Minutes of the Independence City Commission's January 14, 2021 Meeting

The Independence City Commission met for a regular meeting on January 14, 2021 at 5:30 P.M. at the Memorial Hall. Mayor Leonhard Caflisch and Commissioner Dean Hayse were present. Commissioner Louis Ysusi was present by phone. Others present included:

City Staff
Jeff Chubb, City Attorney
David Cowan, Assistant City Manager
Kelly Passauer, City Manager/Zoning Administrator
David Schwenker, City Clerk/City Treasurer
Mike Passauer, Public Works Director
Shawn Wallis, Fire/EMS Chief
Jerry Harrison, Police Chief
Brian McHugh, Memorial Hall Supervisor
Ken Devore, Memorial Hall Maintenance
Terry Lybarger, Director of Utilities

Visitors
Larry McHugh
Taina Copeland
Chris Stockton
John Lane
Vance Kelly by phone

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

II. OLD BUSINESS

A. Appointments

1. Planning Commission/Board of Zoning Appeals – Three terms expired

Motion:

On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission reappointed Andy McLenon, Barb Emert and Michelle Anderson to their respected expired terms.

Aye: Ysusi, Caflisch, Hayse
Nay: None

2. Electrical Board – Three terms expired

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission reappointed Rick Kiister and Travis Blankinship to their respected expired terms.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission appointed Daniel Johnston to the expired term of Kenney Evans.

Aye: Ysusi, Caflisch, Hayse
Nay: None

3. Historic Preservation Resource Commission – Three terms expired

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission appointed Bill Gour and Darrin Axthelm to the expired terms and appointed Ken Brown as a consultant.

Aye: Ysusi, Caflisch, Hayse
Nay: None

4. Tree Board -- Two terms expired

The deadline for applications was extended to January 25, 2021.

5. Economic Development Advisory Board – Three terms expired

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the

Commission reappointed Lori Kelley, Jason Curtis and Tony Royse to the expired terms.

Aye: Ysusi, Caflisch, Hayse
Nay: None

III. NEW BUSINESS

A. Reorganization of the Commission

1. Election of Mayor

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission nominated Louis Ysusi as Mayor.

Aye: Ysusi, Caflisch, Hayse
Nay: None

2. Election of Vice Mayor

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission nominated Dean Hayse as Vice Mayor.

Aye: Ysusi, Caflisch, Hayse
Nay: None

3. Designation of Official City Newspaper

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission designated the Independence Daily Reporter as the Official City Newspaper.

Aye: Ysusi, Caflisch, Hayse
Nay: None

4. Designation of Official City Depository

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission designated Community National Bank as the Official City

Depository.

Aye: Ysusi, Caflisch, Hayse
Nay: None

5. Consider changing day of week and time for Commission meetings.

Motion:
On the motion of Mayor Caflisch, seconded by Commissioner Hayse the Commission adopted the 2021 City Commission Meeting schedule previously as presented.

Aye: Ysusi, Caflisch, Hayse
Nay: None

IV. 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-1879
   2. A-1880
   3. P-1852
   4. P-1853

B. Consider adopting the 2021 Pay Plan Resolution as budgeted.

C. Consider modifying the starting time of the January 20, 2021 planning retreat from 9 AM to 8 AM.

D. Consider approving a cereal malt beverage license for Ace and Gunner's Tavern located at 112 S. 25th Street.

Motion:
On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission adopted the consent agenda.

Aye: Ysusi, Caflisch, Hayse
Nay: None

V. ITEMS FOR COMMISSION ACTION

A. Consider authorizing staff to draft modifications to City Code relating to HVAC and

Mechanical work.

The City of Independence has adopted the 2012 Uniform Mechanical Code. The building department uses this code to approve new construction and installation of the mechanical and HVAC systems. The City Code currently does not regulate local HVAC installation, service and/or repair of existing mechanical units beyond requiring a local business license. The City has been contacted by a local business and received several citizen complaints requesting mechanical inspections and codes in the City. City Staff also visited with the Electrical and Plumbing Boards, with both Boards agreeing codes and inspections need to be implemented.

City Staff is requesting direction whether the Commission would like us to proceed with drafting modifications to City Code relating to HVAC and Mechanical work. Once the draft is completed, it would be presented to the Commission for adoption by ordinance. City Staff will work with the local City licensed HVAC businesses and City Attorney in the development of these codes. City Staff has provided a copy of Parsons Mechanical Code.

Motion:
On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission tabled this item for a later date.

Aye: Ysusi, Caflisch, Hayse
Nay: None

B. Consider authorizing an agreement with Mega, LLC to continue additional work previously bid for Whiskey Creek drainage way clearing.

City of Independence received one bid for the Whiskey Creek drainage way clearing from MEGA, LLC. As requested, they submitted pricing for three phases of work as follows:

Cherry north to Walnut approved on August 13, 2020 in the amount of $84,000.

Laurel to Walnut was bid at $46,000.

Laurel to Pine was bid at $63,000.

Cherry Street to Walnut has been completed. City Staff is recommending approving Walnut to Laurel Street in the amount of $46,000.

Motion:
On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission authorized an addendum with Mega,LLC to continue additional

work previously bid for Whiskey Creek drainage way clearing from Walnut to Laurel Street.

Aye: Ysusi, Caflisch, Hayse
Nay: None

C. Consider authorizing the Mayor to sign the KDOT Maple Street Cost Share Agreement.

The City of Independence was awarded a $1.6 million cost share grant to improve Maple Street from 17th to West of Peter Pan Road. The proposed Maple Street project is estimated to cost $2,635.452 with KDOT providing $1,594,089 and the City matching $1,041,363.

Motion:
On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission authorized the Mayor to sign the KDOT Maple Street Cost Share Agreement.

Aye: Ysusi, Caflisch, Hayse
Nay: None

D. Consider authorizing a contract with TranSystems for the design and inspection of the 1st and Birch Sewer Project.

City of Independence was notified of a sanitary sewer blockage on January 8, 2021, in the area of 1st and Birch. The sanitary sewer system in this area is a private sewer system installed sixty-plus years ago. The age, condition, and how the service is running makes repair impossible and could put 10 to 12 houses in danger of losing sanitary sewer. Shawn Turner will be present to provide the Commission with an update and plan to install a City sanitary sewer system for this area.

Motion:
On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission authorized the Mayor to sign a contract with TranSystems for the design and inspection of the 1st and Birch sewer project.

Aye: Ysusi, Caflisch, Hayse
Nay: None

VI. DISCUSSION

A. Discussion with TreanorHL regarding 1916 City Hall Renovation and the addition to the apparatus bay for Fire/EMS.

Vance Kelly explained the design and construction processes.

Motion:
On the motion of Commissioner Caflisch, seconded by Mayor Ysusi the Commission authorized TreanorHL to proceed with their contract on the 1916 City Hall and submit a schedule of work and also prepare an owner architect agreement for the Fire/EMS facility.

Aye: Ysusi, Caflisch
Nay: Hayse

VII. REPORTS

A. City Board Minutes
   1. November 3, 2020 Planning Commission/Board of Zoning Appeals
   2. November 18, 2020 Library Board of Trustees
   3. December 16, 2020 Recreation Commission

B. Report on 911 interruption of service on November 29, 2020.

Police Chief Harrison presented a report on the interruption of service.

VIII. CITY MANAGER'S COMMENTS

City Manager Passauer reported that the EDA grant for Whiskey Creek drainage improvements was denied.

IX. COMMISSIONERS' COMMENTS

There were no Commissioner comments.

X. PUBLIC CONCERNS

There were no public concerns.

XI. EXECUTIVE SESSION

A. Consultation with an attorney on matters that would be deemed privileged in an attorney-client relationship.

Motion:
On the motion of Vice Mayor Hayse, seconded by Commissioner Caflisch the Commission moved to recess for an executive session for consultation with the City's attorney regarding possible litigation pursuant to the attorney client privilege exception (K.S.A. 75-4319(b)(2). The open meeting will resume at 6:50 P.M.

Aye: Ysusi, Caflisch, Hayse
Nay: None

The meeting resumed at 6:50 P.M. with no action taken.

XII. ADJOURNMENT

Motion:
Vice Mayor Hayse moved to adjourn. Commissioner Caflisch seconded.

Aye: Ysusi, Caflisch, Hayse
Nay: None

Louis Ysusi, Mayor

Leonhard Caflisch, Commissioner

Dean Hayse, Commissioner

Attest:

David Schwartz

City Clerk/Treasurer