

## Minutes of the Independence City Commission's February 27, 2020 Meeting

The Independence City Commission met for a regular meeting on February 6, 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  
Lacey Lies, Director of Finance  
Shawn Wallis, Fire/EMS Chief  
David Cowan, Director of Safety/ADA Coordinator  
Jerry Harrison, Police Chief  
Barb Beurskens, Park and Zoo Director  
Terry Lybarger, Director of Utilities  
Mike Passauer, Public Works Director  
Brian McHugh, Memorial Hall Supervisor  
April Nutt, Director of Housing Authority

### Visitors

Larry McHugh  
Taina Copeland  
Jerry Bright  
Ian Pitts  
Vance Kelley  
Chuck Goad  
Brianna Ford  
Robert Box  
Lisa Wilson  
Dorcus Sutton  
Micah Dozier  
Ned Stichman

### 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**

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**Commission adopted the agenda.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

### II. APPOINTMENTS

- A. Planning Commission/Board of Zoning Appeals -- One expired term – Extend application until March 25, 2020.

### 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-1857
  - 2. P-1829
  - 3. P-1830
- B. Consider approving the request for the Community Access Center 5K Run/Walk on March 28, 2020 at Riverside Park.
- C. Consider authorizing blocking the 100 block of West Myrtle Street every Saturday from 7 AM to 11 AM from May through August of 2020 for the Independence Farmers Market.
- D. Consider a request from the First Presbyterian Church to authorize drive-thru flu shots at the park oval on Saturday, October 10, 2020.
- E. Consider authorizing the low bid of \$33,362.56 from Quality Motors for an F-250 truck for use at the Fire/EMS Department as budgeted.
- F. Consider authorizing the Mayor to sign a Tenant Based Rental Assistance (TBRA) Grant agreement and related documents.

**Motion:**

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

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

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### IV. ITEMS FOR COMMISSION ACTION

A. Consider the following revised proposals from TreanorHL for architectural services relating to 1916 City Hall:

1. Additional Construction Administration.

Regarding the Additional Construction Administration TreanorHL was asked to amend the proposed agreement to reflect a cost per visit rather than a fixed fee. TreanorHL asked that they be compensated for additional time above and beyond a trip charge, to which the Commission indicated that would be allowable if it was within reason. The revised proposal provides for a maximum fee of \$14,200 based on not more than eight site visits, review of submittals and response to questions, and review of not more than eight general contractor pay applications requests.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission approved revised proposals for Additional Construction Administration from TreanorHL.**

**Aye: Ysusi, Cafilisch, Hayse**

**Nay: None**

2. City Hall and Public Safety Center Concept Design.

Regarding the City Hall and Public Safety Center Concept Design TreanorHL was asked to revise the proposal from four options to two options as shown below:

1. 1916 City Hall with police department: Provide all city departments and the police department at this facility. This option will include an addition to the existing building.
2. Fire and EMS Department at Apparatus Bay: Provide addition to the existing apparatus bay for the fire department.

The following work would be included in the proposal:

1. Site Plan
2. Floor Plan
3. Narrative describing scope of work for architectural, structural, and mechanical, electrical, and plumbing systems.
4. Estimate of probable construction and project costs.

**Motion:**

**On the motion of Mayor Cafilisch, seconded by Commissioner Ysusi the Commission tabled the agreement and set a Special Meeting for Tuesday March 31<sup>st</sup> at 9 A.M.in the Veterans Room for further discussion on the matter.**

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**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

- B. Consider a recommendation from the Economic Development Advisory Board regarding an incentive to Indy Brew Works.

A Brewery business was one that was identified by the City, Chamber, and Main Street as a target industry to recruit based on the Roger Brooks Downtown growth strategy. As a target industry, we recommend offering a \$1,000 incentive as jobs are created. Indy Brew Works plans to have five (5) FTE employees within the first year of opening. In the request letter from Indy Brew Works, this funding would help increase their capacity by allowing them to order additional supplies for distribution.

The Economic Development Advisory Board is requesting that the City enter into a \$5,000 forgivable loan agreement with Indy Brew Works. Indy Brew Works will provide employment reports from the Kansas Department of Labor after the first anniversary date for meeting the first year's job creation commitment (March 31, 2021), and every anniversary thereafter for the remainder of the agreement.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted a resolution authorizing a \$5,000 forgivable loan for a job creation incentive to Indy Brew Works.**

**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

- C. Consider a mutual aid agreement with the Board of County Commissioners of Montgomery County on behalf of the Montgomery County Rural Fire District.

The City of Independence Fire-EMS has been working with District Fire Chief Rick Whitson to develop a mutual aid agreement.

A structure fire doubles in size every minute and comparatively a grass fire, with ample fuel, can double in size every 15 seconds. It is critical to have a quick response and manpower at a fire scene. Initially, in the early stages of these talks, Montgomery County was willing to find us a grass vehicle to not only assist us in the City with the response to grass and brush fires but to offer assistance to them. However, we can now provide the pickup and we are working together to purchase

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the tank insert to provide this critical piece of equipment that will benefit both the City and our County partners.

The mutual aid agreement provides both departments with resources that can immediately assist each of us with manpower, water supplies, aerial operations, and rescue responses at fire scenes and rescues. This working relationship is a critical element in providing a quick and effective response for the protection of all our citizens in Montgomery County.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission approved the mutual aid agreement with the Board of County Commissioners of Montgomery County on behalf of the Montgomery County Rural Fire District.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- D. Consider recommendation from the Planning Commission to adopt an ordinance amending Appendix B-Zoning of the City Code relating to "Children's Homes."

On February 4, 2020 the Planning Commission conducted a public hearing amending Appendix B-Zoning of the City Code relating to "Children's Homes." The following motion was approved:

To recommend that the City Commission approve adding "Children's Homes" into the permitted and conditional use table as a permitted use in an R-5 zone, and a conditional use in the R-3 and R-4 zones with the following determinations:

- a. That such change is consistent with the intent and purpose of these regulations;
- b. That the areas which are most likely to be directly affected by such change will include the R-3 and R-4 zones which will allow children's homes with a conditional use permit which does provide an opportunity for property owners within the notification area to voice any concerns to both the Planning Commission and City Commission prior to approval;
- c. The proposed amendment is made necessary because of new planning concepts in the R-3 and R-4 zones as it relates to a shortage of available foster care for children.

To recommend that the City Commission add the following definitions to Article IV. Rules and Definitions:

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Children's Home: Any place, home or institution providing twenty-four hour nonsecure care licensed by the state for five or more children under the age of 18 years for compensation in which such children are under the custody of a state agency; provided, however, this definition shall not include children placed in family care in a family foster home, public and private schools organized, operated or approved under the laws of the state, children related by blood or marriage to the provider, caring for children within an institutional building while their parents or legal guardians are attending services, meetings or classes or engaged in church activities.

Family Foster Home: A childcare facility that is a private residence, including any adjacent grounds, in which the resident(s) provide family care for 24 hours a day for one or more children in foster care and for which a license is required by the State of Kansas.

### **Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission accepted the recommendation of the Planning Commission and adopted an ordinance amending Appendix B-Zoning of the City Code relating to " Children's Homes".**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- E. Consider recommendation from the Planning Commission regarding the following:
1. A request to rezone a tract of land located at 517 S. 4th Street from R-3, low density multifamily dwelling district to R-5, high density multifamily district; and/or
  2. A request for a conditional use permit for an "Orphanage" or other new additional use(s) at 517 S. 4th Street.

On February 4, 2020 the Planning Commission a public hearing and recommended the following action:

1. Accepting the recommendation of the Planning Commission to deny a request to rezone a tract of land located at 517 S. 4th Street from R-3, low density multifamily dwelling district to R-5, high density multifamily district; and
2. Accepting the recommendation of the Planning Commission to approve a conditional use permit for a "Children's Home" At 517 S. 4th Street with the following conditions:

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- a. The facility shall be licensed by the state and shall meet all city, county and state requirements pertaining to operation, facilities, equipment and other features.
- b. Off-street hard surfaced parking spaces shall be provided to accommodate one vehicle for each six beds. Any fraction shall be rounded up. Such parking shall meet the requirements of the Off-Street Parking and Loading Regulations.
- c. A "hard surfaced" loading zone capable of accommodating one car for every ten occupants shall be provided in addition to the required parking spaces in order to provide for easy pickup and discharge of passengers.
- d. Any visitors of the facility shall not block the alley or private drives.
- e. The total number of residents cannot exceed five.
- f. The maximum age of residents shall be 16.
- g. The residents shall be from the local region serving Independence and classified as a child in need of care by the Kansas Department of Children and Family Services.
- h. No occupants may be criminal offenders, juvenile delinquents and/or going through law enforcement proceedings.
- i. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- j. The facility shall provide a visual screen along all property lines abutting any residential use, such screening shall be a 6' privacy fence on the north property line.
- k. Said facility shall be allowed one sign, not to exceed 18 inches by 36 inches in dimension, which shall be attached to the house.
- l. Outdoor storage of materials shall be permitted insofar as such materials or equipment are utilized as part of the facility operation.
- m. The conditional use permit is not transferable to another property owner or to another location.
- n. The applicants must be in compliance with all City codes and must continue to be in compliance with all City codes. This would include the requirement to acquire a City occupation license which must be renewed annually.
- o. Video surveillance is required outside and in common areas and will be made available to law enforcement upon request if there is no law that prohibits it.

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### **Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission accepted the recommendations from the Planning Commission and adopted a resolution approving a conditional use permit for a "Children's Home" At 517 S. 4th Street with conditions except for condition No. 6 having to do with the maximum age of residents and condition No. 15 having to do with video surveillance required outside and in common areas.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- F. Consider authorizing the Mayor to sign a verification form for activities to be performed under the FEMA CRS program.

The City of Independence approved participating in the CRS program on January 23, 2020. Since that approval the City of Independence has received a visit by Steve Samuelson, State of Kansas Division of Water Resources/Floodplain Management and he reviewed the program and activities the City can participate in. The activities in the CRS program provide points towards the community reduction in Flood Insurance. If approved by the commission the following activities will be performed by the City and an ISO/CRS Specialist will review and approve our drafts during her visit. Implementation of the activities by the city and verification by her will lead to a discount percentage on the premiums for citizens purchasing flood insurance.

- Series 310 – Elevation Certificates. This is a mandatory activity and requires the City to adopt a policy and maintain all elevation certificates – 38 points
- Series 320 – Letters to realtors, lenders and insurance agencies. We will also maintain a log of inquiries and utilize GIS to provide ground elevations. 90 points
- Series 330 – Outreach – providing brochures and information for the public. We will place information throughout the community, social media, newsletters, cable channel . . .
- Series 340 – Council adopts an ordinance – We will bring an ordinance to the council that will require disclosure of properties located in the floodplain by realtors and landlords.
- Series 350 – Information in our public library – We have ordered books from FEMA that we will ask the library to have available for the public. We will link USGS gauges on our webpage with explanations.
- Series 360 & 370 – The City will develop a floodplain page on our webpage and provide assistance to the community related to flooding issues at the residence, complaints, flood insurance questions, and meeting with people when requested.

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- Series 410 – Floodplain Mapping – the City of Independence has the floodplain mapped in our GIS program.
- Series 420 – Deed Restriction Floodplain – The City of Independence is already working with Montgomery County to list all Deed restricted property on our GIS map. It is our responsibility to maintain maps and monitor the OSP land in the floodplain.
- Series 430 – Regulations and code enforcement by the City.
- Series 440 – Maintaining GIS Maps of the floodplain
- Series 500 - Mandatory program – Repetitive Loss Properties. Confidential Information the City must maintain – City must send a yearly letter to all properties in the “Repetitive Loss area”. We have already made the map and template letter for CRS review
- Series 510 – Activities related to hazard mitigation – We will work with Rick Whitson and the county hazard mitigation plan and we will provide a yearly report to CRS. The recent flood study completed on Whiskey Creek will be a part of series 510.
- Series 520 – Acquisition and Relocation – Mandatory – Deed Map – working with Montgomery County
- Series 540 – Drainage System Maintenance – We will develop an SOP for the City Street Dept., will map all ditches and drains in the City, ¼ inspections
- Series 610 – Develop a flood warning and response for the 1% and 2% areas. We will be working with Rick Whitson to put this plan in place.

### **Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission approved the Mayor to sign approval of the CRS activity participation as presented.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- G. Consider setting the date of April 23, 2020 for two public hearings to consider condemnation of the following structures as dangerous and unsafe:
1. 1008 W. Laurel Street

The Independence Fire-EMS responded to a structure fire at 1008 W. Laurel on the evening of January 31, 2020. The fire caused substantial damage to the kitchen and smoke and heat damage throughout the structure. The residence is insured and the insurance adjuster has determined it is not a total loss. The City of Independence has sent a letter to the owner asking for a timeline of repairs or if they intend to remove the structure but has no response from the owner at this time.

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**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission set the date of April 23, 2020, at 5:30 p.m. for a public hearing to consider condemnation of a fire damaged structure at 1008 W. Laurel Street.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

2. 601 N. 8<sup>th</sup> Street

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

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission set the date of April 23, 2020, at 5:30 p.m. for a public hearing to consider condemnation of 601 N. 8<sup>th</sup> Street.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

H. Consider modifying the scope of work for Water Treatment Plant Phase II.

On February 19, 2020 the City Commission met with Sarah Unruh from PEC and City staff to review the scope of work and contract for the Phase II improvements at the Water Treatment Plant. At the meeting PEC was directed to include the demolition plan for existing out-of-service concrete tank and provide a cost for core samples to be taken at the existing two concrete basins and design of repairs. PEC provided a scope of work and cost of \$5,500 for this additional work. If the Commission approves this additional work, then the contract will be revised and placed on your next agenda for approval.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission approved to modify the scope of work for the Water Treatment Plant Phase II project as presented and direct a revised contract to be prepared for consideration at the next regular Commission meeting.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

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I. Consider authorizing applications to KDOT for the following projects:

1. Chestnut from near Penn Avenue to 9<sup>th</sup> Street

Kansas Department of Transportation (KDOT) City Connecting Link Improvement Program (CCLIP) applications for state fiscal year 2022/2023 are due on March 6, 2020. City Staff has met with TranSystems and believe the following applications should be made.

1. CCLIP Application, Surface Preservation – Chestnut Avenue (US 75) from near Penn Avenue to 9<sup>th</sup> Street.
  - a. 2” mill & overlay; replace non-compliant curb ramps that abut new asphalt.

<b>Estimated Cost</b>	<b>Estimated City Match – (10%)</b>	<b>Non-Participating Costs</b>	<b>Total City Cost</b>
\$218,829.00	\$16,275.10	\$56,078.00	\$72,353.10

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized TranSystems to prepare an application for KDOT’s CCLIP Surface Preservation Program for Chestnut Avenue (US 75) from near Penn Avenue to 9<sup>th</sup> Street. and for Staff to submit the application to KDOT.**

**Aye: Ysusi, Caflisch, Hayse**  
**Nay: None**

2. Penn Avenue from Morningside Drive to North City limits
2. CCLIP Application, Pavement Restoration – Penn Avenue (US 75) from Morningside Drive to North City Limits
  - a. 3” mill, construct 2’ widening with 6” gravel and 4’ asphalt base, then 4” overlay cross section.

<b>Estimated Cost</b>	<b>Estimated City Match – (10%)</b>	<b>Non-Participating Costs</b>	<b>Total City Cost</b>
\$505,127.00	\$41,415.60	\$90,971.00	\$132,386.60

**Motion:**

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**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized TranSystems to prepare an application for KDOT's CCLIP Pavement Restoration Program for Penn Avenue (US 75) from Morningside Drive to North City Limits AND INCLUDE GLENCLIFF ROAD TURN OFF IF THE ROAD IS INCLUDED IN KDOT'S RIGHT OF WAY and for Staff to submit the application to KDOT.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

### V. REPORTS

#### A. TranSystems Project Updates:

1. KDOT Access Management Applications
2. KDOT Cost Share Application
3. Peter Pan White Topping
4. Peter Pan Phase 3
5. ADA Phase 4
6. Kansas Water Pollution Control Revolving Loan Fund for improvements to the Wastewater System

Shawn Turner reviewed each project.

#### B. February 2020 Sales Tax Report.

Director Lies reviewed the report.

#### C. 223 West Main Street Update.

Director Cowan provided an update.

#### D. Neighborhood Revitalization Plan Update.

Assistant City Manager Passauer provided an update.

#### E. 2020 Census Update

Assistant City Manager Passauer provided an update.

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### F. City Board Minutes

1. October 14, 2019 Independence Historic Preservation and Resource Commission
2. January 7, 2020 Economic Development Advisory Board
3. January 7, 2020 Planning Commission/Board of Zoning Appeals

### G. HGTV Hometown Video.

Director Lies presented the video and told the Commission that the City has authorization to use it for whatever capacity we want.

## VI. CITY MANAGER'S COMMENTS

Assistant City Manager Passauer asked Director Cowan to report on an inspection that was performed by the Board of EMS.

Director Cowan reported that the department received an outstanding grade which means that there were no violations to report.

Director Cowan gave an update on the Beautification committee's upcoming activities.

Assistant City Manager Passauer reported that Shift Sector received approval from the FAA to have their event at the Airport.

Chief Harrison reported that Lexipol would be on site for an audit of the Police Department on March 16-18, 2020

Assistant City Manager Passauer reported that Evergy has retrieved the data off the recorders at the central energy plant and would like to meet with the Commission at the March 18<sup>th</sup> Worksession.

## VII. COMMISSIONERS' COMMENTS

No comments

## VIII. PUBLIC CONCERNS

Dorcus Sutton reported that last summer there was had a water leak in the street on her corner and in the process of getting that repaired City equipment scratched up the sidewalk to the street and it is going to freeze and make a bad corner. She suggested that since the City created this problem, perhaps they should resolve the problem.

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Assistant City Manager Passauer asked where this problem is located at.

Mrs. Sutton replied that the address is 1201 N 5<sup>th</sup>.

### IX. EXECUTIVE SESSION

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

**Motion:**

**On the motion of Mayor Cafilisch, 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 8:15 P.M.**

**Aye: Ysusi, Cafilisch, Hayse**

**Nay: None**

The meeting resumed at 8:15 P.M. with no action taken.

### X. ADJOURNMENT

**Motion:**

**Mayor Cafilisch moved to adjourn. Commissioner Hayse seconded.**

**Aye: Ysusi, Cafilisch, Hayse**

**Nay: None**

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Leonhard Cafilisch, Mayor

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Louis Ysusi, Commissioner

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Dean Hayse, Commissioner

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Attest:

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City Clerk/Treasurer