

Minutes of the Independence City Commission's November 5, 2018 Meeting

The Independence City Commission met for a regular meeting on November 5, 2018 at 5:30 P.M. in the Veterans Room at the Memorial Hall. Mayor Leonhard Caflisch, Commissioner Louis Ysusi and Commissioner Gary Hogsett were present. Others present included:

City Staff

Craig Whitehead, City Manager
Jeff Chubb, City Attorney
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
Michael Borovetz, Finance Director
Terry Lybarger, Director of Utilities
Jerry Harrison, Police Chief
Melissa Adey, Dispatcher
John Anderson, Police Officer
Alexis Sanders, Dispatcher
Maryssa Stuckey, Dispatcher

Visitors

Ellie Davis
Andy Taylor
Judy Ysusi
Wayne Gudmonson

I. REGULAR SESSION

A. Call to Order

Mayor Caflisch called the meeting order at 5:30 p.m.

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

Mayor Caflisch stated he wanted to move Item "C" from the consent agenda to items for Commission action.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett the Commission adopted the agenda with the modification that Item "C" from the consent agenda be moved to items for Commission action.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

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II. PRESENTATIONS

- A. Introduction of new police personnel, Officer John Anderson and Dispatchers Alexis Sanders and Maryssa Stuckey.

Police Chief Harrison introduced new police personnel, Officer John Anderson and Dispatchers Alexis Sanders and Maryssa Stuckey. City Clerk David Schwenker swore in new patrol officer John Anderson. The Commissioners congratulated and welcomed the new police personnel.

III. COMMON CONSENT AGENDA

- A. Appropriations

1. A-1826
2. P-1796

- B. Consider approving minutes of the September 27, 2018 City Commission meeting.

SUGGESTED MOTION -- I move to approve the September 27, 2018 City Commission Minutes as presented.

- C. Consider authorizing upfitting Car 1 as a canine patrol unit through TCS Upfitting.

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

Motion:

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

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

IV. ITEMS FOR COMMISSION ACTION

- A. Consider recommendation from the Planning Commission to adopt an ordinance implementing text amendments to the Code of the City of Independence, Kansas, specifically Appendix B – Zoning Code relating to Off-street parking requirements.

The Commission provided the following feedback for the Planning Commission to reconsider this item:

- They want to know what the initial intent and purpose of the text amendment was.
- They want to know if it will attract new businesses.
- They had the following concerns:
 - The appearance of large gravel parking lots.
 - Gravel running off in heavy rains.

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- Ability to adequately mark ADA spots.
- They provided the following suggestions:
 - Limiting the size of gravel parking lots to a maximum number of spaces.
 - Continue to require new buildings or new industries to hard surface required off-street parking to City code standards but allow existing industries that already have a gravel parking lot that is grandfathered in (a non-conforming use) to expand (enlarge) their existing gravel parking lot.
 - However, if they have an existing hard surfaced parking lot any expansion (enlargement) would have to be hard surfaced.

No action was taken, and the item was tabled for reconsideration by the Planning Commission.

V. REPORTS

A. Update by KDOT on U.S. 169/160 project.

Kansas Department of Transportation (KDOT) District 4 Engineer Wayne Gudmonson, P. E. addressed the Commission and stated that they had no more money, but he did want to advise you that he wished he could clone himself. He stated that he addressed the Commission approximately a month ago and asked if the City still wanted the project at the 169/160 intersection as a priority. He indicated that he had seen an email within the last week stating that the project will be bid November 14, 2018. He further stated that everything should be a go for us, but there could be a couple of hiccups and it could be rejected if all requirements are not met. He further stated that he had eaten crow in the past, but he had been told the project was going to be let. The Mayor stated that you've got to understand the chain of communication. It's usually more reliable than in-house. Wayne Gudmonson stated that once he saw the email go out he was pretty much assured this was going to happen. Commissioner Hogsett asked what the expected construction period was. Wayne Gudmonson replied 330 days, so it will probably be a two year project. He further stated that traffic will be carried through the work zones, that they will be messing with traffic periodically throughout the life of the project, but it should be a good job. The Mayor stated that there has been a lot of fatalities at that intersection. Wayne Gudmonson stated that Highway 160 will go over Highway 169 and there will be ramps to go south on 169.

Wayne Gudmonson remarked on the North Peter Pan project and stated that he was glad they were doing a white topping and that the City had received a substantial amount of help. He further stated that they were only expecting \$250,000 and got an extra \$50,000. The Mayor stated that he really appreciates the funds that are coming the City's way. Further stating that the last few years the City has gotten a lot of money for mill and overlay, and that the Economic Development grant project will really

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improve that part of North Peter Pan Road which will change the appearance coming into Independence.

Wayne Gudmonson stated that the Commission has mentioned gravel alleys washing onto the roads, and that he believed some of the alleys along Highway 75 are eligible to be surfaced, so that might be another option you might look at or apply for in the future too as he did believe the alleys were mentioned. The Mayor said he thought it was the whole length of the corridor and that we could look at a project. He then asked Wayne if he recalled the deadline for submitting requests for corridor access management? Wayne Gudmonson stated that he did not. The Mayor stated that it doesn't hurt to ask, and that they can always say no.

Wayne Gudmonson stated that he was going to make like a tree and leave this party, get to go to Cherryvale and break this news.

B. City Board Minutes

1. October 17, 2018 City Recreation Commission Board Minutes
2. September 19, 2018 Board of Library Trustees Minutes

VI. CITY MANAGER'S COMMENTS

City Manager Craig Whitehead had no comments.

VII. COMMISSIONERS' COMMENTS

The Mayor asked for an update on projects, and specifically mentioned getting bid dates for the water treatment plant. He further stated that at the LKM conference the representative from KDHE said he looked at the plans, so we should be getting close. The City Manager said to check the Administrative Report that was sent to the Commission as the tentative dates have been set.

The Mayor asked about City Hall status regarding the asbestos consultant. The City Manager said he will get an update and see what is happening there.

The Mayor asked about storage of material from 1916 City Hall. The City Manager said that they had a crew over there and they were wearing protective masks because of the conditions in the building. Mike Borovetz said they were boxing things up, and that the furniture is going to be moved to the fire bays, the documents and records are getting ready to go and they will start on that next week.

The Mayor asked about the Economic Development road work on North Peter Pan Road. The City Manager will check to see if there is an update on the next phase.

The Mayor asked about the status of the research on the co-sponsoring. City Attorney Jeff Chubb said he meant to say something at the last meeting, and that it was all in the eyes of the beholder. He further stated that when someone asks

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the City to co-sponsor something then we should ask what that entails. He further stated that he didn't know what good it does the City to define it when it may not fit. The Mayor asked if a radical group that a detriment to society asks the City to co-sponsor with them, and we have no restrictions of what are we willing to align with. He further stated he was concerned if you co-sponsored this group, and this group, and you allowed them, but not allowed another group that we partner or co-sponsor. He further stated that there are some cities that have these policies, and there are some available. He further stated that the City denied a group to assemble or use a park building for their program and they came back and filed suit for restriction of freedom of speech and they won. He further stated; "Do we have a definition that an organization that would not be viewed as appropriate by society or the image we... I don't want to say we feel, but that would be subjective, but you know, you can get into situations." Jeff Chubb stated that: "It will boil down to what they want you to do when they want to be cosponsored. asked to endorse something, like a proclamation for Veterans Day, cosponsoring to me is they want to use a room free of charge, and using facilities does become a first amendment issue, and you create an open forum, like the park is an open forum, then you cannot restrict someone's speech in the park, it may be offensive, so if you create an open forum in the Veterans Room, you can't restrict who uses it. When the Chamber and Diversity says 'co-sponsor', you need to ask them what do you want. If you choose to endorse a program that is not a first amendment issue, it's a case by case basis." The Mayor asked if all they wanted is the room free can we drop the co-sponsor. Jeff Chubb stated that it adds legitimacy to their cause if the City co-sponsors it. He further said you can be construed as creating an open forum. The Mayor stated that he sees cosponsoring as endorsing as siding with them. Jeff Chubb said the policy adopted for this building has categories and it's almost next to nothing for charitable groups. If they already got that, they don't need to co-sponsor for that. The Mayor said maybe we just need to drop the co-sponsoring and partnering. Jeff Chubb said he thought the Library just wanted an endorsement [for the Diversity Event]. He further stated that he thought you can endorse without ramifications. The Mayor said I can think of some groups I wouldn't want to endorse, co-sponsor or partner. Assistant City Manager Kelly Passauer said it depends on what category the group falls into. Non-profits typically pay half price of the commercial fee; schools and other local government entities if they use the building during regular business hours are not charged, but if they use it before or after business hours they are supposed to be charged the non-profit rate which is the half price rate; and then the commercial or private functions such as wedding receptions or class reunions pay the full price. She further stated that that is what our current policy states for this building. Commissioner Ysusi asked if that policy was on the website, and Kelly Passauer stated that it was, and it was on the Memorial Hall webpage. She further stated that users of the building have to sign an agreement. The Mayor said he would make some notes.

VIII. PUBLIC CONCERNS

There were no public concerns.

IX. EXECUTIVE SESSION

A. Personnel matters of non-elected personnel.

Motion:

On the motion of the Mayor the Commission recessed for an executive session for discussion of an employee's performance pursuant to the non-elected personnel exception, (KSA75-4319(b)(1)). The open meeting will resume at 6:50 pm. (20 minutes) in the Veteran's Room of Memorial Hall. Those in attendance include City Commissioners and City Manager. Commissioner Ysusi seconded the motion.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

The Commission meeting reconvened at 6:50 p.m.

Motion:

On the motion of the Mayor the Commission extended the executive session. The open meeting will resume at 7:05 pm. (15 minutes) in the Veteran's Room of Memorial Hall. Those in attendance include City Commissioners and City Manager. Commissioner Hogsett seconded the motion.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

The Commission meeting reconvened at 7:06 p.m. with no action taken.

X. ADJOURNMENT

Motion:

Commissioner Ysusi moved to adjourn. Commissioner Hogsett seconded the motion.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

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Leonhard Caflisch, Mayor


Louis Ysusi, Commissioner


Gary Hogsett, Commissioner

Attest:


Kelly C. Passauer
Assistant City Manager