

Minutes of the Independence City Commission's June 13, 2019 Meeting

The Independence City Commission met for a regular meeting on June 13, 2019 at 5:30 P.M. in the Veterans Room at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Caflisch, and Commissioner Gary Hogsett were present. Others present included:

City Staff

Craig Whitehead, City Manager
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
April Nutt, Director of Housing Authority
Jerry Harrison, Police Chief
Lacey Lies, Director of Finance
Cody Shamblin, Airport Supervisor
Barb Beurskens, Park and Zoo Director
Barry Beurskens

Visitors

Taina Copeland
Larry McHugh
Jerry Bright
John Heckman
Steve Morrison
Ned Stichman
Anthony Royse
Thomas Black
Margaret Black
Dean Hayse
Dale Wilkens
Dorcas Sutton
Lisa Richard

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

Minutes of the Independence City Commission's June 13, 2019 Meeting

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Cafilich the Commission adopted the agenda with the modification that item "F" be removed from the consent agenda and moved to items for Commission action.

Aye: Ysusi, Cafilich, Hogsett

Nay: None

II. PRESENTATION

- A. Presentation by Montgomery County Emergency Management Director Rick Whitson.

Montgomery County Emergency Management Director Rick Whitson gave a report on the recent flood event and the response of City employees during the event.

Mayor Ysusi thanked him for the report and City staff for their hard work.

Commissioner Hogsett asked if there is anything the City could do to better communicate with the general public.

Director Whitson replied that he was not aware of anything the City could do better.

- B. Presentation by TranSystems of the Whiskey Creek Hydrology Study.

Aaron Moore gave a presentation on the Whiskey Creek Hydrology Study which is attached to the minutes.

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-1840
2. D-1905
3. P-1811

- B. Consider approving the minutes of the April 17 and 25, 2019 City Commission Meetings.

- C. Consider approving the following Cereal Malt Beverage Licenses:

1. Indy Brew Works – 223 W. Main Street
2. Martin Metzger – 123 N. 8th Street (1-day permit for June 20, 2019)

Minutes of the Independence City Commission's June 13, 2019 Meeting

- D. Consider approving the 12th Annual Blake Bertie Triathlon on August 10th, 2019 at Riverside Park.
- E. Consider authorizing the release of lien of nuisance taxes for 1033 N. 11th Street.
- F. Consider revising the Memorial Hall and Civic Center Rental Rates. Move to items for Commission action.

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

- G. Consider authorizing Mid America Chapter # 980 of the Experimental Aircraft Association to hold a fly-in at the Independence Municipal Airport on Saturday, September 14, 2019.
- H. Consider authorizing submittal of the 2019 Tenant Based Rental Assistance Grant prepared by the Independence Housing Authority.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission adopted the consent agenda with the exception of item "F" which was moved to items for Commission action.

Aye: Ysusi, Cafilisch, Hogsett

Nay: None

IV. ITEMS FOR COMMISSION ACTION

- A. Consider a request from Morrison Builders Inc. to waive the meter set fees for the building at 223 W. Main Street.

Steve Morrison appeared and thanked the Commission for their service and presented a timeline of the construction process at 223 W. Main Street.

Mayor Ysusi asked about the costs incurred for changes from the original design.

Mr. Morrison replied \$14,500.

Mayor Ysusi noted that there is a City Ordinance for connection fees for setting new meters.

Mr. Morrison stated he didn't know about these fees during the design and permit phase and asked the Commissioners to waive these fees.

Minutes of the Independence City Commission's June 13, 2019 Meeting

All the Commissioners agreed that better communication was needed between City staff and future developers.

Mayor Ysusi asked for an explanation on the additional \$3,000 charge.

Director Lybarger replied that is the system development fee charge on a 5/8 ¾ meter set is \$500 per meter set in addition to the set cost.

City Manager Whitehead apologized for the miscommunication.

Commissioner Hogsett stated the need to do a much better job of working with contractors and developers.

Mayor Ysusi indicated he would be willing to waive the system development fee.

Commissioner Hogsett stated he would be willing to waive a part of the fee.

Commissioner Caflisch agreed with waiving the fee.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission moved to waive the system development fee in the amount of \$3,000 for the building at 223 West Main Street.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- B. Consider approving an agreement with TranSystems for engineering services for the 2019 mill and overlay ADA sidewalks and ramps.

Commissioner Caflisch stated that he would like to scale back the improvements offered in the contract and evaluate other areas of the City that are a more pressing need.

Item was tabled.

- C. Consider approving Change Order No. 2 in the amount of \$10,410 regarding upgrading a control panel at the water treatment plant.

Director Lybarger told the Commission that this item was missed in the original scope of work.

Commissioner Caflisch asked if PEC included a letter of explanation and

Minutes of the Independence City Commission's June 13, 2019 Meeting

recommendation.

Director Lybarger said they only sent the change order and their recommendation is on the change order.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission moved to approve Change Order No. 2 to the WTP Electrical Improvements Contract with Kelley Electric in the amount of \$10,410.00

Aye: Ysusi, Caflich, Hogsett

Nay: None

- D. Consider text amendments to Appendix B-Zoning of the City Code including Appendix A. "Listing of Permitted and Conditional Uses" regarding "Communication Towers".

Lisa Richard requested to speak on this item.

Mrs. Richard believes that this a general change to the code and is not a specific tower or application and since it is a general change to the code the code has special provisions about how that is done and, in her view, those were not followed in this instance. She then read from the staff report the following:

"1604.1. Recommendations: Upon the conclusion of the public hearing the planning commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the governing body. Said recommendation may be for approval, disapproval or approval in part and reasons for the recommendations shall be included as appropriate.

1604.2. Amendments to text: When a proposed amendment would result in a change in the text of these regulations but would not result in a change of zoning classification of any specific property, the recommendation of the planning commission shall contain a statement as to the nature and effect of such proposed amendment and determinations as to the following items:

a. Whether such change is consistent with the intent and purpose of these regulations; b. The areas which are most likely to be directly affected by such change and in what way they will be affected; and c. Whether the proposed amendment is made necessary because of changed or changing social values, new planning concepts or other social economic conditions in the areas and zoning districts affected. "

Mrs. Richard believes that the Commissioners were not provided a record of the

Minutes of the Independence City Commission's June 13, 2019 Meeting

Planning Commission meeting or a report from the Planning Commission specifying how they handled the three issues that they were supposed to address. She asked the Commissioners to send it back to the Planning Commission so they can address these issues.

Mayor Ysusi asked if the Westar facility was properly zoned.

Assistant City Manager Passauer explained that it's possible that the original intent for zoning it C-2 and not industrial is because across the street is a residential neighborhood.

Commissioner Caflisch noted that since the City Code has these provisions in it they would need to send this item back to the Planning Commission to get the reports that are needed.

Item was tabled and returned to the Planning and Zoning Commission.

- E. Consider awarding electrical work to repair the Wald lift station.

Director Lybarger reviewed the three quotes he acquired for the work on the Wald Lift Station.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission moved to approve the quote from Greer's Electric in the amount of \$ 51,863.22 for electrical work to repair the Wald Lift Station.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- F. Consider a request from VFW Post 1186 to operate a golf cart on Myrtle, 6th, and Locust Streets on June 15, 2019 in support of the Veterans' event the post is hosting at the Civic Center and the VFW Post 1186 located at 113 E Myrtle Street.

Commissioner Hogsett asked Chief Harrison if he had any concerns.

Chief Harrison had none.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission moved to authorize VFW Post 1186 to operate a golf cart on Myrtle, 6th, and Locust Streets on June 15, 2019 in support of the Veterans' event the post is hosting at the Civic Center and the VFW Post 1186 located at 113 E Myrtle Street in Independence.

Minutes of the Independence City Commission's June 13, 2019 Meeting

Aye: Ysusi, Cafilisch, Hogsett

Nay: None

- G. Consider revising the Memorial Hall and Civic Center Rental Rates. Move to items for Commission action.

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

Commissioner Cafilisch questioned the five percent rate fee of gross ticket sales for use of the auditorium.

Assistant City Manager Passauer replied that the rate was originally ten percent and it was lowered in January to five percent. She added that there was an additional rate for use of the lower level of the auditorium only that was not addressed in the January meeting and that this will add the five percent rate charge for anyone who sells tickets for an event.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission moved to authorize modifications to the Memorial Hall Policy and Rental Rates as recommended by staff.

Aye: Ysusi, Cafilisch, Hogsett

Nay: None

V. DISCUSSION

- A. Discussion regarding placing on the 2019 November Ballot the question of increasing the number of City Commissioners from three to five, and whether to be elected at-large or by districts.

Ned Stichman addressed the Commission. Mr. Stichman reported that he had attended the worksession when this item was previously discussed. Mr. Stichman was concerned about getting enough candidates to run and felt there were other pressing needs of the City that needed to be addressed.

City Manager Whitehead went over a PowerPoint presentation that is attached.

Commissioner Hogsett asked if increasing the number of Commissioners would be a significant increase in cost.

Minutes of the Independence City Commission's June 13, 2019 Meeting

City Manager Whitehead responded by saying the Commissioners don't get paid and the increase in cost would be for additional attendees at conferences.

Commissioner Hogsett said he would like to have this item put on the ballot in the fall.

Commissioner Cafilisch said he has not received much response on this item and feels there are other pressing needs that need to be addressed.

Mayor Ysusi also said he has not received much interest from the public on this matter.

City Manager Whitehead pointed out that it was included in the strategic plan and Commissioner Hogsett had pointed out previously that it would be nice to talk to another Commissioner outside of meetings.

Mayor Ysusi understood that and that is why the Commissioners decided to add a worksession each month to bounce ideas off each other without making a decision.

VI. REPORTS

A. City Board Minutes

1. April 17, 2019 Library Board of Trustees Minutes
2. May 7, 2019 Planning Commission/Board of Zoning Appeals Minutes
3. May 15, 2019 Recreation Commission Minutes

VII. CITY MANAGER'S COMMENTS

None

VIII. COMMISSIONERS' COMMENTS

Commissioner Cafilisch asked if there was a start date on construction at the 1916 City Hall building.

Assistant City Manager Passauer said the notice to proceed was dated June 11, 2019.

Commissioner Cafilisch asked about the next phase of construction and if Treanor had set up a meeting for that yet.

City Manager Whitehead noted that they are coming on the 25th of June to meet with staff.

Commissioner Cafilisch wants to make sure that Treanor meets with the Commissioners before they get too far into the design phase of the project.

Minutes of the Independence City Commission's June 13, 2019 Meeting

Commissioner Caflisch also questioned whether the brewery contractor would put the sidewalk back to its original condition.

Director Cowan reported that they would.

Commissioner Caflisch asked who does the plan reviews.

City Manager Whitehead said that Inspector Cushing reviews the plans and for more complicated ones the City sends it out to other architects or engineers.

Commissioner Caflisch asked who reviewed the plans for the brewery.

Director Cowan said that Inspector Cushing did the review.

Commissioner Caflisch asked why we are using outside help.

Director Cowan replied that Inspector Cushing doesn't know everything, and the City is working on getting him more training.

Commissioner Caflisch asked if staff had received any responses for an ADA consultant.

City Manager Whitehead said they had gotten nine responses and had narrowed the field down to four.

Mayor Ysusi thanked City staff for the PSA on grass discharges on Facebook and he wanted to make sure that the City is sending out mailings to mowing contractors and putting something in the Reporter to educate the public on this matter.

Commissioner Ysusi also stated that he was getting conflicting reports on brush pick up.

Director Passauer replied that they are still picking up brush but are three people short in the street department and are running a little behind.

IX. PUBLIC CONCERNS

X. ADJOURNMENT

Motion:

Mayor Ysusi moved to adjourn. Commissioner Hogsett seconded.

Aye: Ysusi, Caflisch, Hogsett

Minutes of the Independence City Commission's June 13, 2019 Meeting

Nay: None

Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Gary Hogsett, Commissioner

Attest:

City Clerk/Treasurer