W. Main Street
 9. 1117 W. Main Street

The City of Independence has been reviewing homes that are found to be unsound by the County Appraiser office. The committee has reviewed these houses and will be bringing 32 houses to the Commission over the next several months to consider for condemnation as dangerous and unsafe. Letters have been mailed letters to each of the owners informing them of the consideration of condemnation and requesting them to contact the Building Department.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission set the date of August 27, 2020, at 5:30 p.m. for public hearings to consider condemnation of the following structures as dangerous and unsafe:

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1. **800 E. Edison Street**
2. **816 E. Magnolia Street**
3. **909 W. Chestnut Street**
4. **912 W. Laurel Street**
5. **1020 W. Myrtle Street**
6. **1214 W. Main Street**
7. **2009 ½ N. Penn Avenue – Fire Damaged**
8. **704 W. Main Street**
9. **1117 W. Main Street**

Aye: Ysusi, Caflich, Hayse

Nay: None

- F. Consider an ordinance amending the National Electric Code as recommended by the Electrical Board.

The City of Independence Electrical Board has been working with Evergy and the City Code and updating to meet standards. The Board is requesting the Commission approve the following amendments:

(1) All new or upgraded commercial electrical service shall have a service disconnect on the exterior of the building not to exceed ten (10) feet from the meter base.

(2) All new residential construction electrical service shall have a service disconnect on the exterior of the building not to exceed ten (10) feet from the meter base.

(3) All commercial buildings being remodeled by more than fifty percent (50%) as determined by code enforcement officer are required to complete an electrical service and wiring upgrade throughout the entire building.

(4) The code enforcement officer shall have authority to grant temporary service to a commercial or residential structure for up to forty-five (45) days while repairs or upgrades are being made. Any additional grant of temporary service shall require the approval of the Electrical Board.

The above amendment will improve safety for both the homeowner, commercial properties and public safety employees.

This item was tabled for further review and modifications.

- G. Consider quotes received for repair of the alley crossing, and an ADA Ramp at the Episcopal Church.

The City of Independence requested quotes to repair the alley sidewalk crossing, add an ADA ramp, and approximately 48' of sidewalk.

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| Vendor | Quote |
|---------------|-------------------|
| J. Graham | \$5,180.00 |
| Marquez | \$5,500.00 |
| Ric Const | \$6,490.00 |
| Koehn Const | \$7,046.90 |

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized J. Graham to make repairs at the Episcopal Church in the amount of \$5,180.00.

Aye: Ysusi, Caflisch, Hayse

Nay: None

H. Consider ordinances relating to requirements for the CRS program.

The Building and Flood Administrator is working with ISO Specialist Melissa Mitchell to implement the CRS program for the City of Independence. The following ordinances are needed to implement this program.

- Mandatory Disclosure of property in the floodplain. This Ordinance would require the Disclosure in writing that the property is in the floodplain and the risk associated with that.
- Repealing City Code Section 18-35 and 18-37 and replacing them with new provisions.
- The previous code had not been updated and has been updated to meet current staffing and titles.
- Requires a building permit for any property in the floodplain
 1. The construction, building, moving, remodeling or reconstruction of any structure shall not be commenced;
 2. The improvement of any plan preliminary to any use of such land shall not be commenced; and
 3. Any building permit issued in conflict with the provisions of this Ordinance shall be null and void.
- Elevations Certificate for any new or substantially improved structures in the floodplain.

Ordinance 4330 was tabled for further review and discussion.

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Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted Ordinance 4329 creating a mandatory disclosure requirement for properties within the flood plain.

Aye: Ysusi, Caflich, Hayse

Nay: None

- I. Consider modifying your September 10, 2020 City Commission meeting in order to participate in the MCAC meeting.

Trisha Purdon, MCAC Executive Director has requested that the City Commission consider modifying their September 10, 2020 City Commission meeting in order to attend the MCAC Dinner and Quarterly Meeting being held in Independence on that evening. Due to a scheduling conflict, MCAC was unable to modify the Fall MCAC meeting to avoid the City Commission's normal Commission meeting. They would like Independence to participate in the meeting which is being held in Independence and requests that the Commission considering modifying their regular September 10, 2020 City Commission meeting.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission modified the September 10, 2020 City Commission meeting to September 10, 2020 at 9:00 A.M.

Aye: Ysusi, Caflich, Hayse

Nay: None

- J. Consider a resolution authorizing the abatement of unhealthy and unsafe exterior conditions 225 S. 16th Street.

Code Enforcement Officer Erin Musgrove has been attempting to resolve a nuisance issue at 225 So. 16th. Since December 2019, Erin has made multiple attempts to have the owner abate the nuisance, including three violation notices and one summons to court. The resident failed to appear for the court hearing, but due to COVID-19, court sessions were discontinued. Continued efforts by Erin were ignored, and the nuisance pile has continued to grow. City Staff is receiving daily calls from the neighbors related to the nuisance and the hazards for the neighborhood. The resident has been cited into court, but the court appearance is now scheduled for August 2020, due to the court backlog. City Staff is asking the Commission to approve the Resolution giving us the authority to abate this nuisance in 20 days.

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 225 South 16th Street.

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Aye: Ysusi, Caflich, Hayse

Nay: None

VII. REPORTS

A. 223 West Main Street Update

Director Cowan gave an update on the property.

B. 2020 Census Update

Acting City Manager gave an update.

C. City Board Minutes

1. March 2, 2020 Electrical Board

VIII. CITY MANAGER'S COMMENTS

Director Lybarger gave an update on Phase II design work at the water treatment plant.

Acting City Manager Passauer gave an update on different City projects.

Director Lies gave an update on City Sales Tax collections.

IX. COMMISSIONERS' COMMENTS

Mayor Caflich reminded the public to stay safe during this pandemic.

X. PUBLIC CONCERNS

No public concerns.

XI. 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 7:40 P.M.

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Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 7:40 P.M. with no action taken.

XII. 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