

Minutes of the Independence City Commission's April 23, 2020 Meeting

The Independence City Commission met for a regular meeting on April 23, 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
David Cowan, Director of Safety/ADA Coordinator
Jerry Harrison, Police Chief
Brian McHugh, Memorial Hall Supervisor
Lacey Lies, Director of Finance by phone

Visitors

Larry McHugh
Angela Lewis
State Representative Jim Kelly by phone
Vance Kelly by phone
Ian Pitts by phone

I. REGULAR SESSION

A. Call to Order

Mayor Caflich 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, Caflich, Hayse

Nay: None

II. APPOINTMENTS

A. Planning Commission/Board of Zoning Appeals -- One expired term -- Applications Due April 30, 2020

III. PUBLIC HEARINGS

A. Public hearing for amending the 2020 budget to include a new budgeted fund for

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Transient Guest Tax.

On April 9, 2020, the City Commission set the date of April 23, 2020 for a public hearing to consider amending the 2020 budget to include a new budgeted fund for Transient Guest Tax.

A check for the 1st quarter distribution of tourism funds was received by the County and the appropriations on April 9, 2020 included a check redistributing these funds to the Chamber in the amount of \$38,538.80 per the resolution adopted by the Commission on March 26, 2020. This distribution has been held back by the Finance Department pending approval of the amended 2020 budget.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission approved the amended 2020 Budget to include a new budgeted fund for Transient Guest Tax as presented.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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

1. 601 N. 8th Street

The City of Independence has received multiple complaints about the condition of the structure located at 601 N 8th street. The owners of the property no longer live in Independence and the house has been empty for approximately 10 months.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission condemned 601 N 8th Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hayse

Nay: None

2. 1008 W. Laurel Street

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 we anticipate completion of those repairs by June 25, 2020.

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Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adjourned the Public Hearing for 1008 W. Laurel Street until June 25, 2020 at 5:30 p.m.

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-1861
2. D-2003
3. P-1834

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 proclaiming April as Fair Housing Month.

During April 2020, the Independence Housing Authority joins in the national celebration in recognizing April 2020 as Fair Housing Month. During this month of celebration, the City of Independence, Kansas along with the Independence Housing Authority reaffirms its commitment to ending housing discrimination within the City limits of Independence, Kansas.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized the Mayor to sign the attached proclamation declaring April 2020 as Fair Housing Month.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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B. Consider proposal for the annual Fireworks display.

Jim Kelly has obtained a proposal from Rainbow Fireworks, Inc. in the amount of \$15,650 for the annual 4th of July show in Independence. The shell count for the proposed 2020 show is currently estimated at 612 shells, which is 71 shells less than the 2019 show which contained 683 shells. In order to have the same show as last year, the cost would be \$16,700 or an additional \$1,050. The City normally contracts for the show and funds are raised to reimburse the City for this expense. If adequate funds are not raised, then the City makes up the difference. The City also provides special event insurance. In honor of Independence's 150th birthday celebration this Summer, and in recognition of the financial struggles of our businesses and residents due to the COVID-19 Pandemic, it is recommended not to seek donations this year.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized the Mayor to sign an agreement with Rainbow Fireworks, Inc. for the 4th of July Fireworks show in the amount of \$16,700, subject to City Attorney approval.

Aye: Ysusi, Caflich, Hayse

Nay: None

C. Consider Change Orders 1, 2, 4, 6, and 7 regarding the 1916 City Hall project.

On January 9, 2020 the City Commission approved Change Order #3 for \$20,610.70 for the 1916 City Hall Phase I project regarding additional needed roof repairs. Recently City staff received Change Orders 1, 2, 4, 6, and 7 which are summarized as follows:

| # | Description | Add/Deduct |
|---|---|--------------|
| 1 | Add for windows not identified on plans. Material Only. | \$24,829.00 |
| 2 | Credit for demo work in basement completed by remediation subcontractor. | -\$12,000.00 |
| 4 | Time & Material estimate for all labor, material and equipment to: (1) Demo damaged wood window frames; and (2) Repair or replace wood window frames with blocking for installation of replacement windows. | \$43,297.50 |
| 6 | Lintel repairs for basement windows. Includes all labor, material and equipment. | \$24,702.00 |
| 7 | Deletion of east roof. | -\$2,750.00 |

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Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission approved Change Orders 1, 2, 4, 6, and 7 for a total of \$78,078.50 for the 1916 City Hall Phase I project.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- D. Consider a parcel split for City owned property located north of West Maple Street, west of Auction Street and east of South 22nd Street.

On January 23, 2020, the Commission authorized a letter of intent to participate in the Community Rating System (CRS) so that Independence residents would qualify for discounted flood insurance premiums. The CRS program includes enforcement of the floodplain ordinance, which requirements are triggered by encroachment of the floodplain on any parcel of land.

The City currently owns a 1.47-acre tract located directly west of the sanitation yard that is encroached in the northeast corner by the floodzone. To not restrict development of most of the parcel due to this encroachment of the floodzone, City staff requested a boundary & topographic survey which included a proposed parcel split which was prepared by Cornerstone Surveying. Cornerstone Surveying also provided new legal descriptions for splitting the parcel into two sections, a .258-acre section that is encroached upon by the floodplain, and a 1.207-acre section that is not encroached upon by the floodplain. Once the Commission approves the parcel split, it will be filed with the County.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission approved that the parcel split as prepared by Cornerstone Surveying for City owned property located north of West Maple Street, west of Auction Street and east of South 22nd Street be filed with Montgomery County.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- E. Consider setting the date of June 25, 2020 for public hearings to consider condemnation as dangerous and unsafe of the following fire damaged structures:
1. 1208 N 6th Street

The structure was involved in a fire on April 10, 2020, that destroyed the house

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which is uninhabitable. The owner of the house is working with a private contractor to remove the structure, and the City anticipates the lot will be cleared by June 25, 2020.

2. 816 E. Magnolia Street

The structure was involved in a fire on April 19, 2020, which destroyed the house which is uninhabitable.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adopted resolutions setting the date of June 25, 2020, at 5:30 p.m. for public hearings to consider condemnation of 1208 N. 6th Street and 816 E. Magnolia Street.

Aye: Ysusi, Caflisch, Hayse

Nay: None

F. Consider awarding demolition bids received on the following condemned structures:

1. 325 N. 19th Street
2. 305 So. Burns Street
3. 713 E. Magnolia Street
4. 816 So. 17th Street
5. 317 S. 14th Street
6. 305 So. 18th Street
7. 208 N. 17th Street
8. 904 W. Main Street
9. 301 Cement Street
10. 613 W. Chestnut Street
11. 112 W. Chestnut Street

The following bids were received from JRB Industries, Inc. and G & G Dozer. The City of Independence was also contacted by a new owner of 325 N. 19th Street and has received a timeline of repairs for the structure.

| | JRB INDUSTRIES, INC | G & G DOZER |
|---------------------------|----------------------------|------------------------|
| 325 N. 19 th * | n/a | n/a |
| 305 S. Burns | 5,000 | 4,000 |
| 713 E. Magnolia | 4,000 | 6,100 |
| 816 S. 17th | 3,500 | 4,200 |

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| | | |
|-----------------|---------------|---------------|
| 317 S. 14th | 5,500 | 9,000 |
| 305 S. 18th | 4,500 | 6,800 |
| 208 N. 17th | 3,500 | 5,800 |
| 904 W. Main | 9,500 | 7,000 |
| 301 Cement | 5,000 | 7,000 |
| 613 W. Chestnut | 4,000 | 5,800 |
| 112 W. Chestnut | 7,000 | 8,000 |
| Total: | 51,500 | 63,700 |

***New Owner submitted timeline of repairs**

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission awarded the demolition bid to JRB Industries for a total not to exceed \$51,500.00 for the removal of ten structures as listed, excluding 325 N. 19th Street.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- G. Consider authorizing a grant agreement in the amount of \$20,000 for the Independence Municipal Airport from the CARES Act.

On April 14, 2020, the U.S. Transportation Secretary Elaine L. Chao announced \$10 billion in relief for America's airport as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act Airport Grant Program. The purpose of the grant funding is to help fund the continued operations of airports during this crisis and save workers' jobs.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission authorized the Acting City Manager to sign a CARES Act grant agreement in the amount of \$20,000 for the continued operations of the Independence Municipal Airport.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

VI. DISCUSSION

- A. Discuss the process for renewing the special use sales tax.

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The Commission decided to have a worksession with City staff later.

B. Discuss the process for adoption of the 2021 budget.

Director Lies had to reschedule the capital improvement worksession to May 20th, 2020.

VII. REPORTS

A. March Sales Tax Report

Director Lies reviewed the figures for March report.

B. 2020 Census Update

Acting City Manager Passauer reviewed this report.

VIII. CITY MANAGER'S COMMENTS

Acting City Manager Passauer informed the Commission that the dumpster program has been moved to the Sanitation yard.

Chief Harrison reviewed the timeline of events for parking restrictions in a neighborhood where those restrictions were recently enacted.

Acting City Manager Passauer gave an update on the Peter Pan and Main Street intersection and the Maple Street improvements application.

IX. COMMISSIONERS' COMMENTS

No comments

X. PUBLIC CONCERNS

No public concerns

XI. EXECUTIVE SESSION

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

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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 7:52 P.M.

Aye: Ysusi, Caflich, Hayse

Nay: None

The meeting resumed at 7:52 P.M. with no action taken.

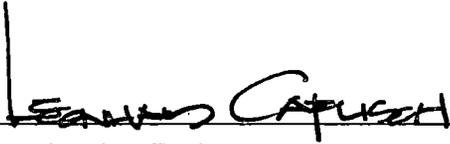
XII. ADJOURNMENT

Motion:

Mayor Caflich moved to adjourn. Commissioner Ysusi seconded.

Aye: Ysusi, Caflich, Hayse

Nay: None



Leonhard Caflich, Mayor



Louis Ysusi, Commissioner



Dean Hayse, Commissioner

Attest:



City Clerk/Treasurer