

Minutes of the Independence City Commission's February 25, 2021 Meeting

The Independence City Commission met for a regular meeting on February 25, 2021 at 5:30 P.M. at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Caflisch 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
Shawn Wallis, Fire/EMS Chief
Tyler Henry, Building Inspector
Lacey Lies, Director of Finance
Angela Anthony, Park and Zoo Director
Dustin Stafford, Police Officer
John Garris, City Engineer/Director of Public Works and Utilities
Jerry Harrison, Police Chief
Brian McHugh, Memorial Hall Supervisor
Dustin Stafford, Police Officer
Lydia Collins, Administrative Aide

Visitors

Larry McHugh
Taina Copeland
Andy Taylor
James Beachner

I. REGULAR SESSION

A. Call to Order

Mayor Ysusi 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 Caflisch, seconded by Commissioner Hayse the Commission adopted the agenda.

Aye: Ysusi, Caflisch, Hayse

Nay: None

II. APPOINTMENTS

A. Tree Board – Applications Due by March 5, 2021

Minutes of the Independence City Commission's February 25, 2021 Meeting

B. IHPRC – Applications Due by March 5, 2021

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-1883
2. P-1856

B. Consider authorizing the Mayor to sign a lease agreement with Regional Medical Laboratory, Inc. for space in Temporary City Hall (Building D).

C. Consider bids received for a replacement ambulance.

D. Consider authorizing a scope of work for bidding the inspection and repair of the existing Worthington Backwash Pump (Water Treatment Plant).

E. Consider authorizing the City Manager to sign an application for federal assistance for grant funds for the Independence Municipal Airport under the Coronavirus Response and Relief Supplemental Appropriations Act.

F. Consider authorizing the receipt of bids for the replacement of the animal control vehicle and box.

G. Consider authorizing a request from the Chamber to block Pennsylvania Avenue from Main to Maple for the purpose of hosting SHIFT S3CTOR'S car show from 4 pm until 12 am on April 17th, 2021.

H. Consider initiating a public hearing to consider a text amendment to the zoning code to allow Medical clinics, outpatient services in an M-1 zone as either a permitted or a conditional use.

Motion:

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

Aye: Ysusi, Cafilich, Hayse

Nay: None

IV. PUBLIC HEARINGS

A. Public Hearings to consider condemnation of the following structures as dangerous and unsafe:

1. 801 E. Birch Street

Minutes of the Independence City Commission's February 25, 2021 Meeting

Alicia Florio is working on rehabilitation of this structure. City Staff recommends adjourning for 120 days.

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hayse the Commission adjourned the Public Hearing until June 24, 2021 at 5:30 PM.

Aye: Ysusi, Caflich, Hayse

Nay: None

2. 1020 W. Myrtle Street

A previous potential buyer has returned the house back to Paul Horvath, and there has been no work done on the structure and Mr. Horvath will not return calls or meet with the building inspector. Staff recommends condemning this house as dangerous and unsafe.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission adopted a resolution condemning 1020 W. Myrtle Street as dangerous and unsafe.

Aye: Ysusi, Caflich, Hayse

Nay: None

3. 2009 ½ N. Penn Avenue

Michael Morris has provided a timeline for repairs of this structure. City Staff recommends adjourning for 120 days.

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hayse the Commission adjourned the Public Hearing until June 24, 2021 at 5:30 PM.

Aye: Ysusi, Caflich, Hayse

Nay: None

V. ITEMS FOR COMMISSION ACTION

- A. Consider a request for approval of the exact location for a statue of Remington at the northwest corner of Penn/Laurel.

On November 14, 2019 the Commission authorized placement of a Remington statue near the 1916 City Hall building. On March 12, 2020, the Commission

Minutes of the Independence City Commission's February 25, 2021 Meeting

authorized the Remington statue location to be moved from 1916 City Hall to downtown on the northwest corner of Penn/Laurel with the exact location to be determined once the funds have been raised. The exact location has now been decided on and it is anticipated the statue will be installed in April. The cost of the statue, including installation will be funded from donations.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflich the Commission authorized the placement of a Remington statue on the northwest corner of Penn/Laurel at the exact location as presented.

Aye: Ysusi, Caflich, Hayse

Nay: None

- B. Consider adopting a resolution declaring a financial emergency relating to anticipated high utility bills due to prolonged sub-zero wind chills.

Administrative staff met with the Montgomery County Emergency Manager and watched a live video from the League of Kansas Municipalities last Friday regarding the potential for higher rates than normal for natural gas and/or electricity. The League recommended adopting a resolution declaring a financial emergency. Montgomery County passed such a declaration on February 22, 2021 and City staff is recommending the City do this as well. Passage of Emergency Declarations could become important if aid becomes available.

Motion:

On the motion of Commissioner Caflich, seconded by Commissioner Hayse the Commission adopted a resolution declaring a financial emergency relating to anticipated high utility bills due to prolonged sub-zero wind chills.

Aye: Ysusi, Caflich, Hayse

Nay: None

- C. Consider awarding a demolition bid for 201 E. Main Street.

City of Independence received bids for the removal of 201 E. Main Street. The City received two bids with G&G Dozer, the low bid at \$43,200.00. It is staff recommendation to award the bid to G&G Dozer for the removal of the property.

Removal will be done in two phases. The building will be removed, leaving the slab and the City will work with the State to determine if there are any hazards before final removal of the slab and grading of the property.

Minutes of the Independence City Commission's February 25, 2021 Meeting

The demolition account balance was \$123,055.38 after the previous demolitions were awarded on February 11, 2021. The account balance would be \$79,855.38 with the completion of the 201 E. Main demolition.

James Beachner objected to the awarding of the bid because he feels that there were irregularities with G & G Dozer's bid.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Cafilisch the Commission award G&G Dozer the demolition bid for 201 E. Main for a maximum of \$43,200.00, subject to approval by the State Historic Preservation office.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- D. Consider adopting a Charter Ordinance exempting the City from certain statutory provisions relating to Municipal Court; and an ordinance providing for substitute provisions for procedures in Municipal Court.

City staff has been working to improve our Code Enforcement and Building Department efforts. A recent addition to the Code Enforcement Team was Animal Control. The Code Enforcement Team is currently cross-training and working together to cover Animal Control and Code Enforcement duties. As a part of our cross-training efforts, Code Enforcement needs the ability to issue citations and court appearances. The ordinances would then allow the City Manager to appoint designated City Officers, who are not law enforcement certified, to issue citations for related ordinance violations.

These efforts are combined with on-going city efforts to streamline our court process. They allow citizens online access to view violations and pay online versus coming to court.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hayse the Commission approved Charter Ordinance No. 13 exempting the City from Certain Statutory Provisions Found in the Code for Municipal Courts.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hayse the

Minutes of the Independence City Commission's February 25, 2021 Meeting

Commission approved Ordinance No. 4351 for substitute provisions for Independence Municipal Court.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- E. Consider rescheduling a Special Meeting to discuss City facilities.

At your February 11, 2021 meeting you set the date of February 17, 2021 at 9 AM to discuss city facilities. Due to the winter storm, the meeting was postponed.

Andy Taylor voiced his concerns with the handling of the 1916 City Hall project.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission set a Special Commission meeting on March 17, 2021 at 9:00 AM to discuss City facilities.

Aye: Ysusi, Caflisch, Hayse

Nay: None

VI. REPORTS

- A. Library Board of Trustees Annual 2020 Report.
B. City Board Minutes
 1. January 20, 2021 Library Board of Trustees

VII. CITY MANAGER'S COMMENTS

City Manager Passauer gave an update on the Conditional Use Permit for the parking lot at Wald & Myrtle Streets and the citizen survey.

City Manager Passauer would like to do something special for the Water & Sewer crews who worked tirelessly fixing many water line breaks throughout the city.

VIII. COMMISSIONERS' COMMENTS

Mayor Ysusi praised City staff for the work during the recent snow storm and cold temperatures.

IX. PUBLIC CONCERNS

X. EXECUTIVE SESSION

Minutes of the Independence City Commission's February 25, 2021 Meeting

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

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch 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 6:50 P.M.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 6:55 P.M. with no action taken.

XI. ADJOURNMENT

Motion:

Mayor Ysusi moved to adjourn. Commissioner Hayse seconded.

Aye: Ysusi, Caflisch, Hayse

Nay: None

Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Dean Hayse, Commissioner

Minutes of the Independence City Commission's February 25, 2021 Meeting

Attest:

City Clerk/Treasurer