

Minutes of the Independence City Commission's October 27, 2021 Meeting

The Independence City Commission met for a regular meeting on October 27, 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
April Nutt, Director of Housing Authority
Lacey Lies, Director of Finance
John Garriss, City Engineer/Director of Public Works and Utilities
Jerry Harrison, Police Chief
Scott Patton, Park and Zoo Director

Visitors

Larry McHugh
Andy Taylor
Miles Kaiser
Chelsea Herrera
Martha Chona
Roger Murrell
Jessica Carpenter
Judy Carpenter
Joshua Anderson

I. REGULAR SESSION

A. Call to Order

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.

Aye: Ysusi, Caflisch, Hayse

Nay: None

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II. 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.)

Motion:

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

Aye: Ysusi, Caflisch, Hayse

Nay: None

A. Appropriations

1. A-1899
2. P-1873

B. Consider setting a Special Commission meeting for November 17, 2021 at 10 AM.

C. Consider authorizing the City Manager to sign an engagement letter with Tanner LLC for facilitation of the January 19, 2022 Annual City Commission/City Staff Planning Retreat.

D. Consider adopting the Pathways to a Healthy Community Pledge for both Enhanced Trail Infrastructure and Multimodal Transportation Plan Packages.

E. Consider waiving the fees for using the Civic Center for a public legislative event on Monday, November 22, 2021, for the Fall re-districting meetings.

III. PUBLIC HEARINGS

A. Public Hearing to consider condemnation of 800 E. Edison as dangerous and unsafe.

The City of Independence adjourned the public hearing on August 27, 2021 until October 27, 2021 at 5:30 PM to consider condemnation of this structure as dangerous and unsafe. Building Inspector Tyler Henry has been in contact with the family, and they have had several deaths recently. The family plans on meeting on October 27, 2021 to determine what they wish to do with the property.

The City recommends adjourning the public hearing until November 18, 2021 to allow the family time to decide what to do with the property.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Hayse the Commission adjourned the Public Hearing until November 18, 2021 at 5:30

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p.m.

Aye: Ysusi, Caflisch, Hayse

Nay: None

B. Public hearing for public comment on the close out of the CDBG-CV-033 Grant.

The City of Independence will hold a public hearing on Wednesday, October 27, 2021, at 5:30p.m., in the Civic Center at Memorial Hall, located at 410 N Penn Ave, Independence, Kansas, for the purpose of evaluating the performance of Grant No. 20-CV-033 which was for Economic Development Micro Grants (\$132,000), and Meal Programs (\$35,000) within the city limits of Independence. The completed project assisted 17 businesses and retained 40 jobs, of which 88% were LMI, and assisted 5 meal programs. This grant was funded from the Kansas Department of Commerce, Small Cities Community Development Block Grant (CDBG) funds. All aspects of the grant will be discussed, and oral and written comments will be recorded and become a part of the City of Independence CDBG Citizen Participation Plan.

No motion is required.

IV. ITEMS FOR COMMISSION ACTION

- A. Consider a proposal from TreanorHL for additional civil engineering and landscape architectural services associated with the public improvements of Myrtle Street, public alley south of 1916 City Hall, and the city-owned parking lot re-design north of Myrtle Street.

The public parking lot located at 200 N. 6th street is not ADA compliant and part of the City Hall remodel project and parking. To obtain ADA compliance for employee and citizen parking and police parking on the north side of City Hall, the services of a Civil Engineer are required.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission approved additional Civil Engineering at \$55,200.00 with reimbursable costs and the City providing topographic survey and title work.

Aye: Ysusi, Caflisch

Nay: Hayse

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B. Consider authorizing award of the Kiddy Land Sidewalk construction project.

Kiddy Land has an aging sidewalk infrastructure. An engineer has been engaged and the project was bid to rebuild that sidewalk on October 14, 2021.

Bids received were as follows:

Contractor	Amount Bid
J. Graham Construction	\$233,335.00
Tri-Star Utilities	\$393,800.00

The low bidder was J. Graham Construction with a bid of \$233,335. This includes ADA access to several specific attractions.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission authorized award of the Kiddy Land Sidewalk project to J. Graham Construction at a price of \$233,335.

Aye: Ysusi, Caflisch, Hayse

Nay: None

C. Consider authorizing award of the Kiddy Land Restroom construction project.

Kiddy Land is located over 620 feet to the nearest restroom in the Zoo. An architect has been engaged and the project was bid on October 14, 2021. Bids were received as follows:

Contractor	Bid Amount
Decker Construction	\$118,900.00
J. Graham Construction	\$134,378.00
Koehn Construction	\$135,531.97

The low bidder was Decker Construction with a bid of \$118,900, including a metal roof. There was a deduct offered for going to a metal roof of \$4,200, and it is not recommended that deduction be taken at this time.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission authorized award of the Kiddy Land Restroom project to Decker Construction at a price of \$118,900.

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Aye: Ysusi, Caflisch, Hayse

Nay: None

- D. Consider adopting an ordinance related to maintaining the quality of City streets after utility excavations by third parties.

The City has numerous underground utilities owned and managed by third parties. Repair of these utilities from time to time is required. This change allows the City to manage repairs and designate minimum backfill and pavement quality and performance standards so that the quality of the City streets is not degraded by these repairs.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Caflisch the Commission adopted an ordinance amending City Code Section 94-166 and 94-168.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- E. Consider adopting a resolution setting the date of December 23, 2021 at 5:30 PM for a public hearing to consider condemnation of 317 S. 2nd Street as dangerous and unsafe.

The structure was involved in a fire on October 14, 2021 that extended into the attic space and did substantial damage to the attic space structure, living room and bedrooms.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission adopted a resolution setting the date of December 23, 2021 at 5:30 PM for a public hearing to consider condemnation of 317 S. 2nd Street as dangerous and unsafe.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- F. Consider a request from Joshua Anderson to exceed the sewer cost share maximum for property located at 415 Westminster.

On January 23, 2020 the Commission adopted a resolution modifying the Sewer Cost Share Program that increased the maximum reimbursement to \$4,000 per property in a 12-month period for low-income property owners. The resolution

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indicated that the maximum amounts could be exceeded with approval of the City Commission. Currently, the City has received 33 applications and reimbursed 21 of those applicants to date for a total of \$48,618.28. The current balance of funds remaining in the program is \$36,931.72. City Administration has received a written request from Joshua Anderson to exceed the maximum reimbursement for his sewer line replacement. The amount of the additional funds above the \$4,000.00 maximum he is seeking is \$2,800.00 for a total of \$6,800.00. It should be noted that this work has already been started by Plumb Crazy, however, the plumber will not complete the work without payment.

The Commission has previously received the following similar requests:

- On April 1, 2010 the Commission considered a request from Maxine Gates and Nathan Patrick Clark who owned 800 W. Pine to exceed the \$2,000.00 limit and authorized reimbursing for the full amount of the repair in the amount of \$2,674.80 by Rinck's Plumbing.
- On March 29, 2012 the Commission considered a request from Sheryl Chism who owned 216 S. 10th Street to exceed the \$2,000 maximum reimbursement and pay \$7,781.23 for sewer repairs by Eric's Plumbing. The Commission requested two additional estimates for these repairs. On May 10, 2012 the Commission reviewed two additional quotes received from Triple D. Plumbing for \$5,991.96 and Newton's for \$4,850.00. The Commission authorized paying a total of \$4,850.00.

Motion:

On the motion of Mayor Ysusi, seconded by Commissioner Caflisch the Commission recessed for five minutes.

Aye: Ysusi, Caflisch, Hayse

Nay: None

The meeting resumed at 7:08 P.M.

Motion:

On the motion of Commissioner Caflisch, seconded by Commissioner Hayse the Commission tabled this item for further investigation.

Aye: Ysusi, Caflisch, Hayse

Nay: None

- G. Consider recommendation from the Park Board to rename the Rock Kitchen to the Rock House, and to rename the Concession House to the Interurban Shelter.

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The "Rock Kitchen" and "Concession House" are two rentable buildings in Riverside Park. They are both enclosed shelters with screened windows. These two buildings have long caused confusion among renters and park visitors. Renters of Rock Kitchen are often surprised that there is no actual kitchen in the building, while park visitors often mistake Concession House for Miss Able's Snack Shack. This has also caused a public safety risk, as an ambulance responded to the Snack Shack during an emergency at Concession House. The Park Board has recommended the suggested name changes.

Motion:

On the motion of Commissioner Hayse, seconded by Commissioner Cafilisch the Commission accepted the recommendation from the Park Board to rename the Rock Kitchen to the Rock House, and to rename the Concession House to the Interurban Shelter.

Aye: Ysusi, Cafilisch, Hayse

Nay: None

- H. Consider adopting a charter ordinance exempting the City from the provisions of K.S.A. 14-1502 having to do with Residency Requirements for City Employees.

Recently City staff attended "Municipal Procedures for Staff" sponsored by the League of Kansas Municipalities. During the training, staff learned that there was a residency requirement for appointed City officials for second class cities with a Commission-Manager form of government requiring residency within the City or within two miles, with the exception of expert employees, the municipal judge and law enforcement officers who had to be residents of the State.

Due to difficulty in filling positions, on October 9, 2017 the residency requirement was modified to allow employees to live within a 90-mile radius, with other specific positions being required to reside within Montgomery County. Prior to this modification, employees were required to live within Montgomery County, with other specific positions being required to reside within an approximate ten-mile boundary or within the City.

The City Attorney has prepared a charter ordinance that exempts the City from KSA 14-1502, which is allowed since Chapter 14 of the statute book only applies to 2nd class cities and is not uniformly applicable to all cities. If adopted, the Charter Ordinance would need to be published for two consecutive weeks, and then it takes effect after 61 days. Once it takes effect, the City Commission can adopt a regular ordinance on the issue of residency.

Motion:

On the motion of Commissioner Cafilisch, seconded by Commissioner Hayse the

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Commission adopted a charter ordinance exempting the City from the provisions of K.S.A. 14-1502 having to do with Residency Requirements for City Employees.

Aye: Ysusi, Caflisch, Hayse

Nay: None

V. REPORTS

A. Public Works Report

City Engineer Garris presented the report.

VI. CITY MANAGER'S COMMENTS

City Manager Passauer reported that MCAC will have a meeting on November 4. The next Commission meeting is scheduled for November 10 and there will be an awards lunch for City employees on December 10.

VII. COMMISSIONERS' COMMENTS

Commissioner Caflisch would like to see a policy developed for use of public facilities, he noted that the final appraisal came in at a lower amount, he asked how the poly cart program is being received and he would like to see the Engineer's estimate included in the RCA's with each project.

Mayor Ysusi encouraged citizens to remove their poly carts back off the curb after they have been emptied.

VIII. PUBLIC CONCERNS

None

IX. ADJOURNMENT

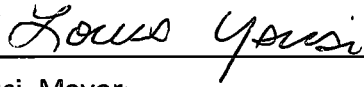
Motion:

Mayor Ysusi moved to adjourn. Commissioner Caflisch seconded.

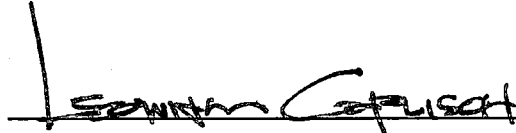
Aye: Ysusi, Caflisch, Hayse

Nay: None

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Louis Ysusi, Mayor



Leonhard Caflisch, Commissioner



Dean Hayse, Commissioner

Attest:



City Clerk/Treasurer