

Minutes of the Independence City Commission's March 11, 2021 Meeting

The Independence City Commission met for a regular meeting on March 11, 2021 at 5:30 P.M. at the Memorial Hall. Mayor Louis Ysusi, Commissioner Leonhard Caflisch and Commissioner Dean Hayse were present. 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
Brian McHugh, Memorial Hall Supervisor
Mike Passauer, Public Works Director
Jerry Harrison, Police Chief
Shawn Wallis, Fire/EMS Chief
April Nutt, Director of Housing Authority
Lacey Lies, Director of Finance
Dustin Stafford, Police Officer
Angela Anthony, Park and Zoo Director
Keith Copithke, Firefighter/EMT
Matt Bennett, Firefighter/EMT
Ranelle Rice, Firefighter/EMT
Ryan Mauersberger, Firefighter/EMT
Keenan Fyfe, Firefighter/EMT
Lucas Wood, Firefighter/EMT
Alex Martin, Firefighter/EMT

Visitors

Larry McHugh
Taina Copeland
Diana Curtis
Jason Curtis
Drew Curtis
Jordy Curtis
Randy Curtis
Barbara Curtis
Jason Curtis
Mike Shinkle
Beth Shinkle
Jade Sherley
Maria Perez
William Clark
Logan Null

I. REGULAR SESSION

A. Call to Order

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Mayor Ysusi 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 Caflisch, seconded by Commissioner Hayse the Commission adopted the agenda with the modification that items "C", "E" and "F" be removed from the consent agenda and moved to items for Commission action.

Aye: Ysusi, Caflisch, Hayse

Nay: None

II. APPOINTMENTS

- A. Tree Board – One expired term

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission appointed William McRae to the expired term.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- B. IHPRC – One expired term

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hayse the Commission appointed Sean Clapp to the expired term.

Aye: Ysusi, Caflisch, Hayse

Nay: None

III. PRESENTATIONS

- A. Recognition of Director of Public Works Mike Passauer who is retiring after over 31 years of service to the City of Independence.
- B. Presentation of Citizen Lifesaving Awards to Jason Curtis and Mike Shinkle.

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.)

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A. Appropriations

1. A-1884
2. P-1857

- B. Consider approving minutes of the following City Commission Meetings: December 17, 2020; January 7, 2021; January 14, 2021; January 20, 2021; January 28, 2021; February 1, 2021; February 11, 2021; and February 25, 2021.
- C. Consider an ordinance adding an Ex-Officio Member representing the Housing Authority to the Economic Development Advisory Board; and modifying the date and time of Economic Development Advisory Board meetings.

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

- D. Consider setting the date of April 22, 2021 at 5:30 PM for a Public Hearing regarding a proposed loan in an amount not to exceed \$3,800,000 to be taken by the City from the Kansas Public Water Supply Loan Fund.
- E. Consider a scope of work to solicit proposals for an ADA accessible restroom, located within Kiddy Land at Ralph Mitchell Zoo.

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

- F. Consider a scope of work to receive proposals for a Zoo Master Plan.

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

- G. Consider approving the scope and authorize City Staff to solicit quotes for the IPD Mobile and Portable Radio Replacement Project.
- H. Consider closing the 100 block of South Penn for the St. Paddy's Day Pub Crawl on March 13, 2021 from 9:30 PM to 10:30 PM.
- I. Consider authorizing the Mayor to sign a renewal agreement with the Board of County Commissioners of Montgomery County for aerial imagery.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission adopted the consent agenda with the exception of items "C", "E" and "F" which were moved to items for Commission action.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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V. ITEMS FOR COMMISSION ACTION

- C. Consider an ordinance adding an Ex-Officio Member representing the Housing Authority to the Economic Development Advisory Board; and modifying the date and time of Economic Development Advisory Board meetings.

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

The Economic Development Advisory Board ordinance includes ex-officio members from the Chamber, MCAC and Main Street. However, it does not include an ex-officio representative of the Housing Authority. The Housing Authority has become more active in Economic Development efforts over the years as housing is an important piece of the Economic Development puzzle. It is recommended that the Housing Authority's executive director be included as an ex-officio member of this board. Ex-officio members are nonvoting members of the board.

In addition, the Economic Development Board has determined to meet on the first Tuesday of the month at 3:30 PM, which does not coincide with the ordinance which indicates that they will meet on the second Tuesday at 4:00 PM. It is recommended to modify the date and time in the ordinance to coincide with the current Economic Development Advisory Board meetings.

The City Attorney has reviewed the ordinance to make these modifications.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Cafilisch the Commission adopted an ordinance adding an Ex-Officio Member representing the Housing Authority to the Economic Development Advisory Board; and modifying the date and time of Economic Development Advisory Board meetings.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- E. Consider a scope of work to solicit proposals for an ADA accessible restroom, located within Kiddy Land at Ralph Mitchell Zoo.

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

Ralph Mitchell Zoo, opened in 1925, currently does not have adequate restroom facilities within the interior of the zoo. The closest restrooms are located outside of the zoo's perimeter, near Miss Able's Snack Shack. This restroom is only accessible by exiting the zoo grounds entirely. By establishing an ADA accessible restroom that is also family friendly (baby changing station, etc.) near Kiddy Land, zoo guests will not have to exit zoo grounds to utilize a restroom. In addition, handwashing and baby changing areas will be more accessible and closer to Kiddy Land, which is the highest trafficked area within Ralph Mitchell Zoo. The proposed ADA accessible restroom at Kiddy Land is a budgeted capital expenditure for 2021.

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Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved the scope of work and authorized City Staff to solicit proposals for an ADA accessible Kiddy Land restroom design and construction drawings.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- F. Consider a scope of work to receive proposals for a Zoo Master Plan.

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

The Ralph Mitchell Zoo is currently in preliminary stages to pursue Association of Zoo and Aquariums accreditation, with the application date for submittal projected to occur in March of 2026. One of the AZA accreditation documents that is needed is a Zoo Master Plan, which serves as the cornerstone document that provides a roadmap for all changes to the zoo for the next twenty years. This document will discuss building needs, landscaping, the acquisition and deposition of animals, other secondary plan creation and implementation (such as educational and conservation plans) as well as personnel needs. This document is necessary to pursue accreditation and to further the mission of the zoo.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission approved the scope of work and authorized City Staff to solicit proposals for a Zoo Master Plan.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- A. Consider adopting an ordinance imposing a moratorium on the establishment of businesses relating to commercial cannabis activity.

On March 2, 2021 the Planning Commission unanimously recommended adopting a moratorium on the establishment of businesses relating to commercial cannabis activity. The recommendation was made based on the current efforts at the State level to allow such activity and recent local inquiries to establish such businesses. The purpose of the moratorium would be to provide adequate time for regulations to be established prior to such activity being allowed in the City. Otherwise, there is a concern such businesses could establish soon after the State legalizes this activity and be subsequently grandfathered in before local regulations could be established.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission adopted Ordinance 4352 imposing a moratorium on the establishment of businesses relating to commercial cannabis activity.

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Aye: Ysusi, Caflisch, Hayse

Nay: None

- B. Consider authorizing the sale of a 1.54 acre strip of land located directly south of 3498 Russ Meyer Blvd to Mid-West Fertilizer, LLC.

Representatives of Mid-West Fertilizer have contacted City staff and the City Attorney regarding a strip of land owned by the City along Russ Meyer Blvd that the company previously encroached on by constructing a portion of their building on this City-owned property. The City has worked out an agreement with the company for compensation totaling \$6,000 for this 1.54 acre tract, pending City Commission approval.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission authorized the Mayor to sign a real estate sales agreement with Mid-West Fertilizer, LLC to sell a 1.54 acre strip of land directly south of 3498 Russ Meyer Blvd in the amount of \$6,000.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- C. Consider approving the revised program guidelines for the Central Business District Commercial Building Grant Program.

This grant was originally established on October 16, 2016 to help downtown building owners complete much needed repairs and maintenance in our historic downtown. These revisions are directed at better describing the expectations of both City Staff and grant applicants by detailing out program processes and requirements. Additionally, the EDAB recommended establishing a grant maximum of \$25,000.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved to modify the Central Business District Commercial Building Grant Program application and criteria as discussed and include the revisions in a future agenda packet as a consent agenda item.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- D. Consider establishing the Neighborhood Exterior Grant program.

This program will be administered by the City of Independence in conjunction with the Independence Housing Authority to help homeowners living in the Neighborhood Revitalization Districts reinvest in their properties and improve neighborhoods. 2 or more neighboring

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homeowners must submit co-applications to participate. The City of Independence will reimburse each co-applicant a portion of the actual costs of improvements to their homes. Program eligibility, as well as a list of eligible and non-eligible improvements are listed in the Program and Application document, as well as an overview of the Program's process. The main goals of this Grant Program are to 1) improve the housing stock in Independence, 2) improve neighborhoods in Independence, and 3) promote neighborly comradery.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted a resolution establishing the Neighborhood Exterior Grant Program.

Aye: Ysusi, Hayse

Nay: Caflisch

- E. Consider authorizing the Mayor to sign a grant agreement with the State of Kansas accepting an award of \$700,000 in Community Development Block Grant Funds.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorize the Mayor to sign a grant agreement with the State of Kansas accepting an award of \$700,000 in Community Development Block Grant Funds and any other related documentation.

Aye: Ysusi, Caflisch, Hayse

Nay: None

VI. REPORTS

A. City 2020 Annual Report

1. 2020 All Departments Report
2. 2020 Airport Supplemental Report
3. 2020 Police Supplemental Report

B. Housing Authority 2020 Annual Report

C. City Board Minutes

1. January 5, 2021 Economic Development Advisory Board
2. January 11, 2021 Electric Board
3. February 2, 2021 Planning Commission/Board of Zoning Appeals
4. February 17, 2021 Recreation Commission

VII. CITY MANAGER'S COMMENTS

City Manager Passauer asked the Commission if they would like to meet out at the park to tour the facilities there for the April 21st, 2021 Special Commission Meeting.

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VIII. COMMISSIONERS' COMMENTS

None

IX. PUBLIC CONCERNS

X. EXECUTIVE SESSION

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

Motion:

On the motion of Mayor Ysusi, 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 7:45 P.M.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 7:45 P.M. with no action taken.

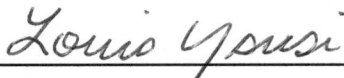
XI. ADJOURNMENT

Motion:

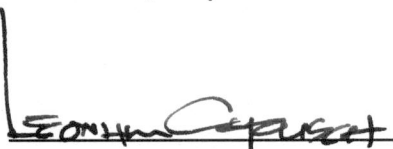
Mayor Ysusi moved to adjourn. Commissioner Caflisch seconded.

Aye: Ysusi, Caflisch, Hayse

Nay: None



Louis Ysusi, Mayor



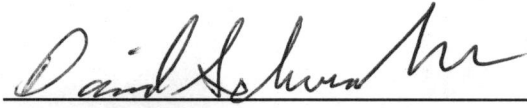
Leonhard Caflisch, Commissioner



Dean Hayse, Commissioner

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Attest:

A handwritten signature in black ink, appearing to read "David Schwan", is written over a horizontal line.

City Clerk/Treasurer

