

Minutes of the Independence City Commission's November 29, 2018 Meeting

The Independence City Commission met for a regular meeting on November 29, 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
Tim Emert, 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
Bridget Hammer, Dispatcher
Hilary Cook, Police Officer
Don Cushing, Building Inspector
Brian McHugh, Memorial Hall Supervisor
Barb Beurskens, Park and Zoo Director
Katie Southworth, Zoo Supervisor

Visitors

Ellie Davis
Paul Horbath
Novalee Wright
Dean Hayse
Phil Carter
Nate Carter
Melissa Carter
Kathy Johnson
Roger Johnson
Tracy Bell
Kinsey Cook
Robert Carter
Aidan Brumley
Jerry Bright
Robert Meadows
Wendy Guiou
Paula Schabel
Heath Young
Katie Southworth
Robert Box
Katie Foster
Cole Holt
Rusty Arnold

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Johnna Wood
Devin Wood
Michael Beiter
Lisa Wilson
Gavin Haines
Toby Pierce
Sarah Steele
Shane Sanders
Evan Carnes
John Kishpaugh
Ray Rothgeb

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

Commissioner Ysusi stated that he wanted to remove items "C" and "E" and Mayor Caflisch stated he wanted to move items "D" and "F" from the consent agenda to items for Commission action.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi the Commission adopted the agenda with the modifications that items "C", "D", "E" and "F" be removed from the consent agenda and moved to items for Commission action.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

II. PRESENTATIONS

A. Presentation of Life-saving award to Patrol Officer Hilary Cook.

Chief Harrison spoke about how Patrol Officer Hilary Cook saved the life of a resident from a burning structure and presented her with a lifesaving award by Chief Harrison. 2nd time to demonstrate exceptional courage in the one-year period she has worked here.

B. Recognition of Nathan Carter for 500 hours of volunteer service at the zoo.

Park and Zoo Director Barb Beurskens presented recognition to Nathan Carter, the son of Rob and Melissa Carter, who has been volunteering at the zoo since he was 12 years old. Zoo Supervisor Katie Southworth stated Nathan was being provided his 500 Hour award and that "He is a joy to work with, and he is confident and calming with animals and people. The zoo animals treat him as a

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keeper. He was volunteering every Saturday for four hours and changed to Sunday when he got a job in order to volunteer more hours. He can lead a group of kindergarteners and 6th graders by himself. He has volunteered 512 hours and it is still growing."

III. COMMON 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-1827
2. D-1810
3. P-1797

B. Consider approving minutes of the October 11, 2018 City Commission Meeting.

C. Consider a resolution exempting the City from GAAP (Generally Accepted Accounting Principles) requirements.

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

D. Consider a request from Montgomery County Commissioner Larry McManus for the police department to release bikes for a donation project.

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

E. Consider executing the 2018 Tenant Based Rental Assistance Grant award agreement between the City of Independence, Kansas and the Kansas Housing Resources Corporation.

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

F. Consider rescinding the condemnation process for 209 Earl Street.

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 items "C", "D", "E" and "F" which was moved to items for Commission action.

Aye: Caflich, Ysusi, Hogsett

Nay: None

IV. ITEMS FOR COMMISSION ACTION

- A. Consider adopting an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds, series 2018 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2018 Bonds.

Sarah Steel with Gilmore and Bell, who is the bond counsel to the City stated that she was here as part of an ongoing number of Industrial Revenue Bonds (IRB's) for Textron. She stated that the Commission in 2013 held a public hearing and authorized up to \$30,600,000. Over time Textron has used those funds as they continue ongoing improvements. Ms. Steel indicated that Paula Schabel, General Manager of the facility is here if the Commission has any questions of her.

Ms. Steel indicated that the ordinance will authorize the issuance of the industrial revenue bonds which will allow Textron a property and sales tax exemption. Further stating; "The bond this year is \$850,000 and it is not a debt of the City in any way, and you are not giving Textron any money. This is the 15th Supplemental lease and indenture that we are working on and we are anticipating doing this again next year."

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett, the Commission approved an ordinance authorizing the issuance of the City's Taxable Industrial Revenue Bonds Series 2018 (Textron Aviation Inc.), authorizing certain documents and actions in connection with the issuance of the Series 2018 Bonds.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- B. Consider recommendation from the Planning Commission to adopt an ordinance implementing text amendments to Appendix B-Zoning of the City code, including Appendix A. "Listing of Permitted and Conditional Uses" and any related definitions in Article IV. "Rules and interpretation"; relating to "Microbreweries", "Bottling and canning soft drinks and carbonated water", and "Beer, wine and alcoholic beverages – wholesale".

Commissioner Hogsett left the room as he has invested in Indy Brew Works. Mr. Botts indicated that he and his wife were owners of Indy Brew Works and they were in the process of getting all the permits in place for construction. Assistant City Manager/Zoning Administrator Kelly Passauer explained the text amendment and the process.

Motion:

On the motion of Commissioner Ysusi, seconded by Mayor Cafilisch, the Commission approved an ordinance implementing text amendments to the Code of the City of Independence, Kansas, specifically Appendix B – Zoning Code relating

to "Microbreweries", "Bottling and canning soft drinks and carbonated water", and "Beer, wine and alcoholic beverages – wholesale" as recommended by the Planning Commission.

Aye: Cafilisch, Ysusi

Absent: Hogsett

Nay: None

- C. Consider a request from USD 446 to rezone tracts of land from R-4, medium density multifamily dwelling district to M-1, light industrial district on the east side of the 2200 block of North 21st Street.

Superintendent Rusty Arnold represented the applicant who is USD 446. He reviewed the project. Commissioner Hogsett indicated that he had been out of town and had not had adequate time to review the request and the item was tabled until December 13, 2018.

- D. Consider a request from the Chamber of Commerce to support the First Impressions Community Assessment through K-State Research and Extension; and provide an update on Celebration Park.

Lisa Wilson reviewed the Celebration Park ribbon-cutting and provided credit to those that made the project happen, including Phil Ruffin, Matt Sutherland, the Independence Museum, Tim Emert, former City Manager Micky Webb and City Commissioner Gary Hogsett.

Chamber President Lisa Wilson reviewed the First Impressions Community Assessment program through K-State Research and Extension that would consist of outside individuals coming into the community to be secret shoppers and provide an evaluation.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi, the Commission agreed to support the First Impressions Community Assessment through K-State Research and Extension.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- E. Consider setting the date of January 24, 2019, at 5:30 PM for a public hearing to consider the condemnation of the structures located at 215 S. Earl St.

The Building Inspector indicated that we originally had the incorrect address for this structure, so they are starting the process over with the correct address.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi, the

Commission set the date of January 24, 2019, at 5:30 PM for a public hearing to consider the condemnation of the structures located at 215 S. Earl Street.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- F. Consider setting the date of January 24, 2019, at 5:30 PM for a public hearing to consider the condemnation of the structures located at 417 S. 6th St.

Building Inspector Don Cushing stated that the owner was here and had to leave as he had to go to work at 5 AM, however, the owner advised the Building Inspector that it was his intent to repair the property.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi, the Commission set the date of January 24, 2019, at 5:30 PM for a public hearing to consider the condemnation of the structures located at 417 S. 6th St.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- G. Consider a citizen request to remove 606 Fountain from the list to bid for demolition.

Pat Horbath indicated that he purchased approximately 130 properties at the tax sale, including eight in Independence and this was one of them. He stated that the structure was worth rehabilitating.

The Mayor indicated that the bids would not go out until sometime in January and they could reassess the situation at that time to see if the property has been cleaned up and secured. No action was taken, and the item was tabled.

- H. Consider authorizing the property at 721 S. 18th to be removed by the City's Public Works Department.

Building Inspector Don Cushing indicated that he had not been able to reach the owners, their number was disconnected, and the building was in an advanced state of disrepair.

Commissioner Hogsett asked why the City crews would tear it down instead of contracting it out to which the Building Inspector stated that it would be easier for the crews to do it since it was a simple block building.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett, the Commission authorized the property at 721 S. 18th Street to be removed by the City's Public Works Department.

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Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- I. Consider ADA accessibility and parking complaint at Park Blvd Baseball Fields.

Director of Safety/ADA Coordinator David Cowan stated that he had visited with Recreation Director Brent Julian who apologized as he had received multiple complaints and weekly phone calls regarding accessibility concerns from a gentleman that was in a wheelchair trying to coach his son at the ballparks.

Cowan further stated that the City of Hays had recently constructed new accessible ballfields at a cost of over a million dollars. He requested that they break the project into phases and work with the Recreation Commission to start addressing the accessibility concerns.

The Mayor suggested first doing an audit of the facility to identify the deficiencies, and possibly even looking at a different facility. He further commented that he was surprised gravel would be acceptable for ADA. He further suggested doing a quick fix for gravel ADA parking areas and identifying one dugout, ADA parking and spectator areas to be accessible as we don't have to make the whole field accessible. Cowan stated that the deficiencies have been assessed and they are included in the transition plan.

The Mayor indicated that the audit needs to look at routes, so you can determine how much money to put into an area. If a gravel parking area could be ADA accessible, then address it quickly without putting money into paved walks and parking. He further stated that if a table is put outside a worker can come out and service the person and you don't have to modify the concession building.

David asked if the Commission wanted them to come back in January with a transition plan. The Mayor stated that the plan that was put together for the court house and judicial center cited the references in ADA so that you have a source when the work is done in the future. Cowan stated that is exactly what he has, which includes pictures in addition to the references to ADA.

The Mayor stated that the ADA audits should have been completed by the City in 1992 in binder form. He stated the completed report lets you know exactly where you are going, and it make longevity of it, even if you go through multiple staff. He further commented that the ballfields are strange, since the City owns them, but the Rec Commission manages them. Cowan stated that the binders are exactly the route we are headed, the assessment has been completed and they are putting together prices, however, it is a big project.

The Mayor stated that the specific areas, workers, coaches and spectators could be

identified. He further suggested looking simplified routes, possibly connecting the ballfields and portable accessible restrooms. Shawn Turner with TranSystems said that they could break the projects down into a best-case scenario.

Commission Ysusi asked about a timeline to complete the work. The Mayor said you can make accommodations for the coach, but it cannot be financially burdensome to the owner, so there is give and take on both sides. He suggested designating one dugout and one bleacher area as a reasonable accommodation and looking at renovating the entire complex at a later date.

Cowan answered Commissioner Ysusi, stating that if the work was done by Summer, they should be fine.

The Mayor said that screenings can be brought in and would not require bidding the work out, in which case you have made an immediate effort to satisfy a need. Cowan told the Mayor he was correct.

No action was taken.

J. Consider City facilities condition and accessibility issues.

City Manager Whitehead stated that this item did not start out as an ADA audit, that he felt our Street, Sanitation, and Water/Sewer facilities are substandard. As it turned out, there were also some ADA issues, so they are able to tap into the ADA funds to try to improve the working conditions for the employees.

Director of Safety/ADA Coordinator David Cowan stated it has been a struggle as the buildings were constructed prior to 1992 and there is not easy answer. However, the biggest concern is we want to take care of our employees. He further stated that we are under Title II and if an employee is injured and on light duty, we have to make an accommodation. He further stated with the renovation of the water treatment plant, we have no leeway, we have to comply with ADA. He further stated that we are trying to make the bathrooms accessible and take care of our employees. He further stated that the sanitation guys work on the back of a truck all day, they are hot and tired, they need a decent place to take a break. He further stated that there are enterprise funds that can be used as well.

Cowan further stated that in 2022 if the sales tax is reupped by the voters there are several areas around town that have not had ADA ramps installed. The Mayor stated that they are only required by DOJ (Department of Justice) if the street has been rehabilitated, and blanketing the whole town is not what we need to do. He further stated an audit was needed to work from.

Cowan asked, "How do you go into those neighborhoods and know if there are disabled people there?" He further stated that if he has a complaint then he knows someone is disabled.

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The Mayor stated that we can't do everything, and that we had previously told an individual at 8th and Sycamore that they could not have a ramp. Cowan stated that that is why the Commission gets paid the big bucks.

The Mayor stated that we are looking at a lot of money and can look at it again in 2021 when the sales tax sunsets on how to go forward.

No action was taken.

- K. Consider designating the 1600 and 1700 Blocks of Halsey Avenue a no-parking zone and that a 20-mph zone be established on Sinclair Drive between 10th and 13th Streets and on Halsey between Landon Drive and Willow Street.

Chief Harrison stated that he doesn't want to chase a dot. Further stating; "We addressed one problem at one place, and since we made that adjustment, we have had no crashes in that other area addressed previously. We had a number of requests come in to different officers. What you are seeing before you is not what the Police Department came up with, but what the traffic safety committee came up with along with citizens who were invited to attend. In the process I talked to Amber Rodriguez, I told her it was imperative for her to be here, I'm glad she is here because what we did not know is another thing to consider, she had a conditional use permit for a daycare at 1601 Halsey. That's a daycare, she has some things that are important to bring up."

Amber Rodriguez indicated that all she wants is a loading and unloading sign, instead of no parking, and that she has parents that show up between 4 and 5 PM. The Mayor asked what times of day parents show up, and Amber indicated 5:45 AM, 6:45 AM, 7:45 AM and anywhere from 4-5:30 PM.

The Mayor asked if about restricting parking from certain hours in that block. Police Chief Harrison stated that the times she is having issues are when they are being dropped off. Further stating; "I'm curious if we can just put that loading and unloading space at her facility, I don't know if that loading and unloading would be a problem for the school traffic. Either one. Could do a lot of different things. Either her or your suggestion."

The Mayor stated that the time traffic is more congested in the afternoon, and sporadic in the morning. Further stating; "When school lets out at night, that whole area, Landon, Halsey, I found it was really easy to go on Willow until I realized I was going the wrong way. We need to control parking for visibility and circulation. Those roads are narrow. If you did that one block, or that's up to you to decide."

Chief Harrison suggested making the 1600 block no parking from 2:30 - 3:30 PM. He asked Amber Rodriguez if that would accommodate her need.

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Amber Rodriguez asked if the parking on Park Blvd is restricted at certain times and suggested no parking from 8 AM to 4 PM.

Chief Harrison stated that parking needed to be consistent and suggested modifying the motion on the RCA to include an 8 AM to 4 PM parking restriction.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett, the Commission designated the 1600 and 1700 Blocks of Halsey Avenue as a no-parking zone from 8 AM to 4 PM on school days, and that a 20-mph zone be established on Sinclair Drive between 10th and 13th Streets and on Halsey between Landon Drive and Willow Street.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- L. Consider extending the school zone south on 10th Street so that Riley School students are protected in the school zone.

Chief Harrison stated that the School Superintendent Rusty Arnold requested to extend the school zone. He further stated that the existing signs do not meet current standards, which doesn't mean we can't use them, they are just not standard practice anymore, and he wanted to make it clear where the school zone starts and stops. This action will bring the signs up to standard and reduce the length of school zone.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett, the Commission authorize the following:

- **The removal of outdated electric signs located near 1922 North 10th and 1424 North 10th**
- **A school zone be established from 1922 North 10th south to Hackberry and 10th with signs indicating where the zone ends as well as signs indicating the speed, and hours the zone is in effect.**
- **A school zone be established from 1616 North 10th south to Hickory and 10th with signs indicating where the zone ends as well as signs indicating the speed, and hours the zone is in effect.**

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- M. Consider a resolution exempting the City from GAAP (Generally Accepted Accounting Principles) requirements.

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

Commissioner Ysusi asked if this action transposes on our requirements to the state for quarterly reports. David Schwenker said it applies to the audit. Commissioner Ysusi asked if we went through the motion every year. David Schwenker stated that cities our size in Kansas can exempt out when presenting financial statements, and those requirements are reserved for larger cities. Those requirements are in regard to keeping full books, all assets and dollar amounts, all infrastructure and then depreciating those. He further stated that we show our books under Kansas Regulatory basis, which is cash basis.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi the Commission adopted a resolution exempting the City from GAAP (Generally Accepted Accounting Principles) requirements.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- N. Consider a request from Montgomery County Commissioner Larry McManus for the police department to release bikes for a donation project.

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

The Mayor stated that this was the third or fourth request and he suggested looking at an application period where it is done all at once, where a non-profit organization can submit a request. He further stated; "Then you can filter the request, or even with these is it possible to use it for PR for police with younger teens or kids? That you would have an event at the park, let them put in a name for a particular bike, have hot dogs, do something with Fire/EMS, public relations, improve the dialog between the citizens and also distribute some bikes to the public. We could do it in one effort, instead of, trickling in, and it occupies a lot of your time and takes up Commission time, could be a tool, looking at how many bikes accumulate and the burden, maybe we can do PR?" Chief Harrison said he wanted to "...make a sculpture out of them, he said he can kick it around with staff, really the biggest issue is space, and anything we can do." The Mayor stated; "Even if you have two selections for distributing bikes, just do it all at once, then it would free up your time, instead of going four times, drawings in the Spring or Fall, you are dealing with one distribution instead of four." Chief Harrison stated that "...one of the underwriting principals of community policing is increasing exposure and improving interaction and the only counter I would have to that is I don't want to do anything that throws up a roadblock to found property that is eligible to distribute. We do have to hold on to stuff for six

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months, and we are overrun with that. We are going to put everything we can in the auction, so that will help us for a little while, but not very long. By March we will be back up to our ears. Anything I can do to get them out there and get them used." The Mayor stated it was just an idea of trying to distribute them more rapidly. Chief Harrison stated that he will ask other agencies. The Mayor said we could develop a program for people to look at us. Commission Hogsett stated that; "The value of seven used bikes is not much, maybe develop a policy so you don't have to bring it back to us." Chief Harrison said that would improve access as well, and better serve the requests.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi the Commission approved a request from Montgomery County Commissioner Larry McManus for the police department to release bikes for a donation project.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- O. Consider executing the 2018 Tenant Based Rental Assistance Grant award agreement between the City of Independence, Kansas and the Kansas Housing Resources Corporation.

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

Commissioner Ysusi asked if this was a yearly process. Housing Director April Nutt was not present, so Assistant City Manager Kelly Passauer said it was. Finance Director Mike Borovetz also assisted in answering questions in as well. The Mayor stated that there were more applicants than money, so there is never a carry over.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hogsett the Commission authorized executing the 2018 Tenant Based Rental Assistance Grant award agreement between the City of Independence, Kansas and the Kansas Housing Resources Corporation.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

- P. Consider rescinding the condemnation process for 209 Earl Street.

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

The Mayor stated that on the resolution that was presented the explanation of what occurred is different than the explanation that states the owner has taken

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steps to make repairs.

Building Inspector Don Cushing stated that we had the wrong address. The Mayor stated that the resolution presented says that the property owner was at fault, and at the time of this notice the property was already cleared. The Building Inspector agreed, and said they lost track of the numbering. The Mayor said he did too.

The Mayor said we are rescinding the condemnation with the resolution corrected.

Motion:

On the motion of Commissioner Hogsett, seconded by Commissioner Ysusi the Commission authorized rescinding the condemnation process for 209 Earl Street with a corrected resolution.

Aye: Cafilisch, Ysusi, Hogsett

Nay: None

V. REPORTS

A. City Board Minutes

1. August 15, 2018 Tree Board Minutes
2. October 2, 2018 Planning Commission/Board of Zoning Appeals Minutes

VI. CITY MANAGER'S COMMENTS

No comments.

VII. COMMISSIONERS' COMMENTS

Commission Hogsett asked about changing the speed limit by temporary City Hall. Chief Harrison stated that it had been modified except for the block where City Hall and the Dr.'s Office Parking lot was because of the pedestrian traffic.

VIII. PUBLIC CONCERNS

No items.

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 8:10 p.m. (20 minutes) in the Veteran's Room of Memorial Hall. Those in attendance include City Commissioners first,

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and then come back in session and go again with the City Manager. Commissioner Ysusi seconded the motion.

Aye: Caflisch, Ysusi, Hogsett

Nay: None

The Commission meeting reconvened at 8:12 p.m. with no action taken.

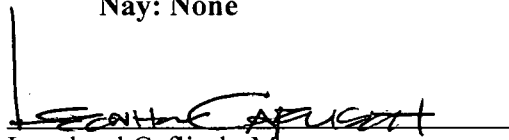
X. ADJOURNMENT

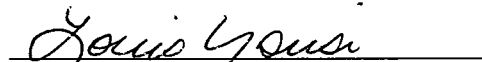
Motion:

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

Aye: Caflisch, Ysusi, Hogsett

Nay: None


Leonhard Caflisch, Mayor


Louis Ysusi, Commissioner


Gary Hogsett, Commissioner

Attest:


Kelly C. Passauer
Assistant City Manager