

Minutes of the Independence City Commission's August 22, 2019 Meeting

The Independence City Commission met for a regular meeting on August 22, 2019 at 5:30 P.M. in the Veterans Room at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Cafilisch, and Commissioner Gary Hogsett were present. Others present included:

City Staff

Jeff Chubb, City Attorney
Kelly Passauer, Assistant City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
Mike Passauer, Public Works Director
David Cowan, Director of Safety/ADA Coordinator
Lacey Lies, Director of Finance
April Nutt, Director of Housing Authority
Jerry Harrison, Police Chief
Shawn Wallis, Fire/EMS Chief
Terry Lybarger, Director of Utilities
Barb Beurskens, Park and Zoo Director
Brian McHugh, Memorial Hall Supervisor

Visitors

Sue Scovel
Larry McHugh
Jerry Bright
Mark Leaman
Daniel Derdry
Ed Sykes
Robert Meadows
David Parker
Chere Parker
Anne Bertie
Trisha Purdon
Brett Littleton
Michelle Karpinski
Marvin Jones
Jeri Hammerschmidt
Tabatha Snodgrass
Robert Box
Ned Stichman
Dean Hayse
Laura Waters
Fred Shipley
Val DeFever

I. REGULAR SESSION

A. Call to Order

- B. Pledge of Allegiance to the United States of America
- C. Adoption of Agenda

Motion:

On the motion of Commissioner Cafilisch, seconded by Mayor Ysusi the Commission adopted the agenda with the modification that item "D" be removed from the consent agenda and move to Items for Commission Action and remove items "M" and "N" from Items for Commission Action and move to Public Hearing and move item "T" to item "B" Items for Commission Action.

Aye: Ysusi, Cafilisch, Hogsett

Nay: None

II. APPOINTMENTS

- A. Economic Development Advisory Board – Appoint four three-year terms; and three two-year terms.

Mayor Ysusi requested to extend the deadline for applications to September 26, 2019 and to appoint the members of the Board at the October 10th Commission Meeting and to advertise the positions in the newspaper and radio ads.

- B. Park Board – Reappoint three expired terms.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission approved the reappointment of Molly Reynolds, Val DeFever and Jim Hogan for three expired positions on the Park Board.

Aye: Ysusi, Cafilisch, Hogsett

Nay: None

- C. Plumbing Board – Reappoint three expired terms.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission approved the reappointment of Doug Rinck, Pat Howe and Wayne Sundquist for three expired positions on the Plumbing Board.

Aye: Ysusi, Cafilisch, Hogsett

Nay: None

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-1845
2. D-1907
3. P-1816

B. Consider minutes of the June 27, 2019 meeting.

C. Consider a resolution designating the locations for the Neewollah festivities; and consider proclaiming October 18-26, 2019 as Neewollah.

D. Consider rescheduling a Special Commission Meeting for the purpose of a site visit to the Water Treatment Plant to September 4, 2019 at 9 AM.

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

E. Consider initiating a public hearing before the Planning Commission to consider a text amendment to the Conditional Use Table to allow indoor firing ranges as a conditional use in the C-3 Central Business District.

F. Consider removing flashing yellow signs located in the 300 and 400 blocks of East Main and replace them with 20 mph signs indicating school speeds are in effect from 7:30 am to 4:00 pm on school days.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission adopted the consent agenda with the modification that item "D" be removed from the consent agenda and move to Items for Commission Action.

Aye: Ysusi, Caflich, Hogsett

Nay: None

IV. PUBLIC HEARING

A. Public hearing to consider granting a waiver to Section 6-2 of the City Code relating to a request for a waiver for the restriction on location for the sale of alcoholic beverages for on-premise consumption in the central business district (C-3) at 223 W. Main Street.

Commissioner Hogsett excused himself from the hearing.

Assistant City Manager Passauer noted that no action had been taken on this item

previously.

Mayor Ysusi noted that there was no public comment on this matter.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission granted a waiver to Section 6-2 of the City Code relating to the restriction on location for the sale of alcoholic beverages for on-premise consumption in the central business district (C-3) at 223 W. Main Street.

Aye: Ysusi, Caflisch

Nay: None

Abstain: Hogsett

- M. Consider adjourning a public hearing to consider condemnation of 1701 N. 10th Street as dangerous and unsafe until October 23, 2019 at 5:30 PM.

This item was removed from Items for Commission Action and moved to Public Hearing

Director Cowan noted that the structure is close to being done and the Building Inspector expects this structure to be taken off the condemnation list at the September 26th Commission meeting.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission recessed the public hearing to consider condemnation of 1701 N. 10th Street as dangerous and unsafe until September 26, 2019 at 5:30 PM.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- N. Consider adjourning a public hearing to consider condemnation of 513 West Cottonwood Street as dangerous and unsafe until September 26, 2019 at 5:30 PM.

This item was removed from Items for Commission Action and moved to Public Hearing

Director Cowan noted that the structure is close to being done and the Building Inspector expects this structure to be taken off the condemnation list at the September 26th Commission meeting.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission recessed the public hearing to consider condemnation of 513 W.

Cottonwood Street as dangerous and unsafe until September 26, 2019 at 5:30 PM.

Aye: Ysusi, Caflich, Hogsett

Nay: None

V. ITEMS FOR COMMISSION ACTION

A. Consider adopting a resolution establishing a Business Incentive Program.

Director Lies presented a baseline incentive policy for new businesses to locate in Independence.

Commissioner Caflich would like to see what other communities are offering and defining the types of businesses that would be eligible for incentives and to exclude retail businesses.

Assistant City Manager Passauer suggested removing retail from the policy that is being presented to move forward with this request and the Commission could always come back and change it again later.

Mayor Ysusi suggested that the incentive should be paid out after the requirements are met and not paid out up front.

Trisha Purdon explained that businesses experience more costs before they are open with employee training and building inventory and this is a tool they could use to help with those initial costs.

Commissioner Caflich suggested that it should be called an establishment incentive and not an employee incentive as that is confusing to tie into an employee base.

Director Lies stated that this proposal is to encourage jobs and not to establish a business with one employee.

Commissioner Caflich suggested setting a minimum number of employees.

Trisha Purdon explained that all the past incentives the City has offered were based on jobs created and that it is also based on as funds are available.

The Commissioners invited Brent Littleton to the podium to speak about his problems with opening a business and he explained that payroll was responsible for 31% of his overall costs for the year.

Commissioner Caflich explained that the Commission is trying to look long term

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and make a policy that is equitable for everyone.

Commissioner Hogsett likes the idea of incentivizing a business but is hesitant to offer it to a retail business.

Mayor Ysusi stated that he feels like the Commission is under the gun to approve a commitment that was made in the prior year without a plan in place.

Commissioner Caflich stated he would like to have a special meeting dedicated to this in a week to give the Commission time to develop questions and really look at the plan presented.

It was decided to have a special meeting on Thursday Sept 5, 2019 at 9:00 A.M. in the Veterans Room at Memorial Hall.

B. Consider rescheduling the following Commission meetings:

1. Thursday, October 24, 2019 to Wednesday, October 23, 2019 due to Neewollah activities.
2. Thursday, November 28, 2019 to Thursday, November 21, 2019 due to the Thanksgiving holiday.
3. Thursday, December 26, 2019 to Thursday, December 19, 2019 due to the Christmas holiday.

This item was moved from Item T of items for Commission action

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission rescheduled the Thursday, October 24, 2019 City Commission meeting to Wednesday, October 23, 2019 due to Neewollah activities; the Thursday, November 28, 2019 meeting to Thursday, November 21, 2019 due to the Thanksgiving holiday; and the Thursday, December 26, 2019 meeting to Thursday, December 19, 2019 due to the Christmas holiday.

Aye: Ysusi, Caflich, Hogsett

Nay: None

C. Consider rescheduling a Special Commission Meeting for the purpose of a site visit to the Water Treatment Plant to September 4, 2019 at 9 AM.

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

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission rescheduled a Special Commission Meeting for the purpose of a site visit to the Water Treatment Plant to September 18, 2019 at 9 AM.

Aye: Ysusi, Caflich, Hogsett

Nay: None

- D. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 112 W. Chestnut Street as dangerous and unsafe.

Director Cowan noted that someone is interested in purchasing this property and possibly rehabbing it. Director Cowan insisted that the condemnation process continue, and he would work with the new property owner if that is their intent to rehab the property.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 112 W. Chestnut.

Aye: Ysusi, Caflich, Hogsett

Nay: None

- E. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 305 S. 18th Street as dangerous and unsafe.

Director Cowan stated that he had been in contact with the owners and they informed him that they do not have the means to rehab or demolish the property.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 305 S. 18th Street.

Aye: Ysusi, Caflich, Hogsett

Nay: None

- F. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 305 S. Burns Street as dangerous and unsafe.

Director Cowan stated that the house has been ransacked, used for drug activity and he has received multiple complaints from the neighbors.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 305 S. Burns Street.

Aye: Ysusi, Caflich, Hogsett

Nay: None

- G. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 314 N. 9th Street as dangerous and unsafe.

Director Cowan reported that the property owner purchased a demo permit from the City Clerk's office and is removing the structure themselves.

No action was taken.

- H. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 317 S. 14th Street as dangerous and unsafe.

Director Cowan reported that numerous complaints have been received on this property. Attempts have been made to contact the owner of the property with no response from them.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 317 S. 14th Street.

Aye: Ysusi, Caflich, Hogsett

Nay: None

- I. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 325 N. 19th Street as dangerous and unsafe.

Director Cowan reported that the house has open windows and doors and is in very poor condition.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 325 N. 19th Street.

Aye: Ysusi, Caflich, Hogsett

Nay: None

- J. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 409 S. 6th Street as dangerous and unsafe.

Director Cowan reported that the backside of the structure is collapsing and in very poor condition.

Mayor Ysusi asked if the structure is imploding on itself.

Director Nutt replied that it was.

Mayor Ysusi asked if the Commission should consider an emergency removal.

Director Cowan replied that he would get with Inspector Cushing when he returns and contact the City Attorney to enter the structure and they would evaluate the structure at that time and return with a recommendation for the Commission at their next meeting.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 409 S. 6th Street.

Aye: Ysusi, Caflich, Hogsett

Nay: None

- K. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 613 W. Chestnut Street as dangerous and unsafe.

Director Cowen reported that this structure was involved in a fire and the owner is unsure if they will rehab the structure or not.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 613 W. Chestnut Street.

Aye: Ysusi, Caflich, Hogsett

Nay: None

- L. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 713 E. Magnolia Street as dangerous and unsafe.

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Director Cowen reported that this structure is wide open and in poor shape.

Commissioner Caflisch asked if contact has been made with the owner.

Director Cowen reported that no contact has been made with the owner.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 713 E. Magnolia Street.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- M. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 816 S. 17th Street as dangerous and unsafe.

Director Cowan reported that no contact had been made with the owner and the structure is in bad shape.

Fred Shipley, fiancé of the owner Laura Waters reported that they have been using the property for storage of materials for other rental properties they own in the city.

Commissioner Hogsett inquired if they plan to turn it into a residence.

Mr. Shipley replied that they have no plans to use it as a residence.

Director Cowan and Assistant City Manager Passauer informed Mr. Shipley that City Code does not allow for residences to be used for storage.

Director Cowan recommended to proceed with the condemnation and work with the owners and Building inspector to seek other options.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 816 S. 17th Street.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

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- N. Consider setting the date of October 23, 2019 at 5:30 PM for a public hearing to consider condemnation of 904 W. Main Street as dangerous and unsafe.

Director Cowan reported that this structure has open windows and is owned by a real estate holding company out of Florida that is bankrupt.

Commissioner Caflich inquired if the service line coming to the weather head had been disconnected.

Director Cowan replied that he was not sure but would check on it.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflich the Commission scheduled a Public Hearing for consideration of Condemnations be set for October 23, 2019 at 5:30 p.m. for 904 W. Main Street.

Aye: Ysusi, Caflich, Hogsett

Nay: None

- O. Consider adjourning a public hearing to consider condemnation of 1701 N. 10th Street as dangerous and unsafe until October 23, 2019 at 5:30 PM.

This item was removed from Items for Commission Action and moved to Public Hearing

- P. Consider adjourning a public hearing to consider condemnation of 513 West Cottonwood Street as dangerous and unsafe until September 26, 2019 at 5:30 PM.

This item was removed from Items for Commission Action and moved to Public Hearing

- Q. Consider demolition bids received for the following condemned structures:

1. 517 W. Chestnut Street
2. 606 Fountain Street
3. 215 Earl Street
4. 1732 N. 10th Street

Director Cowan recommended that the Commission award the low bid of \$21,000 to G & G Dozer for demolition of the stated properties.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission awarded the demolition bid to G&G Dozier for a total of \$21,000.00.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- R. Consider approving the addition of 10th Street from Chestnut to Oak to the 2019 Mill & Overlay Project; and signing the appropriate Ordinance designating 10th Street within the City of Independence, Kansas, as a main trafficway, and Resolution authorizing the improvement or re-improvement of a main trafficway within the City of Independence, Kansas; and providing for the payment of the costs thereof.

Commissioner Caflisch asked if Fund 92 had leftover bond proceeds in it.

Director Lies replied that she went over the fund detail with the bond attorneys and together they decided that the proceeds that are left are from KDOT reimbursements for the 2015 and 2016 KLINK projects. After discussion with Director Passauer they felt that while Heckert Construction is here working on other streets in the City why not take advantage of our negotiated prices this year and mill and overlay 10th Street.

Mayor Ysusi reviewed current road projects within the city limits.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission authorized the Mayor to approve the addition of 10th Street from Chestnut to Oak to the 2019 Mill & Overlay Project and to sign the addendum to the Heckert Construction Company, Inc. contract, the ordinance designating 10th Street within the City of Independence, Kansas, as a main trafficway, and the Resolution authorizing the improvement or re-improvement of a main trafficway within the City of Independence, Kansas; and providing for the payment of the costs thereof.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- S. Consider bids received for the renovation of the airport water tower.

Director Lybarger reported that this water tower is currently out of service and needs to be painted and repaired.

Commissioner Hogsett asked how long the tower has been out of service.

Director Lybarger reported that it has been out of service for quite a while.

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Commissioner Caflisch asked if the cathodic protection is being removed.

Director Lybarger responded that it is causing issues and with zinc coatings it is useless to have it.

Commissioner Caflisch asked if inspections would increase.

Director Lybarger noted that an inspection would be performed every two years.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission approved signing a contract with Viking Industrial Painting in the amount of \$129,650.00 for painting of the Airport water tower.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- T. Consider a Change Order No. 3 with Kelley Electric, Inc. for the electrical improvement project at the water treatment plant.

Director Lybarger reported that when he was in the high service area of the plant, he had to use a flashlight to see even with the lights on overhead. He asked the contractor that is on site to give him a quote for LED lighting and feels that this is a good price.

Commissioner Caflisch asked if other areas of the plant have been identified for repair or replacement.

Director Lybarger reported that Phase II work is under review and some of the preliminary work has already been done.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission approved Change Order No. 3 with Kelley Electric, Inc. for the electrical improvement project at the water treatment plant.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- U. Consider quotes received for replacement of HVAC at the water treatment plant.

Mayor Ysusi asked if the reason they couldn't repair the unit was due to age.

Director Lybarger replied that nobody would replace the coil in the existing unit.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission approved the quote from ECK Heating & Air in the amount of \$17,240.00 for the replacement of the HVAC at the water treatment plant.

Aye: Ysusi, Cafilisch, Hogsett

Nay: None

V. Consider rescheduling the following Commission meetings:

1. Thursday, October 24, 2019 to Wednesday, October 23, 2019 due to Neewollah activities.
2. Thursday, November 28, 2019 to Thursday, November 21, 2019 due to the Thanksgiving holiday.
3. Thursday, December 26, 2019 to Thursday, December 19, 2019 due to the Christmas holiday.

This item was moved to Item B of items for Commission action

W. Consider rescheduling a Special Commission Meeting for the purpose of a site visit to the Water Treatment Plant to September 4, 2019 at 9 AM.

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

VI. REPORTS

- A. Report requested by the Mayor from Commissioner Cafilisch regarding the code review received from Poole Fire Protection, Inc. regarding 223 W. Main Street.

Commissioner Cafilisch noted that the fire protection/life safety review was received August 14th and he met with Assistant City Manager Passauer and Director Cowan and we went over the findings. They later met with Mr. Box and discussed the findings and he answered questions, then Wednesday the 15th Director Cowan emailed the letter to Mr. Morrison and they were notified. Ten items were identified as requiring attention, fire sprinkler, alarm, area separation, relating to life safety features of the building. Mr. Morrison responded that he received the report and he stated that he is working to engage an engineering firm for the additional MEP drawings. On the 21st Mr. Morrison submitted another letter updating the status, floor plans and modifications were being recorded, he also hired a MEP to prepare the drawings for the apartments and contacted a fire protection engineer to prepare the necessary fire alarms and sprinkler drawings.

Mayor Ysusi thanked Commissioner Cafilisch for the report.

VII. CITY MANAGER'S COMMENTS

· No comments.

VIII. COMMISSIONERS' COMMENTS

No comments.

IX. PUBLIC CONCERNS

Shar Parker shared her concerns about parking downtown and would like to see the angle parking spots next to a cross street be reserved for economy cars because it is hard to see oncoming traffic when there is a large vehicle parked in those spots.

Mrs. Parker shared her concern that cars are parking on both sides of Locust Street between 10th and 9th Streets which restricts traffic to one lane.

Mrs. Parker would like to have City crews drive around town and look for trees and bushes that are blocking the view of oncoming traffic at intersections.

Mrs. Parker would also like the City to look at replacing or repairing sidewalks in the residential neighborhoods.

X. EXECUTIVE SESSION

Motion:

On the motion of Commissioner Cafilisch, seconded by Mayor Ysusi the Commission moved to recess for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception (K.S.A. 75-4319(b)(1)). In attendance will be the Commission and the Assistant City Manager. The open meeting will resume at 7:55 P.M.

Aye: Ysusi, Cafilisch, Hogsett

Nay: None

The meeting resumed at 7:55 P.M.

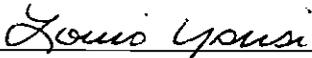
XI. ADJOURNMENT

Motion:

Mayor Ysusi moved to adjourn. Commissioner Hogsett seconded.

Aye: Ysusi, Cafilisch, Hogsett

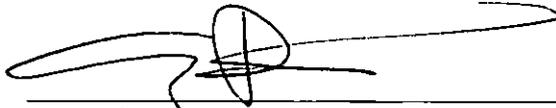
Nay: None



Louis Ysusi, Mayor



Leonhard Caflisch, Commissioner



Gary Hogsett, Commissioner

Attest:



City Clerk/Treasurer