

## Minutes of the Independence City Commission's December 10, 2020 Meeting

The Independence City Commission met for a regular meeting on December 10, 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  
David Cowan, Assistant City Manager  
Kelly Passauer, City Manager/Zoning Administrator  
David Schwenker, City Clerk/City Treasurer  
Mike Passauer, Public Works Director  
Cody Shamblin, Airport Supervisor  
Jerry Harrison, Police Chief  
Ty Lupardus, Police Officer  
Shawn Wallis, Fire/EMS Chief  
Brian McHugh, Memorial Hall Supervisor  
Barb Beurskens, Park and Zoo Director  
Barry Beurskens, Memorial Hall Maintenance  
Terry Lybarger, Director of Utilities  
Ed Sykes, Chief Water Plant Operator  
Dustin Stafford, Police Officer  
Lacey Lies, Director of Finance by phone  
Mike Devore, Memorial Hall Maintenance

### Visitors

Larry McHugh  
Taina Copeland  
Brenda Weaver  
Miranda Bruening  
Lori Kelly  
Tabatha Snodgrass

#### 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 Commission adopted the agenda.**

## Minutes of the Independence City Commission's December 10, 2020 Meeting

**Aye: Ysusi, Cafilich, Hayse**

**Nay: None**

### II. PRESENTATIONS

#### A. City Employee Awards Presentation and Recognition of Retirees.

Employees that were recognized were:

Randy Barnes – Five years of service  
Derrick Bays – Five years of service  
Ty Lupardus – Five years of service  
Mary Kathy Moore – Five years of service  
Eric Pinkerton – Five years of service  
Warner Walter – Five years of service  
Matthew Hagood – Ten years of service  
Molly Wright – Ten years of service  
Michael DeVore – Fifteen years of service  
Erik Leque – Fifteen years of service  
Edwin Sykes – Fifteen years of service  
Gerald Beasley – Thirty years of service  
Kelly Passauer – Thirty years of service  
Mike Passauer – Thirty years of service  
Terry Lybarger – Forty years of service

Retirees that were recognized were:

Brenda Weaver – Deputy City Clerk  
Barb Beurskens = Park and Zoo Director  
Barry Beurskens – Memorial Hall Maintenance

Airport Supervisor Cody Shamblin was honored for graduating the Certified Public Manager class on December 4, 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-1876
2. D-2010
3. P-1850

## Minutes of the Independence City Commission's December 10, 2020 Meeting

- B. Consider minutes of the September 10, 11, 16, 24, and 30, 2020 and October 8, 15, and 22, 2020 meetings.
- C. Consider authorizing the police department to purchase and upfit three 2021 Dodge Rams from Quality Motors and trade a 2016 Ford PIU as bid and scrap the rebuilt 2008 Dodge Charger.
- D. Consider a resolution exempting the City from GAAP (Generally Accepted Accounting Principles).
- E. Consider authorizing annual holiday Main Street Gift Certificates for City employees.

**Motion:**

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

**Aye: Ysusi, Cafilisch, Hayse**

**Nay: None**

#### IV. ITEMS FOR COMMISSION ACTION

- A. Consider adopting an ordinance implementing the one cent special use sales tax in 2022.

Since the successful November 3, 2020 sales tax election, the next step towards implementing the 1 cent sales tax is to adopt an ordinance formally imposing it. Gilmore and Bell has prepared the attached ordinance. Once it is adopted it will be submitted to the Kansas Department of Revenue.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted an ordinance authorizing the levy of a one percent (1%) City-wide retailers' sales tax and related matters.**

**Aye: Ysusi, Cafilisch, Hayse**

**Nay: None**

- B. Consider the following actions regarding the remarking of Runway 17-35 at the Independence Municipal Airport:
  - 1. Awarding the bid to Hi-Lite Airfield Services, LLC in the amount of \$97,883.60.

Bids for the remarking of Runway 17-35 were received on November 12, 2020. Four bids were received with a low bid from Hi-Lite Airfield Services. Lochner performed

## Minutes of the Independence City Commission's December 10, 2020 Meeting

a background check and has recommended entering into a contract with the low bidder.

As part of this project, an agreement is needed with H.W. Lochner for construction engineering and inspection services for this project.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to award the bid to Hi-Lite Airfield Services, LLC in the amount of \$97,883.60 to remark Runway 17/35 at the Independence Municipal Airport, and authorize the Mayor to sign any related documents.**

**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

2. Approving an agreement with H.W. Lochner, Inc. to perform construction engineering and inspection services in an amount not to exceed \$25,500.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to authorize the Mayor to sign an agreement with H.W. Lochner, Inc. in the not to exceed amount of \$25,500 for construction engineering and inspection services related to remarking Runway 17/35 at the Independence Municipal Airport.**

**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

- C. Consider a recommendation from the Planning Commission to rezone a tract of land from C-4, Highway Commercial district to C-2, Commercial Services District at 2022 W. Main Street with conditions.

On November 3, 2020 the Planning Commission conducted a public hearing to consider rezoning tracts of land from C-4, Highway Commercial district to C-2, Commercial Services District at 2022 W. Main Street with conditions. On an 7-1 vote the rezoning request was recommended to be approved with the following restrictions which shall be binding on all future owners, assigns or heirs:

1. The applicant will obtain all necessary City of Independence and State of Kansas licenses and/or permits to operate the uses proposed.
2. All parking, entrance and exit drives must be designed to minimize traffic congestion on public streets.
3. Any additional exterior lighting on site will be designed in such a way that it

## Minutes of the Independence City Commission's December 10, 2020 Meeting

will not be directed toward or create a nuisance to any adjoining properties. Such lighting will need to be approved by the Zoning Administrator.

4. To limit noise that could affect adjoining areas there shall be no outside audio or paging equipment that exceeds a volume level that can be heard at any of the adjoining residential dwellings under separate ownership other than the auto dealership and service center properties.
5. The location of solid waste equipment shall be designed by the company and will need to be approved by City staff. All solid waste shall be kept in containers which shall be screened from adjoining properties.
6. Any off-street parking areas will meet the minimum off street parking requirements; shall be maintained in appearance and shall be used solely for parking of the customers and employees of the business.
7. A drainage plan designed to adequately handle a 10 year or greater storm event must be submitted by an engineer licensed in the State of Kansas to ensure that any increased runoff will be dealt with in such a way so as not to negatively impact nearby or downstream properties.
8. All property lines must be established by a surveyor licensed in the State of Kansas.
9. A detailed site plan shall be submitted to and approved by City staff prior to any such work commencing.
10. All improvements will be maintained and kept in serviceable condition; and the property must be kept free of debris and trash.
11. If alley improvements are deemed needed by the Zoning Administrator, the adjoining -alley will be resurfaced and improved by the applicant as part of the project. Such resurfacing will need to meet specifications provided by the City, and such work will need to be approved by the Zoning Administrator.
12. The property shall not be utilized for retail purposes in structures with less than 5,000 square feet of space dedicated for each retail business, except for those retail purposes related to auto sales and related auto services.

Staff recommends making one modification to Item #6 as follows:

*“Any off-street parking areas will meet the minimum off street parking requirements; shall be maintained in appearance and shall be used solely for the display of vehicles for sale or awaiting service, and for parking of the customers and employees of the business.*

### **Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to accept the recommendation of the Planning Commission with the modification as suggested by staff and adopt an ordinance rezoning tracts of land from C-4, Highway Commercial district to C-2, Commercial Services District at 2022 W. Main Street with conditions which**

## Minutes of the Independence City Commission's December 10, 2020 Meeting

**shall be binding on all future owners, assigns or heirs.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- D. Consider approval of a downtown pavilion concept and waiving building permit fees.

The Community Foundation seeks approval of a downtown pavilion concept for the 200 block of West Main Street. The foundation concept will include several phases to complete the pavilion and has \$35,000.00 in Spark funding to complete phase one. Once the pavilion is completed, they would like to consider donating the property to the City. Miranda Bruening and Foundation members will be present at the meeting.

Foundation is also asking the City to waive the building permit fees, but they will meet all codes and inspections required by the code.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to approve the downtown pavilion concept and waive the building permit fees.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

- E. Consider adopting ordinances removing bond requirements for electricians and plumbers; and consider an ordinance amending the national electric code.

The Plumbing and Electrical Board have requested the removal of corporate surety bond as a prerequisite for licensure but adding certificate of commercial liability insurance, issued by a reputable insurance company authorized to do business in Kansas, showing proof of liability coverage in the minimum amount of \$1,000,000.00.

The Electrical Board is also asking to change Section 18-122(b) amending service upgrades to require a disconnect to have a UL listed breaker box. A service disconnect requires separate neutral and ground bars in the breaker box. Non UL listed boxes do not have the room to add a separate neutral and ground bar.

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to approve Ordinance 4341 removing a bond requirement**

## Minutes of the Independence City Commission's December 10, 2020 Meeting

for electricians and adding proof of business liability insurance for licensure of electricians.

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to approve Ordinance 4342 removing bond requirements for licensure of plumbers and adding proof of business liability for licensure of plumbers.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to table Ordinance 4343 amending City Code 18-122(b) requiring a UL listed breaker box on the premises.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

### F. Consider approving the 2021 City Commission Meeting and City Holiday schedule.

Each year during reorganization, which is scheduled for January 14, 2021, the City Commission considers modifying the date and times of meetings. However, since reorganization starts after the year begins it is recommended to move forward with approval of the 2021 City Commission Meeting and City Holiday Schedule for planning purposes. The schedule generally consists of the 2<sup>nd</sup> and 4<sup>th</sup> Thursdays at 5:30 PM, and the 3<sup>rd</sup> Wednesday at 9 AM for work sessions, with the exceptions noted. In addition, the Commission may wish to consider deleting the 3<sup>rd</sup> Wednesday meetings on April 21, 2021, July 21, 2021, and November 17, 2021 to avoid back-to-back meetings.

During a recent engagement survey with the employees one item that came up was a request for additional holidays. Generally, the City has eight holidays per year with an additional half or whole day holiday on Christmas Eve and New Years' Eve if they do not fall on a weekend. When reviewing the U.S. federal holidays, the following holidays are not currently included in the City's holidays:

- Martin Luther King, Jr. Day (January 18, 2021)
- President's Day (February 15, 2021)
- Columbus Day (October 11, 2021)

## Minutes of the Independence City Commission's December 10, 2020 Meeting

City staff is recommending adding Martin Luther King, Jr. Day which was a previous City holiday many years ago.

**Motion:**

**On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission moved to approve the 2021 City Commission Meeting and City Holiday schedule as presented with the deletion of the following work sessions: April 21, July 21, and November 17, 2021.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

Mayor Caflisch called for a 5-minute recess. The open meeting will resume at 6:46 P.M.

The open meeting resumed at 6:46 P.M.

- G. Consider adopting Ordinance 4344 amending City Code Section 26-4 Establishing Court Costs to be Assessed in Municipal Court and to approve Ordinance 4345 amending the associated costs in Appendix D Fee Schedule.

City Code Section 26-4 pertaining to court costs is being updated to be more inclusive of fees commonly assessed by Municipal Courts. Previously, the only City fees assessed by the Municipal Court were court costs in the amount of \$50.50. This new ordinance will increase the court costs to \$75.50 and allow for other fees to be assessed based on services provided, such as 1) Attorney fee; 2) Fingerprint fee; 3) Incarceration fee; 4) Medical fee; 5) Expungement fee; and 6) Warrant fee.

Service	Fee
Court Costs	\$75.50
Court Appointed Attorney	\$200.00
Fingerprinting	\$50.00
Incarceration	Rate charged by the Montgomery Department of Corrections, currently \$35/day
Medical	Equal to the cost of all medical treatment provided
Expungement	\$100.00
Warrant	\$50.00



## Minutes of the Independence City Commission's December 10, 2020 Meeting

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to approve Ordinance 4344 Amending City Code Section 26-4 Establishing Court Costs to be Assessed in Municipal Court and to approve Ordinance 4345 amending the associated costs in Appendix D Fee Schedule.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

H. Consider scheduling a worksession to further discuss future City facilities.

On November 19, 2020 the Commission approved the programming floor plans for the 1916 City Hall and Fire/EMS Apparatus Addition as presented by TreanorHL. At that meeting Commissioner Hayse requested a worksession to further discuss future City facilities. Since the Strategic Planning Retreat is scheduled for January 20, 2020, it would be advantageous to schedule this worksession before the retreat, if possible.

The following are upcoming Commission meetings already scheduled:

- Thursday, December 17, 2020 – 5:30 PM
- Thursday, January 14, 2020 – 5:30 PM
- Wednesday, January 20, 2020 – 9 AM
- Thursday, January 28, 2020 – 5:30 PM

**Motion:**

**On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission moved to schedule a worksession to discuss future City facilities on January 7, 2021 at 9:00 A.M.**

**Aye: Ysusi, Caflisch, Hayse**

**Nay: None**

V. REPORTS

A. City Board Minutes

1. September 16, 2020 Library Board of Trustees

VI. CITY MANAGER'S COMMENTS

Chief Harrison gave a report on the department's safe policing certification and an update on the installation of the new dispatch system.

**Minutes of the Independence City Commission's December 10, 2020 Meeting**

VII. COMMISSIONERS' COMMENTS

There were no comments.

VIII. PUBLIC CONCERNS

There were no public concerns.

IX. EXECUTIVE SESSION

- A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

**Motion:**

**On the motion of Mayor Caflich, seconded by Commissioner Ysusi the Commission moved to recess for an executive session for consultation with the City's attorney regarding possible litigation pursuant to the attorney client privilege exception (K.S.A. 75-4319(b)(2)). The open meeting will resume at 7:37 P.M.**

**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

The meeting resumed at 7:37 P.M. with no action taken.

X. ADJOURNMENT

**Motion:**

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

**Aye: Ysusi, Caflich, Hayse**

**Nay: None**

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Louis Ysusi, Mayor

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Leonhard Caflich, Commissioner

**Minutes of the Independence City Commission's December 10, 2020 Meeting**

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Dean Hayse, Commissioner

Attest:

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City Clerk/Treasurer