

## Minutes of the Independence City Commission's May 9, 2019 Meeting

The Independence City Commission met for a regular meeting on May 9, 2019 at 5:30 P.M. in the Veterans Room at the Memorial Hall. Mayor Louis Ysusi, and Commissioner Leonhard Cafilisch were present. Commissioner Gary Hogsett was present via telephone. Others present included:

### City Staff

Craig Whitehead, City Manager  
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  
Mike Passauer, Public Works Director  
Brian McHugh, Memorial Hall Supervisor  
Jerry Harrison, Police Chief  
Lacey Lies, Director of Finance  
Don Cushing, Building Inspector

### Visitors

Ellie Davis  
Larry McHugh  
Robert Meadows  
Barbara Hardy  
Tim Richard  
Nick Turner  
Tyler McDow  
Deavin Barnhicer  
Dean Hayse  
Lee Miller  
Connor Harbit  
Jasmine McManus  
Ned Stichman  
Rick Whitson  
Joel McKenzie

### I. REGULAR SESSION

#### A. Call to Order

Mayor Ysusi called the meeting to order at 5:30 P.M.

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

#### C. Adoption of Agenda

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**Motion:**

**On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission adopted the agenda.**

**Aye: Ysusi, Caflich, Hogsett**

**Nay: None**

### II. APPOINTMENTS

- A. Plumbing Board – One Appointment (Atmos Representative) Chris Fry LY/LC

**Motion:**

**On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission moved to appoint Chris Fry as the Atmos Energy representative on the Board of Plumbers.**

**Aye: Ysusi, Caflich, Hogsett**

**Nay: None**

### III. COMMON 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-1838
  2. D-1904
  3. P-1809
  4. P-1809A
- B. Consider approving the minutes of the March 28 and April 5, 2019 City Commission Meetings.
- C. Consider adopting an ordinance repealing Ordinance No. 4116 vacating 14th Street between West Laurel Street and Myrtle Street.
- D. Consider proclaiming May 12-18, 2019 as Police Week.
- E. Consider proclaiming May 19-25, 2019 as Emergency Medical Services Week.
- F. Consider authorizing City Staff to list the sale of Ladder 1 through Brindlee Mountain Fire Apparatus.

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- G. Consider authorizing the closure of Pennsylvania Avenue for the 2019 Downtown Movie Nights on May 22, June 29, July 27, August 24 and September 28, 2019 and the Car Show with Shift S3ctor on May 25, 2019.

**Motion:**

**On the motion of Commissioner Caflich, seconded by Mayor Ysusi the Commission adopted the consent agenda.**

**Aye: Ysusi, Caflich, Hogsett**

**Nay: None**

#### IV. PUBLIC HEARINGS

- A. Public hearing to consider revisions to Floodplain Regulations in Ordinance No. 4297.

Building Inspector Cushing appeared with the Director of Emergency Management for Montgomery County Rick Whitson. Inspector Cushing informed the Commission that FEMA has adjusted the floodplain map which is set to go into effect on June 20<sup>th</sup>, 2019. He further stated that the State of Kansas has asked that all cities in Kansas update their floodplain ordinances to reflect those changes. The major changes would be to require new buildings and buildings with substantial improvements to be 2' above base flood elevation. HVAC units would have to be elevated to 2' above base flood elevation as well. These changes would lower flood insurance premium rates. Director Whitson noted that if this Ordinance is adopted then all five entities in the county will have the same floodplain regulations. He also noted that by raising the elevation of a building and the HVAC unit to 2' above base flood elevation would save the consumer 40 – 45% on their flood insurance.

**Motion:**

**On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission moved to adopt Ordinance No. 4297 A Floodplain Management Ordinance for 60.3(d) Community with Regulatory Floodway Identified.**

**Aye: Ysusi, Caflich, Hogsett**

**Nay: None**

#### V. ITEMS FOR COMMISSION ACTION

- A. Consider a request from Joel McKenzie and Barbara Hardy to block an alley from 9th Street, between Main and Maple, approximately 95' east on May 18, 2019 from 8 AM to 4 PM.

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Joel McKenzie asked the Commission to close the alley so they could sell all the furniture that is stored in their building and to clean out the building.

Mayor Ysusi asked if the other property owners in the area were notified.

Assistant City Manager Passauer replied that she had sent out letters and received no response of protest. She also said that sanitation services would not be affected.

**Motion:**

**On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission approved a request from Joel McKenzie and Barbara Hardy to block an alley from 9<sup>th</sup> Street, Between Main and Maple, approximately 95' east on May 18, 2019 from 8 AM to 4 PM.**

**Aye: Ysusi, Caflich, Hogsett**

**Nay: None**

- B. Consider authorizing the Mayor to sign a quit claim deed for a small irregular parcel to Woods Lumber.

Assistant City Manager Passauer explained the history of the parcel of land to the Commission.

**Motion:**

**On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission authorized the Mayor to sign a Quit Claim Deed for a small irregular parcel to the Raymond H. Woods Revocable Trust.**

**Aye: Ysusi, Caflich, Hogsett**

**Nay: None**

- C. Consider approving a resolution to adopt a formal procurement policy.

Finance Director Lies reviewed the procurement policy modifications that were recommended at the previous Commission meeting.

Mayor Ysusi and Commissioner Caflich had a lot of recommendations and suggested scheduling a Wednesday morning worksession to review all their notes.

City Attorney Chubb suggested that each Commissioner submit their changes to city staff, and they could compile all the changes into one document.

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- D. Consider Amendment No. 1 to the Water Supply Loan Agreement with KDHE.

Director Lybarger noted that under this new agreement, KDHE will not be charging loan origination fees of \$7,769.43.

Commissioner Caflich inquired about some language in the amendment that City Attorney Chubb was able to explain.

City Manager Whitehead explained that while the fee was omitted it still doesn't change the amount of the loan.

**Motion:**

**On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission moved to authorize the Mayor to sign Amendment No. 1 to the Loan Agreement with KDHE.**

**Aye: Ysusi, Caflich, Hogsett**

**Nay: None**

- E. Consider a request from Trevor Bruening to amend the ordinance relating to the consumption of alcoholic beverages on public property to include City-owned airport grounds and building(s) within the City limits if approved by the City Manager.

City Attorney Chubb explained the new State law that now allows cities to issue temporary permits for alcohol consumption. He contacted the State and was notified that the State still does the temporary permits and that the City does not need to get into this area if they don't want to. The issue with the Ordinance that was passed in April of 2018 did not list City owned buildings at the airport. The amendments to the Ordinance would add those buildings as eligible buildings where consumption of alcohol would be permitted.

**Motion:**

**On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission moved to approve a request from Trevor Bruening to amend the ordinance relating to the consumption of alcoholic beverages on public property to include City owned airport grounds and building(s) within the City limits for special events approved by the City Manager.**

**Aye: Ysusi, Caflich, Hogsett**

**Nay: None**

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### VI. REPORTS

#### A. Treasurer's Quarterly Financial Statement for the Quarter Ending March 31, 2019.

Commissioner Caflisch asked about the negative balance in the Water Treatment Plant Upgrade Fund. Finance Director Lies replied that the expenditures were from ongoing construction costs and that funds to replenish had not been drawn down on the loan yet. Commissioner Caflisch inquired about the Airport AWOS Upgrade fund. Director Lies replied that the paperwork was shown as being submitted for reimbursement on the City's end but KDOT does not show it being received on their end. Director Lies is resubmitting the paperwork for the reimbursement. Commissioner Caflisch inquired about the Airport Improvement Runway Project. Director Lies replied that the paperwork was submitted in December of 2018 and the City is just waiting on the reimbursement from KDOT. Commissioner Caflisch inquired about the Special park Fund. Director lies replied that the expenditures were for the new tortoise exhibit and that the City had received the reimbursement from FORPAZ as of today. Commissioner Caflisch inquired about the KLINK Project Fund. Director Lies talked to the local KDOT team and they instructed the City to let KDOT's legal team handle the matter. Commissioner Caflisch inquired about the Peter Pan Geometric Fund. Director lies said that was for the original project and the ongoing extension project.

Mayor Ysusi asked if the next phase of the project was close to starting. City Manager Whitehead informed the Commission that the City is waiting for approval from KDOT to send the project out to bid and he was informed that had been pushed back to sometime in June.

Commissioner Caflisch inquired about the KWPCRF Project Loan. City Clerk Schwenker said that this is an old loan from a project that was closed out and the City has been paying on the loan for years.

Commissioner Caflisch asked if the City has received notification for any other wastewater loans that the City has requested. Director Lies and Director Lybarger informed the Commission that they are in Phase Three of that application process and that it should be finalized soon.

#### B. City Board Minutes

1. March 25, 2019 IHPRC Minutes
2. April 17, 2019 Recreation Commission Minutes

### VII. CITY MANAGER'S COMMENTS

City Manager Whitehead asked the Commissioners if they would like to cancel the May 15<sup>th</sup> worksession since Commissioner Hogsett will be unable to attend that meeting and he asked if they would want to discuss the Procurement Policy at the June 19<sup>th</sup> worksession

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The Commissioners approved the change.

City Manager Whitehead informed the Commission that City staff has been working through a condemnation process and they have a list of 44 properties to review with the Commission. He asked if that would be appropriate to review at a worksession.

Commissioner Caflich did not want to review 44 properties.

City Manager Whitehead said that City staff has already assessed each property and they have highlighted properties they would recommend for condemnation.

Commissioner Caflich suggested that City staff prepare a handout for the Commissioners and they could go around and look at the properties before setting an agenda item or worksession.

### VIII. COMMISSIONERS' COMMENTS

Mayor Ysusi thanked City staff for the list of City owned property that he received and inquired about the properties located at 106-108 E. Chestnut.

Assistant City Manager Passauer informed the Mayor that the original intent of the purchase of those buildings was to remove them and if that is the intent of the Commissioners then City staff can get that done.

Mayor Ysusi said he would like to see it on the agenda for the June 13<sup>th</sup> Commission meeting.

### IX. PUBLIC CONCERNS

### X. ADJOURNMENT

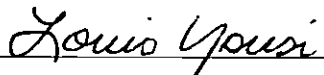
**Motion:**

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

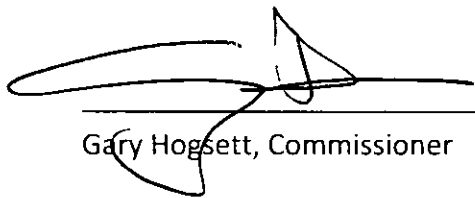
**Aye: Ysusi, Caflich, Hogsett**

**Nay: None**


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\_\_\_\_\_  
Louis Ysusi, Mayor

  
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Leonhard Caflisch, Commissioner

  
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Gary Hogsett, Commissioner

Attest:

  
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City Clerk/Treasurer