

Minutes of the Independence City Commission's October 22, 2020 Meeting

The Independence City Commission met for a regular meeting on October 22, 2020 at 5:30 P.M. at the Memorial Hall. Mayor Leonhard Caflisch, Commissioner Louis Ysusi and Commissioner Dean Hayse were present. Others present included:

City Staff

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

Visitors

Larry McHugh
Taina Copeland
Brian Norvell
Ned Stichman
Jonathan Larue
Nichole Larue

I. REGULAR SESSION

A. Call to Order

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

Aye: Ysusi, Caflisch, Hayse

Nay: None

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Aye: Ysusi, Caflisch, Hayse

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II. APPOINTMENTS

- A. Economic Development Advisory Board – One resignation – Unexpired term ends January 1, 2022 -- Applications are due by 5 PM on November 5, 2020.

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-1873
- 2. D-2009
- 3. P-1847

- B. Consider minutes of the June 30, July 7, and July 9, 2020 meetings.

- C. Consider bids received for a tractor at the Park & Zoo.

- D. Consider bids received for a C-MAC Video Laryngoscope for the Fire/EMS funded from SPARK.

- E. Consider authorizing the abatement of nuisance taxes for 400 S 1st Street.

- F. Consider authorizing Neewollah to use the Park Oval for their Movie Night for October 30th, 2020.

Motion:

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

Aye: Ysusi, Caflisch, Hayse

Nay: None

IV. PRESENTATION

- A. Presentation of Lifesaving Awards.

Chief Wallis presented Jonathan and Nichole Larue with Lifesaving awards for their actions on September 14, 2020 saving the lives of three people from a house fire.

V. ITEMS FOR COMMISSION ACTION

- A. Consider recommendation of the Planning Commission to adopt an ordinance amending Zoning Code Sections 1701.0 through 1705.0 to remove Building Inspection Responsibilities.

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On August 27, 2020 the City Commission initiated a public hearing before the Planning Commission to consider a text amendment removing building inspection responsibilities from the zoning code. This was in response to work performed by the Building and Flood Administrator has been working with ISO Specialist Melissa Mitchell to implement the CRS program for the City of Independence. As part of that process, some of our ordinances needed to be updated. On June 30, 2020 the City Commission adopted Ordinance 4330 regarding the duties and qualifications of the building inspector. The attached proposed ordinance would remove Building Inspection Responsibilities from the Zoning Code.. On October 6, 2020 the Planning Commission held a public hearing regarding the text amendment and unanimously recommended approval.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission adopted an ordinance amending Zoning Code Sections 1701.0 through 1705.0 to remove Building Inspection Responsibilities.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- B. Consider recommendation of the Planning Commission to adopt an ordinance amending Zoning Code Sections Appendix A. "Listing of Permitted and Conditional Uses" to allow "Retail trade not elsewhere listed" as a conditional use in an M-1 or M-2 zone.

On September 10, 2020 the City Commission initiated a public hearing before the Planning Commission to consider a text amendment to Appendix B-Zoning of the City code including, but not limited to Appendix A. "Listing of Permitted and Conditional Uses" including, but not limited to "Retail trade not elsewhere listed." This was in response to a new business that is located in an industrial zone that would like to sell their products they manufacture, plus additional unrelated products. Retail sales of related products is allowed in an industrial zone, however, the sale of unrelated products is not. City staff recommends that the permitted and conditional use table be modified to allow "Retail trade not elsewhere listed" in an industrial zone with a conditional use permit. This will allow this business to apply for a conditional use permit for this purpose. On October 6, 2020 the Planning Commission held a public hearing regarding the text amendment and unanimously recommended approval.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adopted an ordinance amending Zoning Code Sections Appendix A. "Listing of Permitted and Conditional Uses" to allow "Retail trade not

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elsewhere listed" as a conditional use in an M-1 or M-2 zone.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- C. Consider recommendation of the Planning Commission to adopt a resolution issuing a conditional use permit for a church with specific conditions at 3176 W. Main Street.

The Planning Commission held a public hearing on October 6, 2020 to consider a request for a conditional use permit for a church at 3176 W. Main. After the public hearing, the Planning Commission recommended approval with specific conditions. Staff has prepared a resolution that includes the specific conditions recommended by the Planning Commission. In addition, staff has also incorporated the special conditions required in Section 1002.1 relating to churches.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized the Mayor to sign the attached resolution to grant a conditional use permit for a church at 3176 W. Main with specific conditions as recommended by the Planning Commission, and the special conditions required in Section 1002.1 of the Zoning Code relating to churches.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- D. Consider adopting a resolution declaring a water emergency.

The State of Kansas contacted the City of Independence. Due to the on-going drought, a forecasted continued drought, and the decreasing natural flow of the Verdigris River, the State of Kansas is starting to restrict the amount of water the city uses from the Verdigris.

On Friday, October 16, 2020, the City of Independence received its first order limiting the City to a maximum of 1,289 GPM that can be pumped from the Verdigris starting October 20, 2020. The State will update those orders each Friday with the maximum GPM allowed to be pumped for the following week. Unless significant rainfall occurs, the State anticipates that river's natural flow will greatly reduce over the next few weeks.

The City currently averages between 1,175 and 1,250 GPM per day or 1.5 to 1.7 million gallons of water. If the drought continues, we anticipate the next few orders will reduce our daily allowed intake below 1,175 – 1,250 GPM average. Therefore,

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it is the Chief Water Plant Operator and the Utility Director's recommendation to implement Resolution 2020-079, implementing conservation measures effective as soon as it is published, which is anticipated to be Friday, October 23, 2020. These measures include restricting outdoor watering for gardens, lawns, trees, shrubs, plants, playing fields, private swimming pools, or other recreational areas. Also, restricting residential washing of vehicles, boats, trailers, or the exterior of buildings. The restrictions do not include commercial car washes at this time. Activities involving the care of pets or livestock are not restricted.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Ysusi the Commission adopted a resolution declaring a water emergency and implementing water conservation.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- E. Consider a request to allow "Smokin Bro's" to use the public right-of-way west of 223 W. Main on October 23-24, 2020.

The City of Independence received a request from "Smokin Bro's" to use the sidewalk and parking on the West side of the Brewery. They will set up a tent and some picnic tables on October 23, 2020, at 5:00 p.m. and remove the tent and tables on October 24, 2020, after 9:00 p.m.

Motion:

On the motion of Commissioner Ysusi, seconded by Commissioner Hayse the Commission authorized Smokin Bro's to use the sidewalk and parking on the West side of the Indy Brew Works on the East side of 9th Street on October 23-24.

Aye: Ysusi, Caflisch, Hayse

Nay: None

VI. REPORTS

A. City Board Minutes

1. August 4, 2020 Planning Commission/Board of Zoning Appeals
2. September 1, 2020 Economic Development Advisory Board
3. August 10, 2020 Electrical Board
4. August 3, 2020 Park Board

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- 5. September 14, 2020 Park Board
- 6. August 18, 2020 Housing Authority
- B. Veterans Day of Honor Parade on Saturday, November 7, 2020 at 2 PM.
- C. Cherry Street Bridge Grant.

VII. CITY MANAGER'S COMMENTS

City Manager Passauer reported that Heckert Construction was back in town finishing up the overlay projects.

Director Lies reported on the 3rd quarter treasurers report.

City Manager Passauer reported on the next phase of reorganization with the recruitment of a City Engineer/Public Works/Utility Director position.

VIII. COMMISSIONERS' COMMENTS

Commissioner Hayse stated he was delighted with the street overlay projects this year.

Commissioner Ysusi encouraged people to get out and vote in the upcoming election.

Mayor Caflisch encouraged wearing masks during the pandemic.

IX. PUBLIC CONCERNS

There were no public concerns.

X. EXECUTIVE SESSION

- A. For the purpose of matters relating to the security of a public body or agency, public building or facility, or the information system of a public body or agency.

Motion:

On the motion of Mayor Caflisch, seconded by Commissioner Ysusi the Commission moved to recess for an executive session pursuant to the security exception (K.S.A. 75-4319(b)(13) for matters relating to security. The open meeting will resume at 7:15 P.M.

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Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 7:15 P.M. with no action taken.

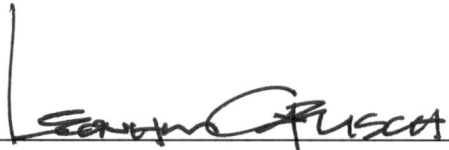
XI. ADJOURNMENT

Motion:

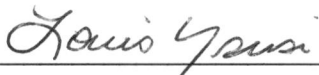
Mayor Caflisch moved to adjourn. Commissioner Ysusi seconded.

Aye: Ysusi, Caflisch, Hayse

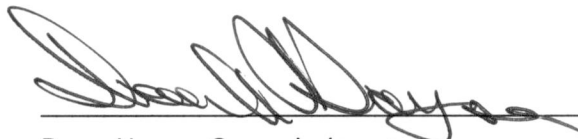
Nay: None



Leonhard Caflisch, Mayor



Louis Ysusi, Commissioner



Dean Hayse, Commissioner

Attest:



City Clerk/Treasurer