

Minutes of the Independence City Commission's September 5, 2019 Special Meeting

The Independence City Commission met for a special meeting on September 5, 2019 at 9:00 A.M. at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Caflisch 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
David Cowan, Director of Safety/ADA Coordinator
April Nutt, Director of Housing Authority
Lacey Lies, Director of Finance
Mike Passauer, Public Works Director
Jerry Harrison, Police Chief
Barb Beurskens, Park and Zoo Director
Barry Beurskens, Memorial Hall Maintenance
Mike Passauer, Public Works Director

Visitors

Sue Scovel
Larry McHugh
Andy Taylor
Robert Box
Mike O'Malley
Brian Beecham
Brent Littleton
Steve Morrison
Dwayne Thomas
Trisha Purdon
Lisa Wilson
Tabatha Snodgrass
Dean Hayse
Jerry Bright

I. SPECIAL SESSION

A. Call to Order

Mayor Ysusi called the meeting to order at 9:00 A.M.

II. DISCUSSION

- A. Open discussion regarding the renovation of 223 West Main Street and the conversation with the Kansas State Fire Marshall's comment relating to fire sprinkler requirements.

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Commissioner Caflisch reported that the City had received some emails between the City and the State Fire Marshall, one of the statements presented to the specialist related to the occupancy group of F2. He was asked if it required sprinkling, and according to the 2012 IBC it does not require sprinkling. The question should have been does an R2/F2 require sprinkling because it is a mixed occupancy. It was identified in the fire safety review, the R occupancy takes precedent for the whole building, 903.2.8 says that the entire building is required to be sprinkled with an R fire area

Mayor Ysusi asked if the original plans called for the entire building to be sprinkled and that was changed, then who would have signed off on the change that deviated from the original plan.

Commissioner Caflisch replied that there should have been communication with the City stating the reason for the change and documenting why the changes need to be made.

Mayor Ysusi asked the City Attorney Chubb for his opinion on potential liability issues.

City Attorney Chubb stated that he could research court cases for similar issues and report back to the Commission.

B. Open discussion regarding updates on resolving code issues at 223 West Main Street.

Director Cowan reported that Mr. Morrison contacted him on Monday and said that he had received the MEP and will forward that to the City once he receives his internal review. Director Cowan reminded Mr. Morrison that he had not received a response to the questions that Poole Fire had asked, and Mr. Morrison said he would respond to those as well.

Mayor Ysusi invited Mr. Morrison to the podium.

Mr. Morrison presented a timeline of events from the time he purchased the building to the construction process. Mr. Morrison noted that the Mechanical Engineer had a six-inch line, that was to be split with a two-inch line going to the apartments, two-inch line to the sprinklers system and a two-inch line going to the brewery.

Commissioner Caflisch noted that the drawings showed a separate two-inch line and a separate six-inch line and that a sprinkler system must have a dedicated line.

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Mr. Morrison proceeded with his timeline and then asked the Commission how to move forward.

Commissioner Caflisch responded that the Commission is involved in observing all communication coming from Director Cowan and he will be issuing the final inspection.

Mr. Morrison had a letter from his fire engineer and it is their belief that Poole Fire Protection reviewed the building incorrectly.

Commissioner Caflisch asked which code he was looking at.

Mr. Morrison replied that they were using the 2012 IBC Existing Building Code.

Commissioner Caflisch stated that the drawings indicated it was designed by the 2012 International Building Code.

Mr. Morrison stated that the City requested the change.

Commissioner Caflisch stated that no one from the City asked him to change the code.

Mr. Morrison asked if the MEP drawings are given to the City would the stop work order be lifted.

Director Cowan stated that it is the City's intention to work with Mr. Morrison in getting the project finished.

Brent Littleton requested to speak and talked about remodeling his business.

Robert Box requested to speak and talked about the difficulties in getting his business open.

Mayor Ysusi called for a brief recess at 10:27 A.M.

Mayor Ysusi resumed the meeting at 10:34 A.M.

III. ITEMS FOR COMMISSION ACTION

- A. Consider authorizing TranSystems to prepare an application for KDOT's new Cost Share Program to reconstruct West Maple from the west railroad (U.P.) right-of-way near 21st to Peter Pan Road.

Director Lies reported that KDOT has a new cost share program that could fund a project on West Maple Street and asked direction from the Commission if she should pursue this.

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Commissioner Caflisch noted that this street had been looked at in the past as just an overlay project and thinks this would be a good project to apply for.

Director Lies noted that the City already has two access management applications that are waiting to be awarded and if the City is awarded all three of these projects it could be a problem financially.

Commissioner Caflisch noted that one option to financing could be a General Obligation Bond issue.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission moved to authorize TranSystems to prepare an application for KDOT's new Cost Share Program to reconstruct West Maple from the west railroad (U.P.) right-of-way near 21st to Peter Pan Road (Option B) and for Staff to submit the application to KDOT.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

- B. Consider authorizing signing a KDOT Project Programming Request for a Pavement Restoration project recently awarded for ½ block East of US-75 & US-160 consisting of Pavement replacement, curb and gutter, and sidewalk.

Assistant City Manager Passauer noted that this project had been approved previously by the Commission and the sample form received from KDOT showed the governing body as signers of the document.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission moved to authorize City Staff and the Governing Body to sign a Project Programming Request for a Pavement Restoration Project recently awarded for ½ block East of US-75 & US-160 consisting of Pavement replacement, curb and gutter, and sidewalk.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

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C. Consider setting a special Commission meeting for September 25, 2019 with the following items:

1. 9:00 AM – Consider authorizing staff to work with Montgomery County and cities within Montgomery County to consider developing an RFP to study consolidation of 911.
2. 10:00 AM – Programming of 1916 City Hall and Public Safety Facilities.

Commissioner Caflisch would like to move Treanor to 10:30 A.M. to allow them more time to attend the meeting.

Chief Harrison explained that he thought he knew enough about consolidation to come up with a plan and it turns out that he didn't. He explained that it is a very complicated process and feels that he needs professional help.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hogsett the Commission moved to set a special Commission meeting for September 25, 2019 with the following items:

1. 9:00 A.M. – Consider authorizing staff to work with Montgomery County and cities within Montgomery County to consider developing an RFP to study consolidation of 911.
2. 10:30 A.M. – Programming of 1916 City Hall and Public Safety Facilities.

Aye: Ysusi, Caflisch, Hogsett

Nay: None

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

Commissioner Caflisch feels that the Economic Advisory Committee should be the ones to recommend a Program.

Director Lies asked the Commission if the Committee could use this policy as a starting point.

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Commissioner Caflisch stated that it could be used as a starting point and he sees them getting other cities plans as well.

Director Lies asked if it would be appropriate to bring the Indy Brew Works incentive application back to the Commission in the form of a Resolution.

Commissioner Caflisch noted that he struggles with the idea of an employee incentive and if they fold then you are not going to get the money back.

Director Lies stated that it is a measurable metric to incentivize job creation.

MCAC Director Purdon noted that the State of Kansas uses this same metric.

Mayor Ysusi noted that a Mexican restaurant in town opened in June and closed it's doors in August.

Director Lies pointed out that the program does stipulate that only targeted businesses would be eligible.

Mayor Ysusi requested information be sent to the Commission and they will review it and give Director Lies direction at that time.

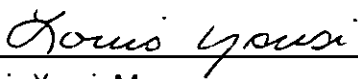
IV. ADJOURNMENT

Motion:

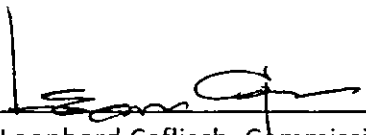
Mayor Ysusi moved to adjourn. Commissioner Hogsett seconded.

Aye: Ysusi, Caflisch, Hogsett

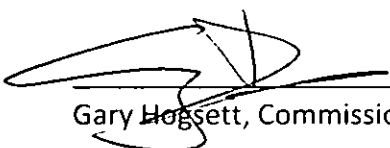
Nay: None



Louis Ysusi, Mayor



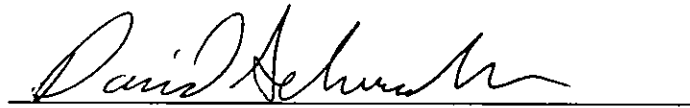
Leonhard Caflisch, Commissioner



Gary Hogsett, Commissioner

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Attest:

A handwritten signature in cursive script, appearing to read "Davis Schuster", is written over a horizontal line.

City Clerk/Treasurer