

## Minutes of the Independence City Commission's March 26, 2020 Meeting

The Independence City Commission met for a regular meeting on March 26, 2020 at 5:30 P.M. at the Memorial Hall. Mayor Leonhard Caflich, 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  
Terry Lybarger, Director of Utilities  
David Cowan, Director of Safety/ADA Coordinator  
Brian McHugh, Memorial Hall Supervisor

### Visitors

Larry McHugh  
Taina Copeland  
Jerry Bright  
Aubrey Carpenter  
Lisa Wilson  
Tammy Carpenter

#### I. REGULAR SESSION

##### A. Call to Order

Mayor Caflich called the meeting to order.

##### B. Pledge of Allegiance to the United States of America

#### II. APPOINTMENTS

##### A. Planning Commission/Board of Zoning Appeals -- One expired term – Applications Due March 25, 2020.

Due to the Coronavirus pandemic, Mayor Caflich extended the deadline 30 days.

#### 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-1859
2. D-2002
3. P-1832

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- B. Consider lease/purchase agreement for financing of a new John Deere 6135E Tractor and Brush Hog 2820.

*This item was removed from the consent agenda and moved to items for Commission action*

**Motion:**

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

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

#### IV. PUBLIC HEARINGS

- A. Public hearing to consider condemnation of the structure located at 312 S. 15<sup>th</sup> as dangerous and unsafe.

On January 13, 2020, this structure was involved in a fire that did significant damage to a first-floor bedroom, bathroom and kitchen. The rest of the house has significant heat and smoke damage. The owner hired a private contractor and has removed the structure and cleared the lot.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted a Resolution rescinding condemnation action for the property at 312 S. 15<sup>th</sup> Street and authorize returning insurance proceeds to the owner.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

#### V. ITEMS FOR COMMISSION ACTION

- A. Consider lease/purchase agreement for financing of a new John Deere 6135E Tractor and Brush Hog 2820.

*This item was removed from the consent agenda and moved to items for Commission action*

The City Commission approved the purchase of the John Deere 6135E tractor and Bush Hog 2820 on February 6, 2020 for a purchase price of \$90,287.54. Delivery of the units to the City will occur in Mid-March 2020.

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The City received the following lease/purchase proposals for financing \$90,287.54 over five years with semi-annual payments:

FINANCING INSTITUTION	TERM	PMT FREQUENCY	RATE
COMMERCIAL BANK	5 YEARS	SEMI-ANNUAL	2.45%
COMMUNITY NATIONAL BANK	5 YEARS	SEMI-ANNUAL	2.49%

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission accepted the Lease/Purchase agreement from Commercial Bank for the financing of the John Deere 6135E Tractor and Bush Hog 2820 for \$90,287.54 as presented and authorized the Mayor to sign all documents related to the agreement.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- B. Consider a recommendation from the Planning Commission regarding a conditional use permit for a daycare in an R-1, large lot single-family dwelling district at 609 Mulberry Street.

The Planning Commission held a public hearing on March 3, 2020 to consider a request for a conditional use permit for a daycare at 609 Mulberry Street. The Planning Commission recommended approval.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized the Mayor to sign the attached resolution to grant a conditional use permit for a daycare at 609 Mulberry Street.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- C. Consider a request for a 15-minute parking space near 201 North Penn Avenue.

City staff received a request from Terry Scott, owner of the Independence Pharmacy, for a 15-minute parking space near his business which is located at 201 North Penn Avenue. Mr. Scott indicated to City staff with the new restaurant opening across the street, parking is limited for his customers that need to pick up their prescriptions.

This request was received prior to the current temporary curbside parking due to

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the Coronavirus Pandemic. Staff recommends approving one 15-minute parking spot near 201 North Penn Avenue. Please note that timed parking spaces do not mean that only those visiting his business may park there, since this is public parking is available to anyone if they do not exceed the 15-minute timeframe. This is consistent with other timed parking spaces granted near the liquor store, bank, etc.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized a 15-minute parking space near 201 North Penn Avenue.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- D. Consider setting the date of May 28, 2020 for a public hearing to consider condemnation of 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. The rest of the house has significant heat and smoke damage.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission set the date of May 28, 2020, at 5:30 p.m. for a public hearing to consider condemnation of the fire-damaged structure at 818 E. Edison Street.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- E. Consider an agreement AssureCo Risk Management and Regulatory Compliance LLC (MHC) for completion of the Risk Management Plan (RMP) for the water treatment plant.

The City is required by the EPA to file an RMP every five years. The Risk Management Plan is required by the EPA because we have chlorine gas at the water treatment plant facility. The due date established by the EPA is April 8th, 2020 to have the RMP filed.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission approved the agreement with MHC pending City Attorney approval.**

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**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

### VI. REPORTS

#### A. COVID-19 Update.

Director Cowan gave an update on the pandemic and reported that the City has enough supplies of personal protective equipment.

### VII. CITY MANAGER'S COMMENTS

Assistant City Manager Passauer reported that the dumpster program will kick off next month.

### VIII. COMMISSIONERS' COMMENTS

Commissioner Hayse asked the public to keep in mind the local businesses during this time and to remember to shop local.

Mayor Caflisch would like to see if it is possible for the City to set up a relief fund for local businesses.

### IX. PUBLIC CONCERNS

### X. 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 6:55 P.M.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

The meeting resumed at 6:55 P.M. with no action taken.

### XI. ADJOURNMENT

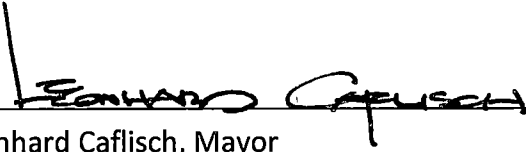
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**Motion:**


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

**Aye: Ysusi, Caflich, Hayse**


**Nay: None**

  
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Leonhard Caflich, Mayor

  
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Louis Ysusi, Commissioner

  
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Dean Hayse, Commissioner

**Attest:**

  
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City Clerk/Treasurer